

**OFFICER
DECISION RECORD**
25 September 2018

Subject

Consideration of objection in relation to disposal of public open space at Spenser Grove.

Type of decision (Key/Non Key)

Non Key

Description

Following a request from a resident of Spenser Grove to purchase an area of public open space adjacent to their property the Director of Regeneration used her power to approve land and property disposals and started the process for the disposal of public open space.

The proposed disposal was advertised in the local newspaper as required by the legislation and one letter of objection was received on behalf of 3 properties in the surrounding area.

This decision record sets out the decision in relation to the consideration of the objections received.

Nature of Delegation being Exercised

Under delegation scheme at Part 3 of the Constitution the Director of Regeneration and Neighbourhoods has the:

Power to approve land and property disposals, leases, lettings, licences, way/eases, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as approved by Council.

Decision

Approve the disposal of public open space at Spenser Grove, subject to the appropriate planning approvals being in place.

Reason for Decision

Planning permission was granted on 2nd October 1985 for a single storey extension to the side for garage, utility room and WC at 11 Spenser Grove. The permission was subsequently implemented in accordance with the plans. However, the property does not include a drive access to the garage; the land to the front of the house being Council owned public open space with a footpath only giving access to the property.

The planning application (submitted by the applicant) did not include change of use of the public open space land to a driveway and therefore the use of the land for a driveway was not granted. Planning permission would be required for this change of use. Historical records reveal the presumption of a prescriptive right of way to allow vehicular/pedestrian access to the dwelling/garage from the public highway, from 1985, with those arrangements continuing today.

The Local Authority, in 1985, did not transfer the land in question to the home owner as part of the granting of planning permission, notwithstanding the inference that the land would highly likely be used for a driveway and vehicular parking.

Whilst I have considered the objections put forward by the objectors in relation to the proposed disposal of public open space, I am of the opinion that given the above that the disposal should take place. This decision regularises the existing use in land ownership terms which ideally should have been completed at the time of the initial transfer and subsequent planning permission.

Alternative Options Considered

The alternative would be to leave the land as public open space, however given the location and size of the area in question this option has been discounted.

The Spenser Grove area has an ongoing issue with regard to parking capacity. The Council has sought to remedy this over the years through providing additional car parking bays on the public highway however there are still concerns raised by residents that more can be done.

In disposing of the land it will allow additional car parking capacity in the area helping to remedy the identified issues going forward. The increase in car parking provision will improve the visual amenity of the area, improve health and safety relating to antisocial car parking and improve access to the open space as fewer cars will be parked on the grass.

Conflict of Interest(s)

Not applicable

None

**OFFICER WITH THE DELEGATION – DIRECTOR OF REGENERATION
AND NEIGHBOURHOOD SERVICES**

NAME *D. G. Ordén*

POST TITLE *DIRECTOR REGENERATION & NEIGHBOURHOODS*

SIGNED..... *D. G. ORDEN* 

