

6th February 2008

Dear Councillor,

I hereby give you Notice that a Meeting of the **LAND DISPOSALS SUB COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 14th FEBRUARY 2008 at 2.00 P.M.**

AGENDA

Page No.

1. Apologies for absence.

2. Declarations Of Interest

Members are invited to declare any personal and/or prejudicial interests in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

Personal Interest – **to be used where a Member will be remaining and participating in the debate and any vote:**

I have a personal interest in agenda item (...) regarding the report on (...) because I am (...)

Personal and Prejudicial Interest – **to be used where a Member will be withdrawing from the room for that item:**

I have a personal and prejudicial interest in agenda item (...) regarding the report on (...) because I am (...)

Officers are also invited to declare any interest in any matters appearing on the agenda.

NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.

3. To consider a request to purchase land adjoining 4 Main Street (rear of former Queens Head Public House), Witton Park for Mr K Refearn.

1 - 4

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| 4. | To consider a request to purchase land adjacent to 33 Fern Valley, Crook for Miss D Halliday. | 5 - 7 |
| 5. | To consider a request to acquire land to rear of 1 & 2 High Street, Eldon Lane for Dene Valley Community Transport Limited. | 8 - 12 |
| 6. | To consider disposal of the bungalow at Leeholme Recreation Ground. | 13 - 15 |
| 7. | To consider the disposal of surplus land at St Stephens Close, Willington. | 16 - 18 |
| 8. | To consider granting a drainage easement at land at Church Hill, Crook. | 19 - 21 |
| 9. | To consider a request to purchase land at Stanley, Crook. | 22 - 51 |
| 10. | To consider a request to purchase land west of Dent Street, Tindale Crescent, Bishop Auckland. | 52 - 53 |

Yours faithfully



Chief Executive

Members of this Sub-Committee: Councillors Mrs Burn, Hayton, Mrs Pinkney, J Shuttleworth and Taylor.

Chair: Councillor Hayton

TO: All other Members of the Council for information
Management Team

DECLARATIONS OF INTEREST FORM

NAME AND DATE OF COMMITTEE	AGENDA ITEM NUMBER	NATURE OF INTEREST AND REASONS	PRINT NAME	SIGNATURE

6th February 2008

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LAND DISPOSALS SUB COMMITTEE

14 FEBRARY 2008

Report of the Asset Management Group

LAND ADJOINING 4 MAIN STREET (REAR OF FORMER QUEENS HEAD PUBLIC HOUSE), WITTON PARK

purpose of the report

1. To seek Committee's approval to a request to acquire Council owned land at the above location.

background

2. An application has been received from Eric Tweddle Associates who are Architects acting for K. Redfearn the owner of 4 Main Street. Mr Redfearn wishes to purchase Council owned land as identified on the plan at Annex A for the purposes of extending the car park to the rear of his property, which is divided into flats.
3. The area Mr Redfearn wishes to acquire has been included in recent applications received by Durham County Council, under the Commons Act 2006, for two large areas in the centre of Witton Park to be registered as village green. The County Council has indicated that the applications will take a considerable period of time to process. It is therefore considered appropriate to proceed to consider Mr Redfearn's request to acquire the Council land with the caveat that Mr Redfearn is aware that should the land ultimately be registered as village green then this would have serious consequences on its future use.

consultations

4. The Strategic Director for Environment and Regeneration advises that an application for the change of use of this land has recently been approved. He advises that the proposed boundary of the application land would follow the line of the boundaries to the properties to the south and would not be out of keeping. On this basis he has no objections to the disposal.
5. The Strategic Director for the Community has no objections to the sale of the land, though there is a public sewer running through the area and this may require arrangement with Northumbrian Water.
6. Councillor Yorke confirms that the residents of Witton Park have and continue to campaign for the area to be designated as village green and objects to the disposal on this basis.
7. Neighbour consultations have resulted in:

- 4 letters of support on the basis that off street car parking will be a benefit in this location.
- 13 letters of objection including one from the Escomb & Witton Park Community Partnership. The basis of the objections can be summarised as follows:
 - a. The area is considered 'the Green' and used for recreational purposes;
 - b. Village green application remains outstanding;
 - c. Highway safety concerns – the land is close to a 'blind' corner – the area is used by children playing;
 - d. Set a precedent for the disposal of plots within 'the Green';
 - e. Believed the Council had agreed in 2003/4 that no future developments would be allowed.

8. The following points are made in response to the issues raised above:

- a. The land the subject of this request is a small parcel of land in relation to the extent of 'the Green';
- b. Village green application – this is likely to take a considerable time to be determined and any decision to sell will not impact upon its determination;
- c. Highway Safety – this matter was considered by the Highways Authority as part of the applicant's planning application which was approved on 13th December 2007;
- d. Set a precedent – the Council is obliged to consider each application on its merits. Therefore any decision to approve or reject the request will not set a precedent;
- e. Previous Council agreement not to dispose – the basis of this objection has been considered as part of the recent planning application.

financial implications

9. The sale of the land will produce a capital receipt.

legal implications

10. Regardless of who is the owner of the land, if the application for village green is successful then this will mean:
- a. the inhabitants have the right to indulge in sports and pastimes;
 - b. any encroachment on, or inclosure of, or erection or disturbance or interference with the village green shall be deemed to be a public nuisance and/or an offence;

- c. any injury or damage caused to the village green can give rise to an offence.

