

30<sup>th</sup> APRIL 2009.

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**REPORT FOR BOARD PORTFOLIO HOLDER APPROVAL**

**Report to County Councillor Graham Brown, Portfolio Holder for Housing.**

**REPORT AUTHOR: Acting Asset Manager, Local and Environmental Services**

**SUBJECT: Grant of Easement to construct 7 Parking Spaces on Council Land (part of HRA) at Glantwymyn, Machynlleth.**

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**REPORT FOR: Decision**

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**1.0 Summary**

- 1.1 A local firm of Architects/Developers submitted a planning application in 2008 to develop a small site for a terrace of 3 dwellings adjacent to the Telephone Exchange and opposite the Housing estate at Glantwymyn and near to the access road serving Ysgol Glantwymyn and the attached Community Centre. As part of this application it was intended to construct 7 off street parking spaces on a wide area of grass verge opposite the development site. The site itself was small and could not accommodate three houses and parking spaces.
- 1.2 Although a planning notice was served on the Council by the applicant, it was assumed that the area intended to be used for the parking spaces was highway verge. Planning permission was granted for the 3 dwellings, subject to a condition that 2 parking spaces per dwelling, i.e. 6 in total, would be available for the residents within the curtilage of the development site, which included the area of grass verge. However, the spaces need not be for the exclusive use of the residents of the dwellings, only that 6 spaces were provided.
- 1.3 On the basis of the planning permission, construction of the parking spaces commenced last summer to take advantage of the school holiday period and minimise disruption to the school. As part of the works, the entrance to the housing estate, school and community centre was marginally widened to improve the access. This was at the request of the Highways department when commenting on the application.
- 1.4 As a result of local concerns raised when the work commenced, it was subsequently discovered that the land on which the parking spaces were being constructed formed part of the County Council's Registered Title and was vested in the Housing Revenue Account, as it originally formed part of the field that was purchased for housing use in 1969 by Machynlleth RDC. The work of constructing the parking spaces was stopped when this was discovered.

## **2.0 Proposal**

2.1 Since then, negotiations have taken place with the Architect/Developers of the site, and including colleagues in the Housing, Highways and Planning Service and local Community Centre Management Committee and local Member, Cllr. Gwilym Vaughan.

2.2 The local Community Centre had a long term aspiration to improve the car parking provision for the Centre to accommodate larger events, and it had approached the Council some while ago about utilising the same area of verge for this purpose, but these discussions were not known to the current serving officers of the Council.

2.3 Taking all the factors and local interest into account the following terms have been negotiated with the Architect/Developers:

- (i) An easement will be granted for the construction of the 7 car park spaces on the Council owned land. An easement is preferred to the sale of the land because there are utility services under the land which benefit the Council's properties, and the Council retains greater control over the use of the land by retaining ownership.
- (ii) The future maintenance liability for the seven spaces will remain with the developer, or a properly constituted management company set up to maintain the communal parking facility.
- (iii) Six of the seven spaces provided will be for the exclusive use of the owners of the three dwellings, with the remaining space being available for general public use e.g. a visitor to the dwellings, or user of the Community Centre.
- (iv) The consideration for the easement will be works carried out by the developer in lieu of a money payment.

The same area of verge extends to the north west of the seven spaces. This is still HRA land. The developer will submit a planning application for 8 parking spaces to be constructed on this land and will construct the 8 spaces, either within 3 months of the first dwelling on their site being sold or within two years of the easement being granted, whichever is the sooner. (With the current recession it is possible that they would defer beginning construction of the houses until the market improves).

The 8 spaces will be constructed using "grasscrete" blocks rather than a tarmac surface, because grasscrete is considered to be more sustainable and it is not anticipated that the 8 spaces will get as much use as the spaces for the dwellings which are in daily use. The developer will maintain the 8 spaces for a period of two years from completion.

(v) The estimated benefit to the developer in financial terms of using the verge area to provide his car park spaces is around £14,500, bearing in mind that the three dwellings are of the starter home type rather than executive type housing and their location. Ian Fraser is prepared to forego this receipt for the benefit of the local community by the provision of the 8 additional car park spaces. It is proposed to let these spaces to the local Community Centre Management for a period of say 30 years at a nominal rent. This will meet the long term aspiration for the Community Centre and absolve the Housing service of the liability to maintain the grass verge.

(v) The seven car park spaces and widening of the entrance will be completed within one month of the easement being granted, and to the satisfaction of the Council.

(vi) Payment of a contribution to cover the Council's legal and surveyor's costs.

A plan showing the location of the seven spaces and the proposed eight spaces is attached. The verge area is separated from the residents parking/turning area in front of the Council estate by a low wall and it could be considered as a separate

parcel of land to the estate, particularly as it fronts the highway serving other private property.

### **3.0 Corporate Improvement Plan and Risk to the Council**

There is no identified risk to the Council other than the ongoing cost of maintaining the verge area.

### **4.0 Options Considered / Available**

There is the option to require the developer to re-instate the land and not to use it for parking. The advantage of having additional “public” parking spaces provided to benefit the community centre at no cost in terms of money having to be found to construct these independently of the development would be lost. The option to sell the land for the seven spaces has been discounted because of the proximity of services and a greater need to retain some control over how the land is used.

### **5.0 Preferred Choice and Reasons**

The grant of the easement for parking rights is recommended and the consideration is the construction of 8 additional parking spaces plus a contribution to cover costs. Whilst the option of a modest receipt is forgone by having work done in lieu it is considered that the benefit to the local community outweighs the money value that might be expected.

### **6.0 Sustainability and Environmental Issues / Equalities / Crime and Disorder / Other Policies**

The use of “grasscrete” blocks to construct the 8 additional spaces is considered to be more sustainable than a tarmac surface, and will retain a more “open space” feel to this area of parking.

### **7.0 Comments of Local Member**

The local Member for this area is G. Vaughan, who has been consulted about the matter and has raised no objections to the proposal to have the work done to provide additional parking available for community use.

### **8.0 Other Consultations Undertaken**

Consultation has taken place with the Community Centre Committee to advise them of the proposal that an area of 8 spaces will be provided and which will be made available to the centre on a long lease basis.

Ian Fraser, as Head of Housing, has been kept advised as the negotiations have proceeded.

### **8.2 Chief Financial Officer**

The Chief Finance Officer has not been consulted on this proposal, because it is considered to be below a de minimis amount.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
1. The grant of an easement for the construction of 7 parking spaces in association with a new development in return for the provision of a further 8 spaces at no monetary cost to the Council is recommended plus a contribution to cover the Council's costs.	In the interest of Asset Management and to generate a benefit to the local Community Centre.

<b>Relevant Policy :</b>	<b>Code of Procedure for the Disposal of Surplus Land and Property</b>		
<b>Within Policy:</b>	<b>Yes</b>	<b>Within Budget:</b>	<b>N/A</b>

<b>Relevant Local Member(s):</b>	<b>Councillor Gwilym Vaughan</b>
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<b>Person(s) To Implement Decision:</b>	<b>Nigel Baldwin, Acting Asset Manager</b>
<b>Date By When Decision To Be Implemented:</b>	

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Nigel Baldwin	01938 551219	01938 551233	nigel.baldwin@powys.gov.uk

**Background Papers used to prepare Report:**

1. Correspondence with the owners of the development site.

<p><b>The Recommendation is approved.</b></p>  <p><b>Signed</b></p> <p style="text-align: center;"><b>Councillor Graham Brown, Portfolio Holder for Housing</b></p> <p><b>Dated</b></p>
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