

**REPORT FROM:** CHIEF EXECUTIVE

**TO:** EXECUTIVE

**DATE:** 15<sup>th</sup> March 2018

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## **LAND AT KNOTTS POND, COLNE**

### **PURPOSE OF REPORT**

To advise the Executive and seek instructions regarding the potential disposal of land at Knotts Pond, Colne .

### **RECOMMENDATION**

To consider whether the Council's interest should be declared surplus to requirements and disposed of, to interested parties at minimal cost.

### **REASON FOR RECOMMENDATION**

To end some maintenance liabilities for the Council.

### **BACKGROUND**

The land at Knotts Pond is identified as Amenity Greenspace in Pendle Council's Open Space Audit, 2008 and comprises a public footpath, grassed area and pond which form part of a Sustainable Urban Drainage System (SUDS) which is designed to reduce the potential for flooding in the area. Any proposal must not affect the SUDS.

It is understood that some time ago a resident backing onto the land approached a Colne and District Committee Member asking if he could acquire an area as a garden extension. The request could not be pursued as the land was not owned by Pendle Council.

The land was subsequently acquired by the Council in 2015 from the Crown and the Duchy of Lancaster for the sum of £900. This sum reflected the use of public open space for which the land was transferred. The vendors were unable to provide clean title and the interest also contained a restrictive covenant granting rights of access to the British Railways Board and their successors in title, in perpetuity. There are no restrictive covenants regarding the disposal of the land, however the loss of any public open space is subject to a formal procedure which involves public consultation.

The Planning, Building Control and Licensing Services Manager submitted a report to Colne and District Committee on 31<sup>st</sup> March 2016 (Item 8) advising that the land had Himalayan Balsam

growing on it which would cost an estimated £175 per annum to maintain in addition to grounds maintenance costs. Colne and District Committee resolved that Liberata Property Services be asked to approach the original enquirer and other local residents, whose properties backed on to the land, to enquire if they were interested in purchasing the land. The Committee initially required the following addresses to be consulted:

12 Knotts Drive, Colne  
2 St Andrew's Close, Colne  
1 Knotts Mount, Colne  
3 Knotts Mount, Colne

Members asked for the consultations to be reported back to Committee for further discussion.

Liberata Property Services contacted the owners of the above asking if they were interested in acquiring the land and suggested a land value based upon recent comparable sales that it had agreed on behalf of the Council. Of the four residents contacted, only the original enquiring resident replied, advising that he was still keen to purchase land but not at the value suggested.

A report was submitted to Colne and District Committee on the 15<sup>th</sup> June 2017, advising them of the single response received. Members resolved that the Executive be recommended to offer the land to the above property owners (along with a new offer to the owner of 10 Knotts Drive, Colne) as shown on the plan attached to the report at "minimal cost", and that the Council's Strategic Director in consultation with the Portfolio Holder for Finance be authorised to agree terms and conditions for any sales. The reason recorded was "to remove a liability for the Council".

A further letter seeking interest to purchase land was sent to the identified homeowners. Out of the five identified homeowners, only one positive response was received expressing interest in purchasing land to extend their garden.

10 Knotts Drive	no response
12 Knotts Drive	not interested in pursuing
2 St Andrew's Close	not interested in pursuing
1 Knotts Mount	no response
3 Knotts Mount	interested in pursuing

The Area Committee referred the item to the Executive on 24<sup>th</sup> August 2017 which deferred the report pending further information.

Members are advised that, after considering recent comparable sales of land, a range of capital values based upon size has been achieved, from £12 psm for much larger plots (i.e. with a quantum allowance) to £24 psm for very small plots.

It is the author's opinion in this instance that the following values appear reasonable:

Plot 1: Area	41 sqm	@ £24 psm	= £984
Plot 2: Area	133 sqm	@ £16 psm	= £2,128
Plot 3: Area	138 sqm	@ £16 psm	= £2,208
Plot 4: Area	273 sqm	@ £12 psm	= £3,276
Plot 5: Area	40 sqm	@ £24 psm	= £960

The amount of land offered to each homeowner could be reduced in order to lower the Market Value.

The plots could be let on garden tenancies for an annual rent but there would be associated costs, for example, fencing. Alternatively, Members may agree not to dispose of the land and retain as public open space.

Members should also note that the Council is unable to provide title guarantee for the land and purchasers would be advised to obtain indemnity insurance to account for any future claim from unknown parties.

The Council has previously agreed to dispose of land within the district subject to planning permission. A prospective purchaser would apply for planning permission at its own risk and pay all associated costs. In this instance planning permission is required to change the use from public open space to private garden.

Vendor's legal fees may also be paid for by the purchaser and they would be expected to fence the land at their own cost and make a contribution towards advertisement costs for the disposal of public open space.

### **Planning Policy**

The land is identified as Amenity Greenspace in Pendle Council's Open Space Audit, 2008 and was stated to be requiring improvement. Policy 33 allows for the loss of poor quality Amenity Greenspace in areas with surplus provision. The land is located within the Waterside ward which has a deficiency of Amenity Greenspace of 1.67 hectares although there is an overall surplus in the area covered by Colne and District Area Committee. By retaining ownership of the land, the Council would protect the loss of public open space.

Policy ENV1 states that existing open spaces will be protected from development including conversion to domestic gardens.

Planning Policy ENV2 advises that any development should comply with the Guidance on Crime Prevention through Environmental Design which highlights that all users must be safe and secure at all times and aim to discourage crime.

### **ISSUE**

1. If the land is offered to the local residents any capital receipt received would support the Council's capital programme.
2. Any disposal would reduce the Council's ongoing maintenance liability for the land.
3. The disposal of part of the land may reduce in part its maintenance liabilities for the Council however; the remaining unsold land would still be included in the grounds maintenance programme of work.
4. The remaining land may become narrow in places due to new boundary fencing potentially reducing public safety and visibility for users of the footpath leading to anti-social behaviour. A wind tunnel effect and "dead spots" could be created as a result of extended garden fences which may trap litter and provide a hiding place for persons looking to gather out of sight.
5. The Council's ownership would become fragmented if only one or two homeowners proceed and would not be considered to be good estate management.

### **IMPLICATIONS**

**Policy:** The Council identifies surplus land and property for inclusion in its Disposal Programme to support its Capital Programme.

Pendle Local Plan Part 1: Core Strategy (Pendle Council, 2015) – Policy ENV1: Protecting and Enhancing our Natural and Historic Environments  
Replacement Pendle Local Plan (Pendle Council, 2006) – Policy 33: Existing Open Space

**Financial:** A capital receipt will be generated if the land is disposed and will remove the Council's repair and maintenance liabilities. Additional costs may be incurred by the Council to advertise the disposal of public open space. Further costs may be incurred by the Council to erect new fencing or to apply for planning permission to change the use of the land. There is no approved budgetary provision for such costs.

**Legal:** The disposal of public open space will need to be advertised and s123 Local Government Act 1972 must be considered. No other implications are considered to arise directly from this report save for those mentioned.

**Risk Management:** On disposal of the land the risks and liabilities for the Council will cease.

**Health and Safety:** No implications are considered to arise directly from this report.

**Sustainability:** No implications are considered to arise directly from this report.

**Community Safety:** Anti-social behaviour may be encouraged due to the proposed narrow path and reduced visibility due to new fencing line.

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

## **APPENDIX**

Location plan

## **LIST OF BACKGROUND PAPERS**

Report & Minutes – Colne and District Committee 31<sup>st</sup> March 2016

Report & Minutes – Colne and District Committee 15<sup>th</sup> June 2017

Report & Minutes – Executive 24<sup>th</sup> August 2017