These restrictions will apply no matter who owns the land.

conclusion

- 11. The request involves a relatively small parcel of land on the edge of the area referred to by residents as 'the Green'. If it is sold the new boundary would be in line with the properties to the south. It is considered it would not affect the village green application nor set a precedent for future applications to acquire land in the centre of Witton Park and it is recommended that the request be approved subject to the following terms and conditions:-

- a. Valuation to be agreed with, or given by, the District Valuer;
- b. Applicant to be responsible for the Council's legal and valuation fees.

- 12. However, in line with the Council's policy of public speaking at this Committee both the applicant and the objectors have been invited to attend to afford them the opportunity to put their cases to you.

RECOMMENDED that the land edged black on the plan be sold to K. Redfearn subject to the conditions mentioned above.

Background documents:

File 81636

Officer responsible for the report
Gary Ridley
Strategic Director for Resource Management
Ext 227

Author of the report
Andrew Coates
Legal Services Manager
Ext 418

(c) Ordnance Survey



LOW QUEEN STREET

97.5m

GP

York
Court

WITTON PARK

100.9m

Land adj 4 Main St. Witton Park

WEAR VALLEY DISTRICT COUNCIL

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MAP REF: NZ1730SW

Annex A

LAND DISPOSALS SUB COMMITTEE

14 FEBRUARY 2008

Report of the Asset Management Group
LAND ADJACENT TO 33 FERN VALLEY, CROOK

purpose of the report

1. To seek Members' instructions regarding a request to purchase land at the above location.

background

2. A request to purchase the land hatched black on the plan at Annex B, has been received from Miss D. Halliday of 33 Fern Valley, Crook for the purpose of extending her garden for her children to play in.

consultations

3. The Strategic Director of Environment and Regeneration has no objection to the sale of the land from open space to garden land provided the means of enclosure is a hedge and would not exceed 1.5 metres in height to maintain a landscaped appearance in the area.
4. The Strategic Director for the Community states that this matter needs to be considered carefully as the land, whilst triangular in shape, could easily accommodate a 3/4 bedroomed detached house and would have considerable value if it could be marketed for residential purposes. He feels if it was considered suitable for garden purposes only, then he would offer no objection to its disposal for that purpose but suggests that the Council should try to dispose of the area as a building plot in the first instance.
5. Following neighbour consultations two letters were received. One neighbour did not object to the disposal for garden purposes but if it was used to park mini buses and taxis, as this is the applicants business, then she objects to the disposal.
6. Another letter was also received and he objected on several grounds, in particular that the land is presently part of a childrens grassed playing area and should be maintained as such to encourage children to continue playing there, off the adjacent road. He also states that the applicant has already degraded the general outlook, parking a dilapidated caravan on the land and other bits of equipment in this area. He considers the outlook would deteriorate further if this proposal was approved. He also states that if a fence is erected to the west, parallel to the estate boundary fence, this will create a dead end "robber's alley" raising the risk of crime and illegal dumping. Also if this disposal is approved it would set a precedent for similar proposals on Fern Valley and lead to a degraded outlook for the whole environment.

author's comments

7. A previous request to purchase the land was received and refused in 1992. The reason for the refusal was that the land had been designated as a play area and the Director of Planning at the time could see no reason to alter the use of the land. It is clear that the Community Department would prefer that the land be sold as a building plot rather than support the current application. Also letters received from the neighbouring properties object to the proposal.

financial implications

8. The sale of this land would produce a capital receipt and a reduced maintenance cost.

legal implications

9. There are no legal implications arising from the recommendation.

conclusion

10. Due to the objections received from the neighbours and the Strategic Director of Community comments, it is recommended that the request from Miss Halliday be refused.
11. However in line with the Council's policy of public speaking at this Committee, Miss Halliday has been invited to attend this meeting to afford her the opportunity to present her case to you.

RECOMMENDED that Miss Halliday's request to purchase the land be refused for the reasons stated above.

