

REPORT FROM: CHIEF EXECUTIVE

TO: WEST CRAVEN AREA COMMITTEE

DATE: 27th MARCH 2018

Report Author: Emma Acklam
Tel No: 01282 878947
E-mail: emma.acklam@liberata.com

LAND AT EARLHAM STREET / CHAPEL SQUARE & LAND AT RED LION STREET, EARBY

PURPOSE OF REPORT

Members are asked to consider a possible disposal of the land edged black at Red Lion Street and land hatched black at Earlham Street / Chapel Square shown on the respective plans.

RECOMMENDATIONS

That this Committee recommends to the Executive that the plots of land be declared surplus to requirements and be marketed by way of a long leasehold interest for vehicle parking, subject to planning.

REASONS FOR RECOMMENDATION

To make productive use of non-operational land, generate a capital receipt and reduce maintenance and financial liabilities.

BACKGROUND

Land at Earlham Street / Chapel Square

The land is a level grassed area comprising approximately 67 sq m and is located on Chapel Square off Earlham Street, Earby.

Land at Red Lion Street

The land is a level plot comprising 30 sq m and is located near the junction of Red Lion Street and Water Street in Earby.

ISSUE

1. The Council has been approached by two local residents seeking to purchase land at Red Lion Street. Both residents have advised that they would lay tarmac and use the land as a single parking space.
2. The Council has been approached by a local resident seeking to purchase land on Earlham Street / Chapel Square for the purposes of creating two parking spaces. The resident would lay a protective mesh on the grass to create the parking area.

3. Parking is at a premium in the immediate vicinity and the proposal would ease the problems experienced with on street parking.
4. Members are advised that a plot of land at Red Lion Street immediately adjacent to the subject land was the subject of a successful adverse possession claim by a local resident in 2016 resulting in the Council's loss of ownership.
5. Previous reports to Committee and Executive have been written proposing the creation of up to three parking spaces for resident's parking at Earlham Street / Chapel Square subject to planning permission.
6. The Council is therefore advised to consider disposing of its remaining interest in the land by the granting of a long leasehold interest to prevent any further loss of ownership through unauthorised occupation (subject to planning).
7. If this Committee recommends to the Executive that the land should be declared surplus, it should consider the grant of a long leasehold interest and receipt of a Premium payment to allow the Council to maintain some control of the future use. A long leasehold interest will also provide the Council to enforce covenants more readily and the ability to take back ownership if serious breaches of covenant occur in the future.
8. The Executive is advised to market the land by way of tender but also ask the interested residents to submit tenders.
9. Any alternative use would require planning permission which the lessee would have to obtain and fund prior to completing the transaction.
10. The Council may be required to advertise the disposal of open space and to consider any objections which are made.
11. Consideration must be given to the tarmac footpath which runs through Chapel Square.
12. Designated off-road parking may increase the value of the associated dwelling.

IMPLICATIONS

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

Financial: The disposal of the land will provide a capital receipt and end Council liabilities.

Legal: No legal implications are considered to arise other than as stated in the report.

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: See risk management

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

APPENDICES

Location plans

LIST OF BACKGROUND PAPERS

5 th October 2010 & 2 nd November 2010	Reports to West Craven Area Committee
4 th January 2011 & 4 th March 2011	Reports to West Craven Area Committee
11 th March 2011	Report to Exec