

Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member Resources)	Executive Member Decision	January 2015

## **PROPOSED SALE OF LAND TO THE REAR OF 18A THE FARTHINGS ASTLEY VILLAGE CHORLEY PR7 1TP**

### **PURPOSE OF REPORT**

1. To report representations received in response to notices published under the Local Government Act 1972 Section 123 [2A] of the Council's intention to dispose of land to the rear of 18a The Farthings Astley Village Chorley PR7 1TP.

### **RECOMMENDATION(S)**

2. That consideration is given to the objection lodged by Cllr Perks on 18<sup>th</sup> August 2014 and instructions are confirmed whether or not to progress the sale of land.
3. In the event that a decision is made to progress the sale of the land, that the transfer imposes a restriction on use to garden land (but permitting sheds, greenhouses, gazebos etc.). Garden land use has in principle been agreed with the prospective purchasers after they modified their original intention to use part of the open space for a garage.

### **EXECUTIVE SUMMARY OF REPORT**

4. The Council owns an area of open space to the rear of properties on The Farthings Astley Village.
5. A request has been received from the resident of 18a The Farthings to purchase part of the area (shown edged red on the attached plan) to extend the rear garden of their property
6. This matter has been approved by Executive Member Decision dated 13<sup>th</sup> December 2013.
7. Approval was granted to declare the land surplus to Council requirements to enable a sale, authority granted for the negotiation of the terms for the sale of the land and for the placing of advertisements/notices in accordance with the provisions of the Local Government Act 1972 Section 123[2A]
8. Terms have now been agreed and the intention to dispose has also been published in the local press and on site in accordance with the 1972 Act, with the closing date for objections or representations set for 13<sup>th</sup> August 2014.
9. One objection to the sale has been received in response to the notices published. The objection was made by e-mail and received on 18<sup>th</sup> August 2014
10. Although the objection period had expired by the time that Cllr Perks e-mailed the Head of Governance the lapse of time of 5 days was not great. In the interests of reflecting the ward councillor's views about the proposed disposal it is recommended that discretion is exercised to consider this late objection.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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<b>Key Decision?</b> Please bold as appropriate	Yes	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

## REASONS FOR RECOMMENDATION(S)

### (If the recommendations are accepted)

11. So that the Council's intentions regarding the sale of the land might be confirmed and the resident might be advised as to whether the sale of the land for garden use might proceed.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. None

## CORPORATE PRIORITIES

13. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

## BACKGROUND

14. Executive Member Approval was granted on 13<sup>th</sup> December 2013 declaring land to the rear of 18a The Farthings surplus to Council requirements and authorising the sale to the resident for garden and garage/parking use.
15. The land is held as part of the Council's open space portfolio in Astley Village. As such there is a requirement for the Council to give notice of its intention to dispose of the land by publishing notices on site and in the local press to give the opportunity for members of the public to comment on the proposed sale.
16. Advertisements were duly placed in the local press and notices posted on site in August 2014.
17. One comment was received from Cllr Perks on 18<sup>th</sup> August 2014 as follows:

*"I wish to lodge my objections and concerns regarding the sale of open space land to the rear of 18a, b & c The Farthings in Astley Village.*

*This land is a wooded copse that lies within a [sic] forms a boundary between the properties and Westway/Southport Rd area and I am concerned that if sold issues will arise from trees being cleared, the [sic] becoming more open in aspect and it's [sic] alters the general appearance of the open/green space/wooded area of this residential area.*

*I believe the sale of this land is connected to a planning application which is causing some concerns in this part of the village"*

18. As part of the original request the area to be purchased did include an area of the existing shelter belt but subsequently the site area was reduced to the area shown edged red on the attached plan to exclude trees and shrubs from the sale.

19. The area forms part of the larger open space provision in the area but is not openly accessible to members of the public.
20. The trees/shrubs forming the shelter belt between the land and the adjoining road (West Way serve as a buffer between West Way and the estate and would be retained in Council ownership if the sale were to proceed.
21. The proposal to incorporate the land into the rear garden of 18a The Farthings has been considered as part of an application for change of use recently submitted to the Council's planning office for consideration – ref 14/00879/FUL. The matter has been referred for Development Control Committee consideration and has been approved for a first floor extension and single storey rear extension. The structures will not affect the open space land subject of the proposed disposal. The open space is only subject of an application for a change of use to garden land.
22. Options available are:
  - (i) Progress sale of site approved for disposal on 13 December 2013
  - (ii) Progress sale of site approved for disposal on 13 December 2013 with covenants imposing a restriction on use e.g. residential garden land only. Clearly if such restrictions were in conflict with the intentions of the party hoping to acquire the land and prove unacceptable then the disposal might not proceed anyway.
  - (iii) Withdraw part or all of site from proposed disposal and retain as open space in the ownership of the Council.

#### **IMPLICATIONS OF REPORT**

23. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

#### **COMMENTS OF THE STATUTORY FINANCE OFFICER**

24. As noted in the original report for approval to dispose of the site, the land is surplus to Council requirements and would generate a capital receipt in the region of £6,000, which could be used to finance future capital expenditure or to repay debt.

#### **COMMENTS OF THE MONITORING OFFICER**


25. The legal requirement contained in Section 123[2A] of the Local Government Act 1972 to advertise the proposed disposal and consider any objections is contained in the body of the report.
26. A decision by the Executive Member in the light of the objection from Councillor Perks can take into account matters which would not be a material planning consideration. However such decision must still be reasonable. It is reasonable to impose restrictions on the use of the land by way of private covenant. .
27. Reasons should be recorded whatever decision is taken.
28. The Council is under a legal duty to obtain the best possible consideration for the sale of the land contained in the Local Government Act 1972 as well as being subject to a best value duty contained in the Local Government Act 1999.

GARY HALL  
CHIEF EXECUTIVE

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
E-mail from Cllr Perks	18.08.14		Town Hall

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Catherine Jagger	5724	03/02/2015	CMJ/AST/THEFARTH(18A)

Following careful consideration and assessment of the contents of this report, I approve the recommendation(s) contained in Paragraph 2 of the report in accordance with my delegated power to make executive decisions.



Dated 5 February 2015

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**Councillor Peter Wilson**  
**Executive Member (Resources)**