background papers

File Number 81632

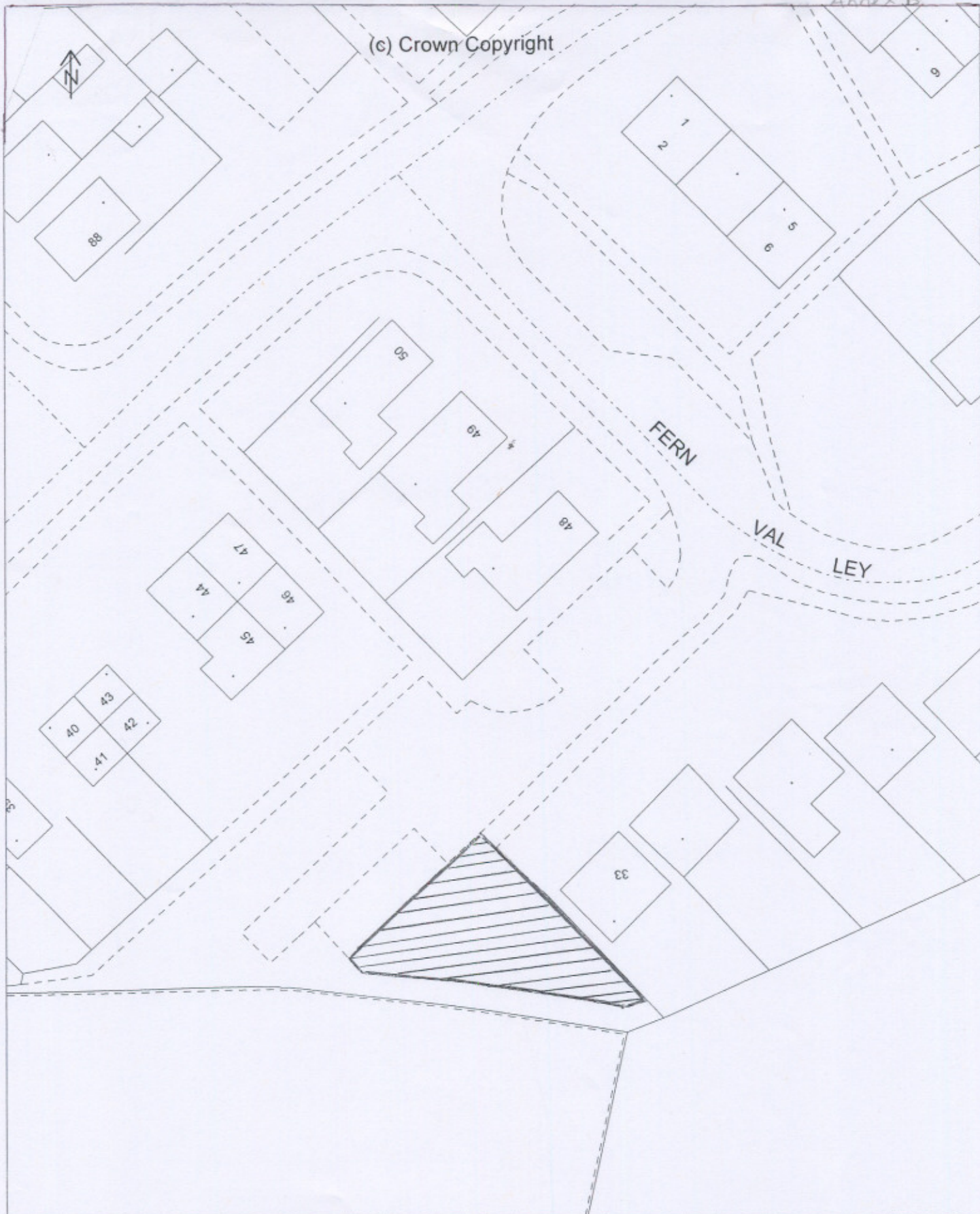
Officer responsible for the report

Gary Ridley
Strategic Director for Resource
Management
Ext 227

Author of the report

Diane Hathaway
Legal Executive
Ext 319

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Land adj. to 33 Fern Valley, Crook

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LAND DISPOSALS SUB-COMMITTEE

14 FEBRUARY 2008

Report of the Asset Management Group
LAND TO REAR OF 1 & 2 HIGH STREET, ELDON LANE

purpose of the report

1. To seek Committee's approval to a request to acquire or gift Council owned land at the above location.

background

2. An application has been received from Dene Valley Community Transport Limited (DVCT) to acquire, or be gifted, Council owned land as identified hatched on the plan at Annex C. The Company wishes to acquire the land to accommodate their minibuses and also to house customers' vehicles who use their transport facilities. This land would be in addition to their present garage premises which are situate between Bridge Place and Eldon Lane. It is proposed access to the site would be taken over the unadopted roadway which leads from the C34 to Millbank Terrace. They would propose to secure the area with galvanised security fencing, painted green to blend in with the surrounding area.
3. The Company which is limited by guarantee and is registered as a charity was established in 1995. They currently have 5 minibuses providing community transport to 96 different organisations. During 2006 its passenger numbers were 25,466.

consultations

4. The Strategic Director for Environment and Regeneration advises that an application for the change of use of this land to community transport would be required and in principle would be acceptable.
5. Durham County Council (Highway Engineer) advises that the road leading to Millbank Terrace is not adopted and is in poor condition. Visibility onto the C34 road is acceptable. Parking for community transport would be acceptable, but commercial use would not be acceptable.
6. The Strategic Director for the Community has no objections to the proposal and would support gifting the land to the Company on the basis that the land will benefit the Dene Valley both in terms of social and economic wellbeing.
7. Neighbour consultations have resulted in 1 objection from the adjoining residential occupier and a petition signed by the adjoining occupier and 3

residents of Millbank Terrace. The nature of the objection can be summarised as follows:

