

Report No.

London Borough of Bromley

RES13001

PART ONE - PUBLIC

Decision Maker: RESOURCES PORTFOLIO HOLDER

Date: For pre-decision scrutiny by the Executive and Resources PDS Committee on Thursday 3rd January 2013

Decision Type: Non-Urgent Executive Non-Key

Title: LAND AT THE REAR OF 4 WIRRAL WOOD CLOSE, CHISLEHURST

Contact Officer: Antony Cooper, Technical Valuation Assistant, Strategic Property Division
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Chief Officer: Director of Renewal & Recreation

Ward: Chislehurst;

1. Reason for report

Authority is sought for the disposal of this small parcel of land, formerly forming part of Chislehurst Recreation Ground.

2. **RECOMMENDATION(S)**

The Executive and Resources PDS Committee is requested to consider the proposed decision by the Resources Portfolio Holder and:

The Resources Portfolio Holder is recommended to declare 0.012ha (0.03 acre) of land at the rear of 4 Wirral Wood Close, Chislehurst surplus to Council requirements, and to authorise its sale to the owners of 4 Wirral Wood Close, Chislehurst.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
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Financial

1. Cost of proposal: A capital receipt will be generated by the sale of this piece of land
 2. Ongoing costs: Not applicable
 3. Budget head/performance centre: Not applicable
 4. Total current budget for this head: Not applicable
 5. Source of funding: Not applicable
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Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours: 20 hours
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Legal

1. Legal Requirement: Statutory Requirement: S123 Local Government Act
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The land is currently held on a garden Licence, so is not accessible by the public. No loss of amenity will result.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: To be advised at the meeting.

3. COMMENTARY

- 3.1. The triangular shaped parcel of land shown cross-hatched on the plan below is owned by the London Borough of Bromley, measures 0.012Ha (0.03 acre), and is currently used as a garden extension by the owners of 4 Wirral Wood Close, Chislehurst.
- 3.2. This parcel of land once formed part of Chislehurst Recreation Ground. However, it provided little amenity value because of its shape and the presence of gorse bushes and other rough scrub. This also resulted in it attracting anti-social behaviour, resulting in it frequently being littered with various refuse, from beer cans to evidence of drug abuse.
- 3.3. Following the grant of planning permission in 2010 permitting the change of use of this land from recreational to residential curtilage (subject to permitted development rights being removed), the Council granted a garden Licence to the owners of 4 Wirral Wood Close, allowing use of the land as an extension to their existing rear garden. The land was subsequently enclosed with suitable fencing, and landscaped by the Licensees, in accordance with requirements set by the Council's Environmental Services department.
- 3.4. The Head of Parks and Greenspace has advised that there have been no further reports of anti-social activities nor littering in the adjoining area of the recreation ground since the grant of the garden Licence.
- 3.5. The Licensees have now approached the Council requesting to purchase the land.
- 3.6. The sale of the land would be subject to a covenant restricting its use to garden land only.
- 3.7. Additionally, a covenant will be agreed in the sale whereby, in the event that 4 Wirral Wood Close is further extended to the north within the current curtilage, the Council would be entitled to a share of the increase in value of the subject land should it be determined that without it, the extension would not have been possible.
- 3.8. The sale of this land will achieve a capital receipt without detriment to the recreation ground.

4. POLICY IMPLICATIONS

- 4.1. The Resources Best Value Portfolio Plan Aims include being a Council which manages its assets well.

5. FINANCIAL IMPLICATIONS

- 5.1. A capital receipt will be generated by the sale of this land.
- 5.2. The Council will no longer be liable for any future costs incurred with maintaining the land, estimated to be £100 per annum.
- 5.3. In the event that 4 Wirral Wood Close is further extended to the north within the current curtilage, the Council would be entitled to a share of the increase in value of the land, subject to it being determined that without it, the extension would not have been possible.

6. LEGAL IMPLICATIONS

- 6.1 Section 123 of the Local Government Act 1972 requires a local authority to secure the best consideration reasonably obtainable when it disposes of land (other than on a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State.
- 6.2 In accordance with Section 123(2A) of the Local Government Act 1972, it is necessary for the Council to advertise their intention to dispose of open space for two consecutive weeks in a newspaper circulating in the local area, and consider any objections to the proposed disposal which may be made.

Non-Applicable Sections:	7. PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Garden Licence dated 10 th June 2010 Planning decision 09/03113/FULL1, dated 8 th February 2010

Land at the rear of 4 Wirral Wood Close, Chislehurst

