

REPORT FROM: DIRECTOR OF RESOURCES

TO: COLNE AND DISTRICT COMMITTEE

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Report Author: Rebecca Perez-Kegg

Tel. No: 07795296370

E-mail: Rebecca.Perez-Kegg@pendle.gov.uk

LAND TO THE REAR OF RED LANE, COLNE

PURPOSE OF REPORT

To consider a request to declare the land to the rear of Nos. 34 & 36 Red Lane and land adjacent to No.1 Lynwood Close (as shown on the attached plan) as surplus with the purpose of selling the land to the residents in the respective properties.

RECOMMENDATIONS

- (1) That Members recommend to the Executive that the land to the rear of Nos. 34 & 36 Red Lane and adjacent to No.1 Lynwood Close be declared surplus to requirements and that it approves a sale to the owners of the adjacent properties.
- (2) That Members delegate approval to the Director of Resources to agree a sale price for each parcel of land.

REASONS FOR RECOMMENDATIONS

- (1) To allow Members to decide whether the land should be retained as garden land or declared surplus and to ensure that the Council receives the market value for the land and relevant use to assure best value is maintained.
- (2) To achieve a capital receipt and remove any future liability for maintenance.

BACKGROUND

1. The parcel of land to the rear of No. 36 Red Lane is currently held on a garden tenancy to the adjoining resident. The residents of No. 34 and No.1 Lynwood Close have expressed an interest in entering into a garden agreement for the land to the rear/adjacent to their properties.
2. Interest from the aforementioned residents has been received as to whether the land could be purchased from the Council with a view to extend their gardens.

ISSUE

3. The land is currently held as part of the Council's Asset Register with a designation of "Nature Reserve and tree planted", however this refers to the remaining area of land to the rear of Langroyd Hall as the parcel of land to the rear of No. 36 is already subject to a garden agreement.
4. The 2 parcels of land to the rear of No. 34 and No.1 Lynwood Close are not subject to the tree planting proposals in the area and should the Council declare the land as surplus to requirements the maintenance liability of the land would cease.
5. As all 3 residents have expressed interest to purchase the land, subject to valuation, negotiation and approval from the Council's Director of Resources would be sought on the proviso that all the residents would need to purchase their respective plots of land to ensure that the full strip is disposed of. This would be to prevent the Council being left with maintenance liabilities of parcels of land that it may struggle to access should the adjoining plot be sold.
6. To ensure that the land is not used for any purpose other than garden land, a covenant will be included in the disposal to ensure the land remains as garden land and cannot be developed upon.
7. Should Members recommend that the land is to be retained within the Council's ownership, the 3 residents have expressed interest to enter into a garden tenancy agreement, if Members approve that the residents can rent the land as an alternative to purchasing the land, this may be subject to a planning application being made to change the use of the land from open space to garden use.
8. Should Members agree to the land being declared surplus to requirements and approve the sale to the adjacent residents, the land would be subject to a planning application being submitted to change the use of the land and the land/ would need to be advertised as loss of open space to the general public.

IMPLICATIONS

Policy: The Council seeks to identify surplus land and property for inclusion within its disposal programme in order to receive capital receipts and to relieve the Council of any liability for costly maintenance.

Financial: The Council would receive a capital receipt for the disposal of the land.

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

Risk Management: No risk management implications are considered to arise directly from this report.

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

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

Community Safety: No implications are considered to arise directly from this report.

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

APPENDICES

Location plan

LIST OF BACKGROUND PAPERS

None