- a. The disposal will encourage crime and could allow easy access from vehicles into the rear of the adjoining dwelling;
 - b. There is a gate to the rear of the adjoining dwelling and the sale will affect rights of access;
 - c. The land is used by many as a walkway and as a vehicular way;
 - d. May reduce light to adjoining dwelling;
 - e. Will affect the view to the adjoining dwelling;
 - f. It is a safe area for children to play;
 - g. Will affect the value of the adjoining dwelling;
 - h. Increase traffic next to the adjoining dwelling;
 - i. Highway safety – additional traffic using a junction near to an existing busy junction.
8. The petition does not state the reason of objection.
9. The following points are made in response to the issues raised above:
- a. The proposal is to secure the land with security fencing. It is suggested that any fencing has the approval of the Police Architectural Liaison Officer;
 - b. Access across the land has not been granted and it is doubtful that any prescriptive rights of way have been established. If prescriptive rights have been established then the land to be acquired may need to be slightly adjusted to accommodate such a right;
 - c. There are no vehicular rights of way across the land. Again, it is doubtful that any prescriptive rights could be established.
 - d. The proposal is unlikely to reduce light to the premises as the window in question is approximately 7 metres away from any likely fencing. The garage to the dwelling is itself quite high and it is unlikely that any fencing would protrude beyond the height of the garage;
 - e. There is no legal right to a view. Given the likely height of the security fencing, it seems unlikely that the view will be significantly affected;
 - f. This is a relatively small area of land. It is adjoined by a considerably larger area of open land on which children could play;

- g. If the proposal is acceptable in planning terms, and a planning application will need to be made, then the value of the adjoining property is not a material consideration;
 - h & i. The Highway Engineer has given his views on these aspects and they will be considered again at the planning application stage.
- 10. The main objectors, whose property (2 High Street) adjoins the area in question have discussed their objections with DVCT and have agreed that on the basis that the area to be acquired by DVCT is shifted 4 metres south and as shown on the plan, then their objection is withdrawn. DVCT has confirmed that this minor change to the area is acceptable to them. The petitioners have been advised of this proposal, advised that Committee will be considering this slightly amended area and informed that their petition will still be taken into consideration.

financial implications

- 11. Disposal of the land at nil consideration will cost the Council the value of any capital receipt which could have been achieved through disposal at market value. Market value of the land is unlikely to be significant.

legal implications

- 12. The Council has power to dispose of land for less than full market value so long as:
 - a. the Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area, and
 - b. the difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.

crime and disorder implications

- 13. Given the adjoining owners concern in respect of increased criminal activity it is suggested that any boundary feature be approved by the Police Architectural Liaison Officer.

conclusion

- 14. As the Strategic Director for the Community has confirmed that the proposal will contribute to the promotion or improvement of the economic and social wellbeing of the Dene Valley it is recommended the request be approved subject to the following terms and conditions:
 - a. the land to be used for the purposes of the parking of community transport vehicles and vehicles of users of such community transport;

- b. the applicant to obtain planning permission for change of use of the land and to seek permission for the type of boundary feature which is proposed.
 - c. Any boundary feature is also approved by the Police Architectural Liaison Officer;
 - d. If it is necessary to obtain valuation advice on the amount of under-value then the applicant will meet the Council's valuation fees;
 - e. The applicant meet the Council's legal fees;
 - f. The land will be sold subject to any existing rights.
14. However, in line with the Council's policy of public speaking on such matters both the applicant and the petitioners have been invited to attend to afford them the opportunity to put their cases to you.

RECOMMENDED that the land hatched black on the plan be gifted to Dene Valley Community Transport Limited subject to the conditions mentioned above.

background documents:

File 81616

Officer responsible for the report	Author of the report
Michael Laing	Andrew Coates
Strategic Director for the Community	Legal Services Manager
Ext 281	Ext 418

LAND DISPOSALS SUB COMMITTEE

14 FEBRUARY 2008

Report of the Asset Management Group BUNGALOW AT LEEHOLME RECREATION GROUND

purpose of the report

1. To seek Committee approval to dispose of the bungalow at the Leeholme Recreation Ground.

background

2. The Council is the trustee of the charity known as Leeholme Recreation Ground. The trust was created in 1966 when the land was gifted to the Council by the Miners' Welfare Association. The objects of the charity are to hold that land in trust as an open space and recreation or pleasure ground for the benefit of the inhabitants of Coundon and the surrounding district.
3. In considering this report Members are required to consider matters solely in the interests of the charity and with a view to furthering its charitable purposes.
4. The Recreation Ground is a substantial area and includes a bungalow which is now vacant, having previously been let for residential accommodation.

proposal

5. The bungalow is in need of extensive renovation. Your Officers consider that the most appropriate way forward is to dispose of the property, on the open market. Any receipts received would be held for the purposes of the trust.

legal implications

6. The Council, in its capacity as trustee, has the power of absolute owner in relation to the Recreation Ground. It may therefore sell part of the property provided that in doing so the purposes of the trust is not frustrated i.e. the sale of the bungalow does not prevent the rest of the land being used for the purposes for which it is held.
7. The sale of the bungalow will not frustrate the purpose of the trust. The plan at Annex D shows that the bungalow is on the edge of the recreation ground and will not impact upon the use of the recreation ground for the purposes of open space and recreation.
8. Section 36 of the Charities Act 1993 sets out the requirements which must be fulfilled before an agreement can be entered into for the bungalow to be sold. Briefly, it requires that:

- a. Public notice of the proposed disposition is given inviting representation to be made and consideration is given to any representations made;
 - b. The trustee obtain and consider a report on the proposed disposition from a qualified surveyor;
 - c. Notice of the proposed disposition is advertised; and
 - d. The trustees are satisfied, having considered the surveyor's report that the terms of the disposition are the best that can reasonably be obtained for the charity.
9. The trust was entered into with the Miners' Welfare Association. It will be necessary to seek the approval of CISWO to any proposed disposal.

financial implications

10. Whilst the sale will produce a capital receipt, such receipt will be held in trust for the purposes of the trust.

RECOMMENDED that Committee approves, in principle, the disposal of the bungalow at the Leeholme Recreation Ground and requires the Asset Management Group to further report on its disposal once the legal implications have been fulfilled.

