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Gary Ridley Chief Executive

7th May 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 15th MAY 2008** at **2:00P.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 (...)

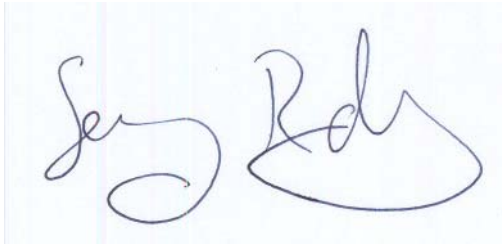
Officers are also invited to declare any interest in any matters appearing on the agenda.

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 adjacent to 11 Quarry Farm Close, Hunwick.

1 - 4

Yours faithfully



Chief Executive

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

To be confirmed at the Annual General Meeting –
7th May 2008.

Chair: To be appointed

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



LAND DISPOSALS SUB-COMMITTEE

15 MAY 2008

Report of the Asset Management Group

LAND ADJACENT TO 11 QUARRY FARM CLOSE HUNWICK

purpose of the report

1. To seek Members approval to sell land at the above location.

background

2. On 29th June 2006 it was agreed under delegated powers that a parcel of land adjacent to 11 Quarry Farm Close Hunwick be sold to the owner of the adjoining property. Following submission of a planning application for change of use of the land residents in the vicinity became aware of the proposal and submitted objections to the disposal of the land. The Applicant, Mrs Barker then submitted an amended request and on 20th June 2007, this was considered by the Central Resources Committee and the decision was that the request be refused. The area of land is shown hatched black on the plan at Annex A.
3. The Applicant has subsequently re-submitted a request to buy the same area of land for garden extension purposes.

consultations

4. The Strategic Director of Environment and Regeneration states that the sale of the land and a planning application for change of use to garden land could be supported provided the means of enclosure does not exceed 1.8 metres in height.
5. The Strategic Director for the Community offers no objection to the sale of the land subject to the purchaser being responsible for the provision and future maintenance of a suitable boundary structure.
6. Following neighbour consultations 3 letters of objection were received; the main grounds of which are as follows:-
 - a) The area is a piece of greenery for the whole of the village, not to be hidden behind a two metre fence. This property backs onto private land bought by residents of South View and there is no right of access onto the private land.
 - b) Selling this land would create a menacing dark tunnel near a path used by children and elderly people as well as darkening even more our rear access.

- c) The loss of that green space to a 2 metre fence surrounding it is creating a tunnel effect.

author's comments

7. In response to the letters of objection, I would comment as follows:-

- a) The Applicants do not want to purchase all of the open space at the side of their property, they only wish to extend their garden and create a rear access to the extended garden if their request is successful. They do not wish to buy the land to install a rear gate onto the private road at the rear and have no intentions of ever installing a gate in the rear fence.

As a one metre strip of land adjacent to the footpath is being retained and the height of the boundary structure restricted to 1.8 metres, it is considered that the tunnel effect mentioned at 6(b) will not be created.

- b) In respect of the loss of greenery and green space, if the land adjacent to 11 Quarry Farm Close is sold the large area of open space shown on the plan will still be available.

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. Although a number of objections have been received to the disposal of this land it is considered that the concerns raised have been addressed i.e. by retaining the one metre strip of land adjacent to the footpath and restricting the height of the boundary structure to 1.8 metres and it is therefore recommended that the land be sold.
- 11. 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 present their cases to you.

RECOMMENDED that the land hatched black on the plan be sold to Mrs. Barker subject to the following conditions:

- i) Valuation to be agreed with, or given by the District Valuer.
- ii) Applicant to be responsible for the erection and future maintenance of the boundary structure which is to be no more than 1.8 metre high.

- iii) Applicant to obtain planning permission for change of use of the land from open space to garden and the erection of the boundary structure.
- iv) Applicant to be responsible for the Councils legal and valuation fees.

background papers

File Number 81036

Officer responsible for the report

Gary Ridley
Strategic Director for Resource Management
Ext 227

Author of the report

Diane Hathaway
Legal Executive
Ext 319



Land adjacent to 11 Quarry Farm Close, Hunwick