

# WIRRAL COUNCIL

## DELEGATED DECISION

<b>SUBJECT:</b>	<b><i>LAND FRONTING 17-21 BYRON CLOSE, PRENTON - DISPOSAL</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>PRENTON</i></b>
<b>REPORT OF:</b>	<b><i>HEAD OF UNIVERSAL &amp; INFRASTRUCTURE SERVICES</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>CABINET MEMBER FOR CENTRAL AND SUPPORT SERVICES - CLLR ADRIAN JONES</i></b>
<b>KEY DECISION?</b>	NO

### 1.0 EXECUTIVE SUMMARY

1.1 This report seeks approval for a proposal to create off road parking spaces and the subsequent transfer to adjoining owners of land currently used as open grass land and adopted footpath.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 The land identified in this report fronts 17-21 Byron Close, Prenton.

2.2 The Head of Streetscene and Waste has recognised that parking in this cul-de-sac can often be problematic due to the restricted width of the road. Residents without off-street parking spaces have suggested that a possible solution would be to create individual hard standings on land currently used as open grass land and footpath (“the Land”), where their front gardens are too short to accommodate a car.

2.3 The Council agrees that the proposal submitted by the residents is acceptable but has no available budget to undertake the necessary scheme of works. As a consequence residents have agreed to take on the responsibility for the ongoing maintenance of the Land fronting their houses and the most effective way of ensuring this is that the Land be subsequently transferred to adjoining owners where appropriate.

2.4 The subject land in this instance is shown heavily edged on plan 1 and the beneficiaries are residents at 17 and 19 Byron Close. The majority of the Land is Registered to the Council, with the exception of the area shown hatched that belongs to Wirral Partnership Homes Limited (Magenta Living). The footpaths, cross-hatched, are adopted and maintained by the Council’s Highways Management Division.

2.5 19 Byron Close is privately owned and the owner has agreed to take on the responsibility for obtaining planning permission for a change of land use also for carrying out the necessary works to create a hardstanding and to erect boundary fencing and gates. Works will be carried out to the satisfaction of The Head of Streetscene and Waste and subject to any planning conditions.

2.6 17 Byron Close is occupied by a tenant of Magenta Living, so any transfer would have to be to the latter. Magenta cannot acquire ad hoc parcels of land unless it is at no cost and, in this instance, unless the tenant agrees to take responsibility for on going maintenance. The Tenant has confirmed she is happy to take on board extra land. Officers from Magenta Living will agree details with the Tenant and any works will be carried out to the satisfaction of The Head of Streetscene and Waste and subject to any planning conditions.

2.7 Plan 2 depicts the proposed transfer of responsibilities and ownership to No’s 17 and 19. A small area of land fronting 21 Byron Close is to be retained by the Council. For

the Councils part in the proposal, it has been agreed that Highways Management will endeavour to address the need to effect a stopping up of any adopted paths and verges.

2.8 The owner of 19 Byron Close has secured planning permission (reference APP/2014/00739) for a change of use from adopted highway verge to private garden land for the Land fronting 17 and 19 Byron Close.

2.9 It is recommended that the Member authorises a transfer of the Council's land fronting 19 Byron Close to the owner of 19 Byron Close in the sum of £1 (one pound).

2.10 It is recommended that the Member authorises a transfer of the Council's land fronting 17 Byron Close to Wirral Partnership Homes Ltd (Magenta Living) in the sum of £1 (one pound).

### **3.0 RELEVANT RISKS**

3.1 The Land may become a future maintenance liability to the Council.

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 Location and size constraints make sale to the adjoining owners the only viable disposal option.

### **5.0 CONSULTATION**

5.1 In principle advice from Development Management and Highways Management

5.2 The purchaser will be required to obtain planning permission and a stopping up order will be required. Both processes involve public consultation.

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no implications for voluntary, community and faith groups arising from this report.

### **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 A transfer of land in the sum of £1 (one pound) is representative of the value of the Land in consideration of the responsibilities imposed upon the Transferees.

7.2 The owner of 19 Byron Close has agreed to pay the Councils reasonable legal fees of £350.

7.3 The owner of 19 Byron Close has agreed to pay the Councils reasonable in-house surveyors fees of £250.

7.4 The owner of 19 Byron Close will meet all costs associated with making a planning application for change of use in the Land

7.5 The Council will cover the cost of administering the Stopping Up process from within its own resources as the £750 cost is less than the cost of the maintenance work required to the adopted footpath to be stopped up.

7.6 The cost of maintaining the grass land is undetermined, but a sale is likely to have a negligible impact on the overall budget for maintaining such land.

7.7 There are no other resource implications arising from this report.

## 8.0 LEGAL IMPLICATIONS

8.1 Legal Services staff will prepare and deal with any documentation needed to complete the transfers.

## 9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?  
No because there is no relevance to equality.

## 10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no reductions of the Council's carbon emissions arising from this report.

## 11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 The Land is designated as part of a Primarily Residential Area on the Councils Unitary Development Plan Proposals Map.

11.2 Planning permission was granted on 5<sup>th</sup> August 2014 for a change of use of the land to create off street parking for residents, subject to the conditions set out in the Council's decision notice (reference APP/14/00739).

## 12.0 RECOMMENDATION/S

12.1 That the Member gives authority to a transfer of land to the owner of 19 Byron Close, Prenton on the terms outlined in the report, subject to the satisfactory outcome of the planning application referred to and the Highway Stopping Up Order.

12.2 That the Member gives authority to a transfer of land fronting 17 Byron Close, Prenton to Wirral Partnership Homes Limited (Magenta Living) on the terms outlined in the report, subject to the satisfactory outcome of the planning application referred to and the Highway Stopping Up Order.

## 13.0 REASON/S FOR RECOMMENDATION/S

13.1 In order to create off road parking spaces and to allow a transfer of land to the owners of No's 17 and 19 Byron Close, Prenton.

**REPORT AUTHOR:** **Mike Penny**  
Assistant Surveyor  
telephone: (0151) 666 3885  
email: [mikepenny@wirral.gov.uk](mailto:mikepenny@wirral.gov.uk)

## APPENDICES

Location Plans

## REFERENCE MATERIAL

None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date