Background documents:

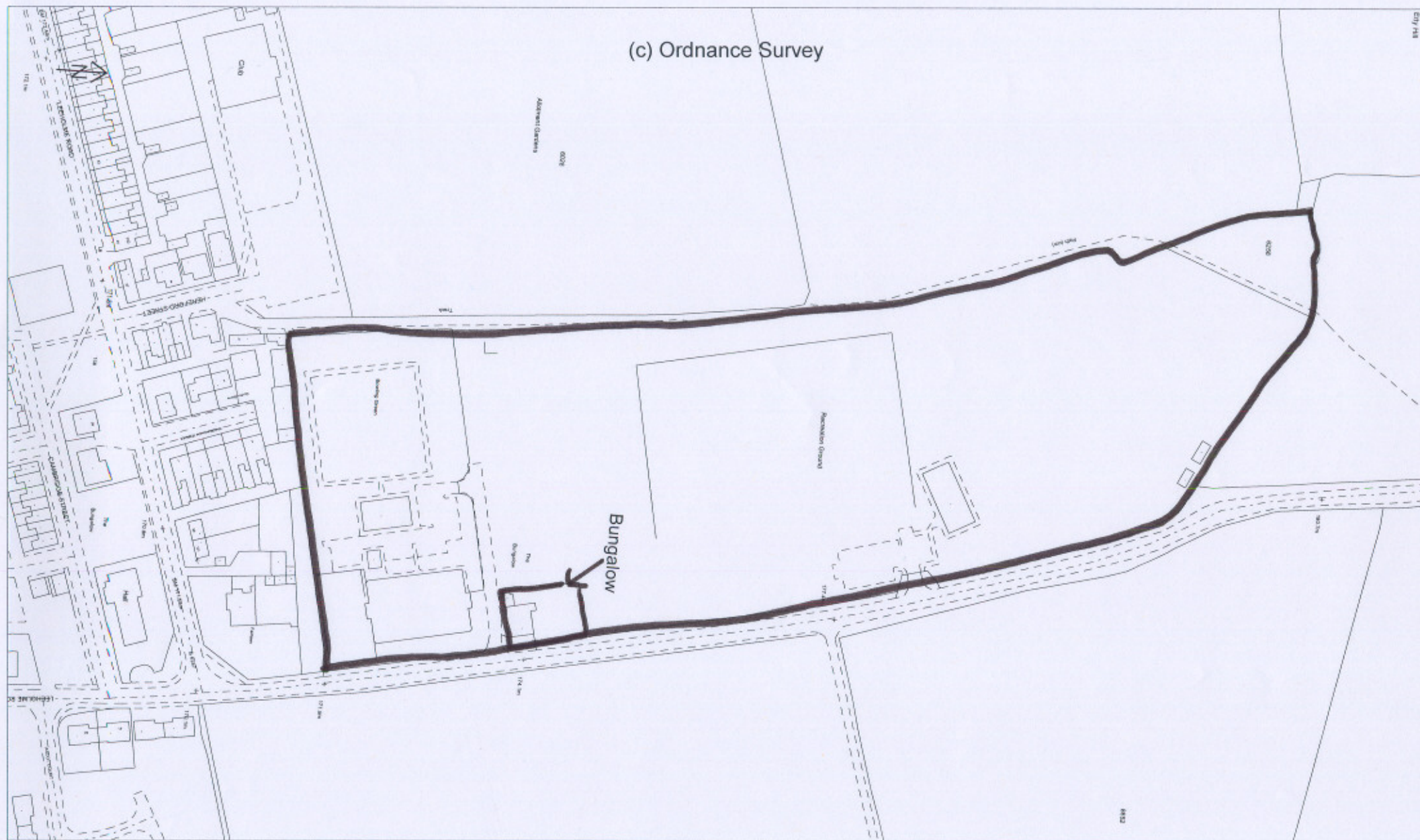
File C10

Officer responsible for the report

Gary Ridley
Strategic Director for Resource Management
Ext 227

Author of the report

Andrew Coates
Legal Services Manager
Ext 418



Bungalow at Leeholme Recreation Ground

WEAR VALLEY DISTRICT COUNCIL

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Annex D

LAND DISPOSALS SUB-COMMITTEE

14 FEBRUARY 2008

Report of the Strategic Director for the Community DISPOSAL OF SURPLUS LAND AT ST STEPHENS CLOSE, WILLINGTON

purpose of the report

1. To seek Committee's approval to dispose of Council owned land to Three Rivers Housing Group at a 'nil' cost.

background

2. Members may recall Council owned properties on the site at St. Stephens Close, Willington were demolished as a result of low demand and vandalism. Special Housing Services Committee held on 8 February 2006 resolved to demolish vacant Council owned dwellings and thereafter sell the site to Three Rivers Housing Group at market value. The last of the demolitions were completed in May 2007.
3. Three Rivers Housing Group is working closely with the Housing Corporation in providing affordable housing. Unfortunately current high land values are incorporated into the final cost of the development resulting in properties that are not affordable to those on low incomes. They have therefore asked the Council to dispose of the site to them at 'nil' consideration to enable their project to be achieved. Their project consists of the construction of 6 no. 2 bed bungalows for which planning permission was granted on 21st March 2006.
4. The site is strategically located in the centre of Willington and is adjacent to an existing Three Rivers Housing Association development.

