

APPENDIX R

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 2 DECEMBER 2008

Title:

SALE OF ROADWAY ADJACENT TO 15 CHATSWORTH AVENUE, HASLEMERE

[Portfolio Holder: Cllr Ms Denise Le Gal]
[Wards Affected: Haslemere East and Grayswood]

Note pursuant to Section 100B(5) of the Local Government Act 1972

An annexe to this report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, viz:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary and purpose:

Authority is sought for the sale of the land shown hatched on the plan at Annexe 1 adjacent to 15 Chatsworth Avenue, Haslemere.

How this report relates to the Council's Corporate Priorities:

Waverley will receive a small capital sum to put towards its corporate priorities.

Equality and Diversity Implications:

There are no Equality and Diversity implications

Resource/Value for Money implications:

Waverley would receive a capital sum for the roadway.

Waverley would cease to be responsible for the upkeep of the roadway.

Legal Implications:

Waverley would cease to be responsible for any risks attached to ownership of the roadway.

Proposal

1. The roadway between 13 and 15 Chatsworth Avenue, shown hatched on the plan annexed, is narrow, single track and tarmacked. The adjacent properties have all been sold. There are rights of way granted over the roadway to 15 Chatsworth Avenue and to "Merrilea", a property built to the rear Chatsworth Avenue. (See comments in the (Exempt) Annexe.)
2. Following the grant of planning permission WA/2006/0055, a bungalow has been constructed in the rear garden of 15 Chatsworth Avenue. The owner of the bungalow has requested to purchase the roadway on terms and conditions as set out in the (Exempt) Annexe.
3. The sale of the roadway is advantageous to Waverley. The Council is responsible for repairing the roadway and can technically recover this cost from two of the adjacent owners. However, the process can be a bureaucratic and expensive one that is often not worth undertaking. The level and cost of repairs would need to be agreed in advance with the adjacent owners together with their respective proportion of the sum involved. The money would then need to be recovered, which could prove costly if there were any disputes. Responsibility for the road surface will also pass to the new owner, thereby relieving Waverley of any risks involved.

Recommendation

It is recommended that the roadway shown hatched on the plan annexed be sold to the owner of the new bungalow to the rear of 15 Chatsworth Avenue on terms and conditions as set out in the (Exempt) Annexe, any other terms and conditions to be negotiated by the Legal Services Manager.

Background Papers (SDE)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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