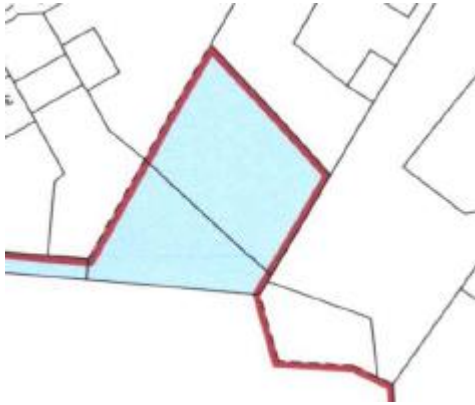


Agenda item 23.159

Land adjacent to Cleburne Close

1. Background

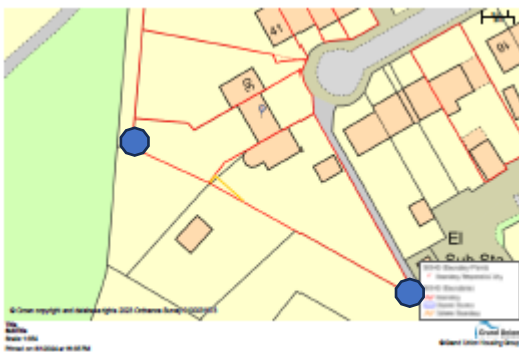
- 1.1 Parcel of land included in the land purchase from the Green Belt Company in 2013 and forms part of the 'public open space' at Mallows Grange.
- 1.2 The area has been fenced off since the estate was built with no public access or use.



- 1.3 The area is shown in blue and is approximately 630m²
- 1.4 Grand Union Housing Association has constructed a 6ft fence along the boundary with the open space on Cleburne Close.
- 1.5 The Parish Council has been approached by a resident of Raunds Road with a view to acquiring the land from the Parish Council and incorporating it into their garden
- 1.6 Upon investigation it was discovered that gardens from Cumberland Ave had been extended into this area.

2. Discussions with Grand Union Housing Association (GU)

- 2.1 GU do not want to purchase the land that 28 Cumberland Ave had extended into, and intend to install a fence to demarcate their land as shown below, between the two blue circles.



- 2.2 Part of this will be a new fence on the boundary of 26 Cumberland Ave.
- 2.3 A time frame for this work has not been given
- 2.4 GU may move their fence along the boundary with the Cleburne Close as part of this work, with a view to re-using the timber. This would open up the area to the public.

3. Proposal for area marked blue

- 3.1 The proposal is that the area is sold for a nominal sum and the purchaser should pay the Parish Council fees.

4. Rationale

- 4.1 The area has not been used as a public space and the loss of this area as public space will not cause a noticeable loss of amenity.
- 4.2 The Parish Council would incur significant costs to make this area a safe public area and costs would include fencing and land clearance.
- 4.3 The area is 'hidden way' and could become a focal point for anti-social behaviour. The Parish Council has a duty to consider the likely effect, if any, on crime and disorder (including anti-social and other behaviour adversely affecting the local environment), the mis-use of drugs, alcohol etc (Crime and Disorder Act 1998 s17) in all decisions it makes.
- 4.4 The Parish Council has legal obligations with regard to land ownership such as the Occupier's Liability Act 1957 & 1984.
- 4.5 There would be on-going costs if the area was opened up.
- 4.6 The area would have little commercial value as it is not accessible by road and would not be suitable for development. Note: the public open space at Cleburne Close has not been subject to development because of past land contamination issues. It is the site of a former lorry depot.

5. Legal considerations

- 5.1 Whilst the land was not acquired under the Open Spaces Act 1906, the Council should, for transparency, advertise its intention to sell in two consecutive weeks in a local newspaper. Advice to be obtained from NCALC on the use of 'newspapers'.

6. Other considerations

- 6.1 The Council should consider what additional covenants should be included in the sale, should the resolution be made to sell e.g.
 - Purchaser installs and maintains a fence on the boundary with minimum height specified.
 - No access permitted to property from Cleburne Close without prior consent of vendor
 - The land should not be used for development, house building or any form of dwelling or permanent structure. (The Council could take legal advice on including an uplift clause in case of future development)
 - No gate in back fence without an easement being appropriately agreed.
- 6.2 The purchaser should be advised to apply for a change of use with the Local Planning Authority.

7. **Action required**

- 7.1 To make a formal resolution to sell the land clearly identifying the area in question
- 7.2 To make a resolution to establish the sale price and other terms and conditions