proposals

5. Offering the site at no cost will give the Council the following benefits:-
 - There is a significant shortage of 2 bed bungalows in the Willington area. The proposal will go some way toward meeting the current demand;
 - The proposed development will significantly improve the attractiveness and sustainability of the neighbourhood as well as the visual impact from the site which adjoins the A690;
 - It demonstrates the Council's continued commitment to partnership working with external housing providers, the Housing Corporation and Regional Housing Board;

- Brings into use what is currently a redundant asset.

legal implications

6. The Local Government and Public Involvement in Health Act 2007 contains provisions restricting the disposal of assets by authorities who are subject to local government reorganisation. There is a power under the Act for the minister to make an order requiring consent to disposal to be obtained from a person specified in the order. The Act only recently received Royal Assent and no orders have been produced relating to the disposal of assets. Whilst the Council will be affected by this regime, it is impossible to assess at this stage whether the transfer proposed in this report will require consent under the 2007 Act. In the circumstances, it is suggested that members continue to make decisions on the transfer as outlined in this report. Should the legal position change and consent be required at the time of disposal then consent will need to be sought.
7. The General Housing Consents 2005 enable the Council to give a registered social landlord (RSL) with financial assistance or gratuitous benefit, including the disposal to that RSL of land, for the purposed of development as housing accommodation . The consent is given on condition that:
 - Disposal must be of the freehold or leasehold at least 99 years;
 - The terms of disposal provided that the development of housing accommodation is completed within 3 years;
 - The newly constructed accommodation is let by the RSL on a periodic tenancy, shared ownership lease, lease for the elderly, temporary homeless accommodation, hostel or persons receiving support from social services;
 - There is no agreement or arrangement for the Council to manage or maintain any of the housing accommodation; and
 - The value of the financial assistance is not more the £10,000,000 in the same financial year.

hr implications

8. The Council's Legal Services will be required to undertake the disposal transaction.

crime and disorder

9. It is anticipated that Three Rivers discuss their proposals with the Police Architectural Liaison Officer to ensure they are secure by design.

financial implications

10. Disposal of the land at nil consideration will cost the Council the value of any capital receipt which could have been achieved through disposal at market value. As the Council has previously passed the appropriate resolution to earmark receipts from the sale of housing land towards affordable housing or regeneration purposes, no payment would be required to Government.
11. The land is not yet included in the grounds maintenance schedule so, at present, there would be no savings on the contract. Should the disposal require the Council to obtain external valuation advice then Three Rivers will be required to meet such charges.

- RECOMMENDED**
1. That the resolution of Special Housing Committee held on 8th February 2006 in relation to the disposal of the land at market value be rescinded.
 2. The land at St Stephens Close be sold to the Three Rivers Housing Group at nil consideration subject to compliance with those matters detailed in the report.

Officer responsible for the report	Author of the report
Michael Laing	David Milburn
Strategic Director for the Community	AD Policy & Resources
Ext 281	Ext 379

LAND DISPOSALS SUB-COMMITTEE

14 FEBRUARY 2008

Report of the Asset Management Group

DRAINAGE EASEMENT - LAND AT CHURCH HILL, CROOK

purpose of the report

1. To seek Committee's approval to grant a drainage easement at a nil consideration at the above location

background

2. The Diocese of Hexham and Newcastle are constructing a new primary school to the north of the existing Our Lady and St. Cuthbert School at Church Hill Crook and to enable them to dispose of surface water from the new school they requested an easement from the Council to lay a drainage pipe in its land in the position shown in black on the plan at Annex E.
3. Authority was obtained under delegated powers to grant an easement to the diocese of Hexham and Newcastle on terms to be agreed by the District Valuer who subsequently reported that his opinion of value for the drainage easement was £20,000.
4. Concern has been expressed by the Diocese of Hexham and Newcastle at the sum of £20,000 who advise that this amount will have to be funded from the school's resources and consequently have a detrimental impact upon the school Budget in that the payment will diminish the funds available to purchase computer equipment, books etc. They have therefore asked the Council to reconsider the proposal for payment of the sum of £20,000.

financial implications

5. The granting of the easement at a nil consideration will cost the Council the sum of £20,000 which is the opinion of value provided by the District Valuer.

legal implications

6. The Council has power to grant an easement for less than full market value so long as:
 - a. the Council considers that the purpose is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area, and

- b. the difference between the unrestricted or market value and the consideration for the granting of the easement does not exceed £2,000,000.

conclusion

7. As the Diocese of Hexham and Newcastle are constructing a new school which will contribute to the social and environmental wellbeing of residents in the area it is recommended that a drainage easement for surface water be granted to them at a nil consideration subject to them being responsible for the Council's legal and valuation fees.

