

LAND AT REAR GARDENS OF 17A TO 29 LOWER BUCKLAND RD, LYMINGTON SO41 9DN.

1.0 INTRODUCTION

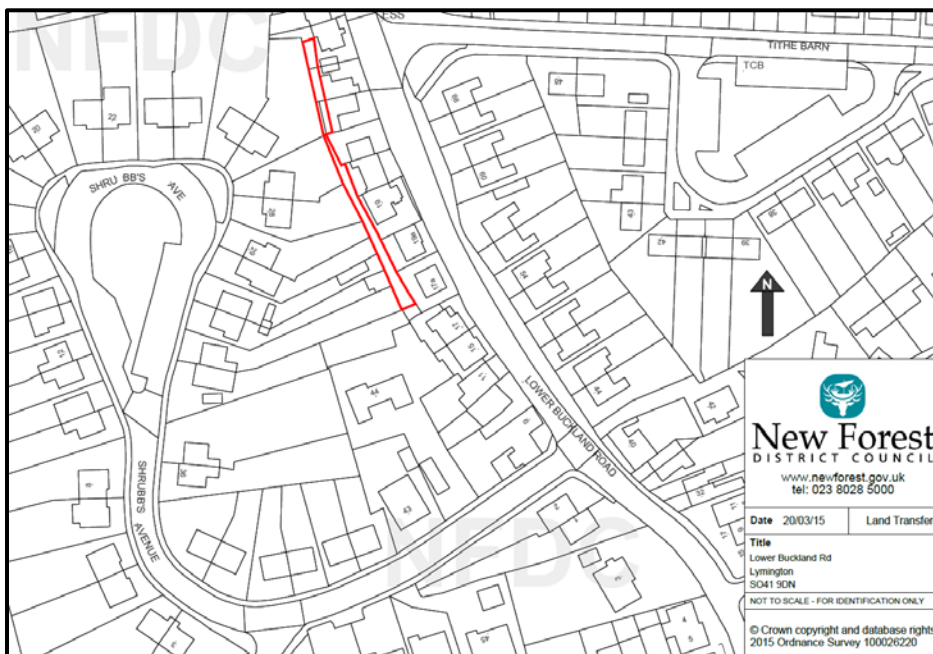
This report seeks approval from the Portfolio Holders for Housing and Communities and Finance & Efficiency to transfer the freehold interest in the above mentioned parcels of land.

2.0 BACKGROUND

The Borough of Lymington acquired the land in 1935 for the development of the Shrubbs Avenue estate and New Forest District Council (NFDC) subsequently took on ownership. A thin strip of land runs along the rear gardens of 8 privately owned properties at 17a to 29 Lower Buckland Rd Lymington and adjoins the rear gardens of several NFDC and privately owned properties in Shrubbs Avenue Lymington, this area of land has not been incorporated in the gardens of the Council houses and remains isolated and of no benefit to NFDC.

The land forms a steep bank starting at the foot of the rear gardens of the Lower Buckland properties with a retaining wall approx. 2.5 metres high rising to approx. 5 to 6 metres high at the end of the rear gardens of the Shrubbs Avenue properties. NFDC has both an occupiers liability and a maintenance obligation for this land which is problematic both in terms of gaining access as the only safe option is via the Lower Buckland Rd properties, and the steepness and height of the bank itself which required ladder access as the highest point.

The Council's Grounds Maintenance Team recently cleared the land at the rear 21 Lower Buckland Rd which had become overgrown and was encroaching. The cost was £400.00 with access difficult and the work was not straight forward due to the steepness of the bank.



3.0 DISPOSAL STRATEGY

The owner of 17a Lower Buckland Rd recently sought to acquire the strip of land at the rear of their garden from the Council. This request together with the request to undertake maintenance to the land at the rear of number 21 prompted a review of this holding overall.

Following consultation with Housing Asset Management Group the land was offered for transfer at no cost to all the owners of 17a to 29 Lower Buckland Rd together with an offer of the Council meeting the legal costs of the transfer.

All of the owners have responded saying they wish to proceed with the transfer and that they are willing for NFDC Legal Department to prepare the necessary documentation.

4.0 CONSULTATION

The NFDC Housing Neighbourhood and Tenant Management Officers (NATMO) have confirmed that they would support the transfer.

NFDC Estates & Valuation have highlighted potential occupier's liability issues created by the height of the bank at the rear gardens of the properties in Shrubbs Avenue that back on to the land.

5.0 ENVIRONMENTAL IMPLICATIONS

There are no direct Environmental Implications arising from this report

6.0 DIVERSITY AND EQUALITY IMPLICATIONS

There are no Diversity and Equality implications arising from this report

7.0 CRIME AND DISORDER IMPLICATIONS

There are no Crime and Disorder Implications arising from this report

8.0 FINANCIAL IMPLICATION

The transfer of the land will save costly ongoing maintenance and reduce potential liability in the future. Because the land is isolated there is no possibility of a sale in the open market and the only buyers would be the Lower Buckland Road properties.

9.0 RECOMMENDATION

It is recommended that the land as identified in section 2.0 above is transferred to the 17a to 29 Lower Buckland Road at no cost.

I agree the recommendation

CLLR J CLEARY

Councillor Jill Cleary
Portfolio Holder for Housing and Communities

I agree the recommendation

CLLR J HERON

Councillor Jeremy Heron
Portfolio Holder for Finance and Efficiency

Date:

3 JUNE 2015

Date Notice of Decision Given:

3 June 2015

Last Date for Call In:

10 June 2015