

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

23 January 2013

AUTHOR/S: Director of Housing

TRANSFER OF TRACK AT WALLER'S CLOSE, GREAT CHISHILL

Purpose

1. To seek agreement by the Housing Portfolio Holder for the transfer of land at Waller's Close, Great Chishill, as outlined red on plan (Appendix A).

Recommendations

2. That the Housing Portfolio Holder agrees that the freehold of the track at the end of Waller's Close, Great Chishill be transferred at nil cost to the owner of the rabbit sanctuary land at the rear, following repairs to the track surface by the Council (Option two).

Reasons for Recommendations

3. The track is currently the Council's responsibility to maintain but its only vehicular use is by employees of and visitors to the rabbit sanctuary. It is used by the occupiers of 3 – 7 Waller's Close for pedestrian access to the rear of their properties only.
4. By transferring the track to the owner of the rabbit sanctuary land, all future maintenance would become his responsibility
5. The track is surplus to Council requirements.

Background

6. Waller's Close is adopted as public highway apart from the garage forecourt and the track at the end, which are in Council ownership.
7. The rabbit sanctuary land was once the site of sewage works, transferred by the Council to Anglian Water in 1979, who then sold the land, with right of access over Waller's Close, when the works became redundant.
8. The owner of the rabbit sanctuary land has a right of vehicular access over the Council's part of the track and garage forecourt in Waller's Close. The Council's part of the track forms about half of the full length of the track leading to the rabbit sanctuary.
9. Vehicular use of the track is by employees of and visitors to the rabbit sanctuary only. Waller's Close is the only link to the rabbit sanctuary from Hall Close. Nos 3 – 7 Waller's Close use the track to access their properties by foot only.
10. The track is urgently in need of repair and an order has been placed with the Council's contractors to undertake resurfacing work at the price of £5,716.60.

11. The owner of the rabbit sanctuary land is willing to acquire the freehold of the track and thus full responsibility for its future maintenance, subject to the Council first undertaking repairs to the surface and to a transfer at nil cost.

Considerations

12. The track is not in the category of a 'ransom strip' as if ownership is transferred, Council owned land would remain between the track and the public highway. It is thus likely to be of little value.
13. It is in the Council's long term interest to repair the track as a one-off cost and dispose of the land.
14. Although the rabbit sanctuary itself is run by a charitable trust who do not own the land, it would be the owner of this land who would acquire the track and take on responsibility for its maintenance.
15. A covenant could be included in the transfer to ensure that the track serves the existing use of the land as a rabbit sanctuary only. Alternatively a claw-back clause could be included to protect the Council's interests, should the track ever become a road that serves new development on land at the rear.

Options

16. Option One – Retain track in SCDC ownership
17. Option Two – Following repair of the track, transfer the freehold to the owner of the rabbit sanctuary land at nil cost

Implications

18. Financial	With Option One, the Council would continue to be liable for maintenance in the future With Option Two, the Council would be relieved of maintenance liability in the future
Legal	Legal advice will be sought to carry out the sale.
Staffing	None
Risk Management	No risks associated with sale.
Equality and Diversity	None
Equality Impact Assessment completed	No Not relevant
Climate Change	None

Consultations

19. Councillor Hales has no objections to the transfer of the track to the owner of the rabbit sanctuary land at nil cost.
20. Great Chishill Parish Council strongly disagrees that repairs to the track should be carried out by SCDC and the track transferred to the owner of the rabbit sanctuary land, for the following reasons:

- (i) Resources could be better used elsewhere, eg more parking spaces in Waller's Close
- (ii) The rabbit sanctuary is a charitable trust who do not own the land and they do not have the resources to take on responsibility for maintenance of the track
- (iii) The rabbit sanctuary's temporary planning permission to operate expired in March 2012 and they are still waiting for the determination of a planning application to operate on a permanent basis

Consultation with young people

21. None

Effect on Strategic Aims

22. AIM: To make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents
Transferring ownership of the track would relieve the Council from the costs of maintaining it in the future, thus allowing resources to be directed elsewhere

Conclusions / Summary

23. The vehicular link to Hall Close provided by the Council's track at the end of Waller's Close serves the rabbit sanctuary only but it is the Council's responsibility to maintain. The owner of the rabbit sanctuary land, who has right of access over the track and the garage forecourt in Waller's Close, is willing to acquire the freehold of the track and thus take on full responsibility for its future maintenance, subject to the Council first undertaking repairs to the surface and to a transfer at nil cost. It is in the Council's long term interest to repair the track as a one-off cost and dispose of the land.

Background Papers: the following background papers were used in the preparation of this report:

None.

Contact Officer: Jenny Clark – Lands Officer
Telephone: (01954) 713336