RECOMMENDED that subject to the Diocese of Hexham and Newcastle being responsible for the Council's legal and valuation fees that a drainage easement for surface water be granted to them at a nil consideration.

background papers

File No. 40684

Officer responsible for the report	Author of the report
Gary Ridley	Christine Graham
Strategic Director for Resource Management	Legal Executive
Ext 227	Ext 318



REVA 01-11-05

Drawing scale altered and house numbers added

LAND DISPOSALS SUB-COMMITTEE

14 FEBRUARY 2008

Report of the Asset Management Group **LAND AT STANLEY CROOK**

purpose of the report

1. To seek Members' instructions regarding a request to purchase land at the above location.

introduction

2. As Members are aware a report was previously submitted to the Central Resources Committee on 26th September 2007 regarding a request from Mr. Craig Picken of Wooley Grange Farm, Stanley, Crook to purchase the land shown hatched black on the plan at Annex F for agricultural purposes. Mr. Picken confirmed the land was currently used by people on motocross bikes and for fly tipping. He wished to use the land for grazing and producing hay and was willing to accept restrictive covenants on the land restricting the land to agricultural land only. This request was deferred from the previous Central Resources Committee, to enable further consultations to be undertaken.
3. The consultations have resulted in the receipt of a request from the Stanley Village Hall Association who wishes the Council to consider giving the land to the Association so that it remains within the public domain. The Association would then lease the land for grazing purposes only to Mr. Picken who has agreed to insure the site and wishes to carry out environmental improvements such as a pond and hedging to enhance the area. He has also agreed that if at a future date the Association wished to take back some of the land to provide a picnic area or such other project in which the local community can be involved then he is happy for this to happen.

consultations

4. In respect of the original request the Strategic Director of Environment and Regeneration confirmed that he agreed to the land being sold. He recommended that the land shown hatched black should be sold for the purpose of grazing or the growing of hay or similar crops. He would also suggest a restriction be included in the transfer that the land be used for no purpose other than for grazing or the growing of hay or similar crops. Following further consultations he considers that these comments are still appropriate.
5. Originally the Strategic Director for the Community raised no objections of a technical nature to the sale of the land for agricultural purposes. He suggests that the applicant be requested to secure all boundaries of the land with suitable fencing to prevent unauthorised access and that the public right of way adjacent to the south boundary of the land be maintained in a reasonable

condition and be left unobstructed. Following further consultations he then felt that because of the strength of feeling within the village of Stanley, the request should be refused.

6. The Anti-Social Behaviour Co-ordinator visited the site together with a Crime Prevention Officer from Durham Constabulary and stated that in order to secure this land, he estimates that at least 400 metres of fencing would be required. He suggests that the Council either sell the land or make the land unappealing to those using it.
7. This second proposal put forward by the Stanley Village Hall Association also resulted in several letters of objection being received, copies of which are attached at Annex G. It was therefore decided to seek the observations of all the residents in Stanley by sending out a letter setting out the history of the land and the applications received. (Copy of consultation letter at Annex H.) This resulted in approximately 6 telephone calls from residents confirming that they would prefer the land to be either sold or transferred to the Community Association. Also received were three letters of support to the proposal. Three letters of objection to the proposal were also received stating that the land is not being misused by people on trial bikes etc. and that there is nothing for the older children of the village to do. In addition three letters were received agreeing that the land should be transferred to the Stanley Village Hall Association but that it should not be leased to Mr. Picken. One of these letters suggested the land be transferred to the Stanley Village Hall Association and then a sub-committee could be formed to manage the land. This was signed by eight different residents. Copies of all of the letters are attached hereto.

author's comments

8. As this parcel of land is open space a notice, in accordance with Sections 122/123 of the Local Government Act 1972, under which the Council is obliged to give notice and consider any objections to the proposed disposal of land, was inserted in the local press.
9. This exercise resulted in four letters of objection originally being received and further letters of objection and a questionnaire/survey from the Stanley Village Hall Association were also received.
10. Two letters of support to the sale of the land were also received.
11. As mentioned above a letter setting out the current situation regarding the land was forwarded to all the residents of Stanley.
12. Other parties also expressed interest in either purchasing the land or renting the land for grazing purposes. The Association was advised that these parties would be consulted on the new request and any comments would have to be addressed. Members need to have regard to the various competing expressions of interest. It is likely that the Council could receive a market value capital receipt if the land was sold to one of the parties who have expressed an interest. However, the Council could consider it appropriate and in line with Council policies to transfer the land to the Community Association for less than best consideration.

conclusion

13. Therefore there are two options upon which Members instructions are requested. The first option is a commercial transfer, which entails placing the land onto the open market and selling it to the highest bidder. The second option is to transfer the land to the Stanley Village Hall Association on a 100 year lease, which the Council could ensure that no profit or development would be allowed to occur. This lease could allow a sub-lease (such as that proposed by Mr. Picken). If after considering the report, Members are of the opinion that the land should be transferred by Lease to the Association, then the transfer be approved subject to the following terms and conditions;
- (a) Subject to the valuation being agreed with the District Valuer.
 - (b) The Association to be responsible for the erection and future maintenance of the boundary structures.
 - (c) The Association to be responsible for the Council's legal and valuation costs.

