

REPORT FROM: STRATEGIC DIRECTOR

TO: WEST CRAVEN COMMITTEE

DATE: 8th September 2015

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LAND ADJACENT 42 DAMHEAD ROAD, BARNOLDSWICK

PURPOSE OF REPORT

To recommend that Members request the Executive to agree to the disposal of land for garden and parking purposes adjoining the above premises subject to satisfactory negotiations.

RECOMMENDATIONS

1. That this Committee recommends the Executive to authorize the release of the land subject to satisfactory negotiations with the owner of 42 Damhead Road, Barnoldswick.
2. If authorized that approval of the consideration or the disposal is delegated to the Strategic Director.

REASON FOR RECOMMENDATIONS

The disposal of the land will enable the established boundary to reflect the legal boundary. The Council would also receive a capital receipt for the disposal.

BACKGROUND

Members are advised that a number of years ago the then Council's Parks Department requested that the residential property owner of 42 Damhead Road, remove several decayed trees that the Council considered were causing a nuisance. Following the removal of the trees the Council erected a new fence to delineate the boundary. Unfortunately the fence was not erected upon the correct legal boundary.

In March 2015 the owner of 42 Damhead Road, believing that his ownership extended to the fence line, applied for planning permission to construct an off street vehicle parking space. It was only after the planning application (13/15/0013P) had been approved, and the owner had constructed the vehicle parking space, that it came to light that he had in fact occupied a 4 metre strip of Council land of which part included a section of the vehicle parking space (see report plan).

The owner of 42 Damhead has been approached to regularize the position and he would like to formally acquire the 4 metre strip plan for garden and parking purposes.

ISSUE

There is a significant change in levels from Damhead Road to the mill race at the northern boundary of the site and therefore the site is not suitable for development.

If approval to the disposal is agreed by Members, then a covenant restricting the use of the land to garden use only should safeguard the ongoing garden use of the site and regularize the current position.

IMPLICATIONS

Policy: The approval of the disposal would allow the regularization of the Councils boundary and provide a beneficial use of the land.

Financial: A capital receipt would be generated for the Council.

Legal: No legal implications are considered to arise directly from this report.

Risk Management: There are no Risk Management issues for the Council that arises directly from this report.

Health and Safety: No Health and Safety implications arise directly from this report.

Climate Change: No implications are considered to arise directly from this report

Community Safety: The removal of on street parking in a congested street will benefit community safety.

Equality and Diversity: No implications are considered to arise directly from this report.

APPENDICES

Location plan

LIST OF BACKGROUND PAPERS

None