

REPORT TO THE EXECUTIVE MEETING OF 4th JULY 2011

Status: Decision
Title: Vehicular Right of Access to the Lutterworth Town Estates Charity in Station Road Car Park, Lutterworth.
Originator: Kamal Mehta, Deputy Chief Executive
Where from: Corporate Property Officer
Where to next: Implementation

1 Purpose Report

- 1.1 Following the Executive's consideration of this matter on 21st September 2010, to clarify the status of the permission granted (the original proposal referred to a Licence, however during the course of negotiations an Easement is now required).

2 Recommendation:

- 2.1 **The Executive approves the grant of an Easement (as opposed to a Licence, as originally proposed on 21st September) to Lutterworth Town Estates Charity at Station Road Car Park, Lutterworth in exchange for the agreed pieces of land owned by the Charity and used by the Council to site its recycling bring-site.**

3 Summary of Reasons for the Recommendations

- 3.1 The Charity owns land that can only be accessed via the council's car park in Station Road, Lutterworth.
- 3.2 The Charity owns land adjacent to the car park which it has offered to transfer to the Council in return for the Council granting to it an Easement for vehicular access through the car park to its land.

4 Impact on Communities

- 4.1 None arising from this report.

5 Key Facts

- 5.1 The Executive considered a report on 21st September 2010 regarding the request for a mutual arrangement between the Lutterworth Town Estates Charity and the Council regarding the use of access land at Station Road car park, Lutterworth. The Executive at the time decided to grant a Licence to the Lutterworth Town Estates Charity in exchange for land that the Council was

using to site its recycling bring-site in the car park which the Lutterworth Town Estates Charity owned.

5.2 The actual wording of that resolution is not sufficiently clear with regard to the actual decision.

5.3 In the meantime, during the course of the negotiations on the legal agreement, it is agreed between the parties that it is more appropriate for the Council to grant an Easement (with the right to divert) to Lutterworth Town Estates Charity to access its land which is locked by the Council's land. The offer of the transfer of the land on which the Council's bring-site is sited, owned by the Charity, in exchange for the Easement, still stands. Therefore this report requests the Executive grants an Easement instead of a Licence as previously decided on 21st September 2010. All other matters remain the same.

6 Legal Issues

6.1 It is suggested the necessary and appropriate protections for the Council be included in the Easement.

6.2 The Council will need to account for the value of the land that the Charity propose to transfer to the Council in return for the grant of a vehicular access across the car park. It is suggested that the cost of this is met by the Charity in addition to the legal costs. This is the normal business practice of the Council in respect of Council land and property transactions where the other party has come to the Council.

7 Resource Issues

7.1 The proposal from the Charity would mean that the Council would not receive any monetary receipt from the granting of the Easement but instead in return would receive land owned by the Charity which would tidy up the ownership of the land in the car park and thus its boundary.

8 Equality Implications

8.1 None arising directly from this report.

9 Impact on the Organisation

9.1 There will be no impact on the organisation.

10 Community Safety Implications

10.1 None arising from this report.

11 Consultation

11.1 None undertaken.

12 Options Considered

12.1 Not to grant an Easement for a vehicular access to the Charity. It would seem unreasonable as there are other access rights in existence through the car park.

13 Background Papers

13.1 None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: No

Ward Members Notified: Yes

Appendices

A Site Plan of Station Road Car Park, Lutterworth

B Site Plan of Station Road Car Park, Lutterworth

C Executive Report, 21st September 2010