

# APPENDIX I

## WAVERLEY BOROUGH COUNCIL

### EXECUTIVE – 6 NOVEMBER 2012

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**Title:**

**LEASE OF GARAGES, STATION ROAD, GODALMING**

**[Portfolio Holder: Cllr K Webster]**

**[Wards Affected: Godalming]**

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

The 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, namely:-

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

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**Summary and purpose:**

Authority is sought to grant leases of 125 years on terms and conditions as set out in the (Exempt) Annexe for two garages and parking spaces to be built within the development site at Station Road, Godalming.

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

Providing and leasing two garages is part of the development process to enable the provision of 14 much needed affordable houses in Godalming within the Station Road site.

**Equality and Diversity Implications:**

These leases will assist in providing 14 affordable homes, which has implications for social inclusion and community cohesion.

**Resource/Value for Money implications:**

The cost of the providing the garages will be met from the capital budget approved for the scheme by Council on 17<sup>th</sup> July 2012.

**Legal Implications:**

The Council will bear its own legal costs and provide a contribution to the legal costs of the lessees.

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## **Background**

1. Surrey County Council (SCC) acquired an area of land at Station Road under a Compulsory Purchase Order on 13 March 1985 in connection with the A3 bypass. This area included two private garages belonging to the private residents at 1 and 2 Priory Orchard, adjacent to the Station Road land. The land on which the garages stood comprised 31 square metres per garage site.
2. SCC eventually decided that the site was not required for highways purposes and sold the Station Road land to the Council on 31 March 1987. Under the transfer, the Council covenanted to give SCC a lease-back of an area of the Station Road land for 125 years for the erection of two garages when the property was developed for housing purposes. It was intended that this lease-back arrangement should take place as part of the development but, in any event, the lease arrangement should have been put into effect by 1989 at the latest.
3. If this had gone ahead, the residents would have been granted a sub-lease of an area of land each from SCC with new garages erected by SCC however that never happened. The housing development was delayed and SCC never enforced the covenant requiring WBC to lease back the garage land. The Council was not obliged to lease back any particular area of land in terms of size, or fund the construction of the garages, and was under no direct obligation to the residents themselves.
4. At the appropriate time following discussions and meetings with local councillors and Council officers in 1995, the Council agreed that the residents could carry on using the existing garages until any housing development took place, but that they would then have to give them up.
5. The provision of the garages regularises SCC original intentions and enables the scheme for the provision of 14 affordable housing units to proceed.
6. Thames Valley Housing Association (TVHA) subsequently worked with the Council to prepare a planning application for the development of the Station Road site, and the proposed scheme was granted planning permission in February 2012. Provision has been made for an area of land to be set aside for the construction of two new garages for the residents as part of the development.
7. Details of the terms and conditions proposed are set out in the (Exempt) Annexe 1.

## **Recommendation**

It is recommended that Waverley grant 125-year leases to the two proposed lessees of garages and land to be built on the development site at Station Road, Godalming, on terms and conditions set out in the (Exempt) Annexe, other terms and conditions to be negotiated by the Estates and Valuation Manager and Borough Solicitor, in consultation with the Deputy Chief Executive.

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## Background Papers

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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Http://Emperor2/Sites/Democratic/Executive/6 Nov 2012/Station Road Garages.Docx