RECOMMENDED Members' instructions are requested.

background papers

File no. 81561

Officer responsible for the report	Author of the report
Gary Ridley Director of Central Resources Ext. 227	Diane Hathaway Legal Executive Ext. 319

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Land to the east of Wooley Terrace, Stanley, Crook

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LAND DISPOSALS SUB-COMMITTEE – 14th FEBRUARY 2008

AGENDA ITEM 9 REFERS

Annex G of the above agenda item consists of a substantial number of letters from members of the public. We are unable to display these on our website therefore should you wish to view these letters, please contact Mrs J Lawton, Committee Administrator, on 01388 761950.



**WEAR
VALLEY**
DISTRICT COUNCIL

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DL15 9ES
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Resource Management Department

Strategic Director Gary Ridley

Our Ref: RMD/DH/81561

**This matter is being dealt with by Mrs. Diane Hathaway
Direct Line 01388 761612**

Your Ref:

e. mail address: d.hathaway@wearvalley.gov.uk

18 December 2007

Dear Sir or Madam,

RE: Land at Wooley Terrace, Stanley, Crook.

I refer to the above and as you may be aware, the Council received an application to buy the above land from a local adjoining landowner who proposed to fence the land and use it for grazing and hay. He also wanted to make some of the low lying marsh areas into a pond for wildlife. Objections were received to this proposal.

The Council was then approached by the Stanley Village Hall Association who requested that the land be sold to them and they then proposed to lease the land to the adjoining land owner who had agreed to fence the land and use it for grazing. In either scenario, the adjoining landowner would be responsible for controlling access and any anti-social behaviour on the land (with appropriate police support, if necessary). This proposal was then offered to anyone who commented on the original application but again comments and objections have been received.

For your information the Council bought the land, described in the deeds as land at Wooley Terrace, in 1950 from the Westoe Breweries Limited. The following covenants are contained in the deeds : - that the land or any part of it will not be used as a Club, Inn, Tavern, Ale or Beer House or Brewery or other house or place for the sale of wines, spirits or other excisable liquors or malt liquors or to do or suffer thereon or therein anything which shall be a nuisance to the Brewery their successors or assigns or the person or persons owning or occupying any of the land adjacent to or in the neighbourhood of the land.

I would also confirm that there are no covenants in the deeds which state that the land should always remain as open space land.

The Council has received a number of complaints that over the years the land has been misused by people using the land with trial bikes and motor bikes, this obviously has created noise, disturbance and anti- social behaviour.

The Council has taken advice from the Police and the Councils Anti -Social Behaviour Officer. Their advice is that it is difficult to control access to the land. It is a large area and fencing will prove costly. In order to be effective, the land will need to be regularly inspected and any misuse challenged immediately. The only alternative solution to control anti-social activity on the land is to make it unsuitable for use – the only realistic means to do this would be a combination of ploughing and manure spreading.

The Council is unable to resource the fencing and ongoing maintenance/inspection of the land. It is also considered unacceptable to make the land unsuitable for use. In the circumstances, it is unlikely that the Council will be able to control the anti-social activity that takes place on the land.

It would appear that the most appropriate way forward is for the Council to transfer the land to enable it to be managed effectively.

Obviously anyone taking ownership of the land will then be responsible for providing fencing around the land and will also be responsible for insuring the land i.e. public indemnity insurance. Crucially they will also be responsible for ensuring that the land is used properly and that activities taking place on the land do not cause a nuisance to neighbours.

The Council is happy to recommend whatever the local community wants but whoever takes the land will have the same financial and other obligations.

I am therefore contacting all the residents of Stanley for any comments they may have. Should you have any comments, please do not hesitate to contact me. If I do not hear from you by 25th January 2008, then I will presume you have no comments to make.

Yours sincerely,

Diane Hathaway
Legal Executive

LAND DISPOSALS SUB-COMMITTEE

14 FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration **LAND WEST OF DENT STREET, TINDALE CRESCENT, BISHOP AUCKLAND**

purpose of the report

1. To seek Committee's approval to sell Council owned land at the above location.

background

2. The Council has received a request from Terrace Hill to buy the land. The Company has also made a request to Durham County Council to buy adjacent open space. The Company is proposing to develop the land for commercial/leisure purposes.
3. On 13th June 2007 a Notice was published in the Northern Echo stating that the Council had received a request which might involve the disposal of the land. No representations were received.

legal implications

4. If the Committee agrees to sell the land it is proposed to pass the matter over to Durham County Council to handle the conveyancing.

financial implications

5. The sale of the land will produce a capital receipt.

conclusion

6. The area of open space is surplus to requirements and its disposal will enable Terrace Hill to finalise their development proposals.

RECOMMENDED that the land edged black on the plan at Annex I be sold to Terrace Hill for commercial/leisure development at terms to be agreed.

background information

File 81453

Officer responsible for the report

Robert Hope
Strategic Director for Environment and
Regeneration
Ext 264

Author of the report

David K Townsend
Head of Planning and Building Control
Ext 270

LAND WEST OF DENT STREET, TINDALE CRESCENT, BISHOP AUCKLAND

