

CORPORATE COMMITTEE
19TH March 2015

Report of the Head of Resources

WHITE PEAK CYCLE LOOP LAND AND PROPERTY MATTERS – UPDATING REPORT

SUMMARY

This updating report provides details of agreed terms for a land swap and 2 land disposals at Northwood to enable the proposed route of the Cycle Loop as outlined in the main report to be achieved.

RECOMMENDATION

1. That the land swap with the owner of the Ashbrook Roofing site as indicated in the plan at Appendix 1 on the basis of the terms outlined in paragraphs 3.1 to 3.4 of this report is approved.
2. That the freehold disposals of the 2 sites on the plan at Appendix 2 with the neighbouring house owners on the basis of the terms outlined in paragraphs 3.6 and 3.7 of this report are approved.
3. That on the basis that all these proposed transactions are to enable the White Peak Cycle Loop, Derbyshire County Council are made responsible for the District Council's reasonable legal costs.

WARDS AFFECTED

Stanton

STRATEGIC LINK

The proposed recommendations accord with the core values of “Working with Partners” and achieving ‘Value for Money’ as expressed in the Corporate Plan 2014/15.

1.0 BACKGROUND

- 1.1 A report was presented to the December 2014 meeting of this Committee which delegated authority to the Estates and Facilities Manager to agree heads of terms for a land swap and 3 small site disposals at Northwood to enable the route of the Cycle Loop between Harrison Way, Northwood and the Peak Rail sidings pending a further report to a future meeting of this Committee, hence this report.

2.0 CURRENT SITUATION

- 2.1 Derbyshire County Council (DCC) have been working with their engineering consultants, URS to identify a route for the cycle path which takes account of the

topography of the land, health and safety considerations and various land restrictions whilst also providing a route which will be pleasant and attractive for its' users.

- 2.2 The resolution of the land swap and land sales outlined in this report will result the District Council having freehold vacant possession of all land required for the proposed route between points A and C on the plan at Appendix 4 of the main report.

Site to the rear of Ashbrook Roofing, Northwood

- 2.3 The first site concerns the route to the rear of the District Council depot and Ashbrook Roofing premises at Northwood. Discussions between The District Council, DCC and URS have established that this will be the best route between Harrison Way, Northwood and the Peak Rail sidings.
- 2.4 URS have identified a route which passes through the area of woodland between Harrison Way and The Shalimar and which then utilises the original railway bridge over the culvert adjacent to the Ashbrook Roofing premises. The route is shown in blue and pink on the plan at Appendix 2 of the main report.
- 2.5 In order to achieve this route, a section of land currently forming part of the Ashbrook Roofing depot yard will be required.

Site between Nos. 1 and 2 Derwent Lane and Pontemilvio, Northwood

- 2.6 The second site concerns a small area of self set woodland to the south of Derwent Lane, Northwood. This site was part of the Matlock to Rowsley railway line and was retained by the District Council as a potential access to the sidings behind, now included in the lease to Peak Rail PLC and accessed via Harrison Way, Northwood.
- 2.7 There is a potential pinch point adjacent to this section of land due to existing and proposed railway tracks and the entrance to Peak Rail's car park.
- 2.8 URS have identified a route which passes through the edge of this area of self set woodland as indicated on the plan at Appendix 2 of this report.

3.0 PROPOSED RECOMMENDATIONS

Site to the rear of Ashbrook Roofing, Northwood

- 3.1 The owner of Ashbrook roofing has agreed to undertake a land swap, relinquishing the rear corner of his site (shown edged black on the plan at Appendix 1) to allow the cycle route to pass through and across the original railway bridge across the culvert to the side of his premises subject to an area of land on the other side of the culvert (shown edged and part hatched red) being conveyed to him for industrial storage purposes (subject to planning consent).
- 3.2 Terms have now been agreed for this land swap on the basis that the purchaser of the additional land submits his own planning application for use of the land for industrial storage purposes and accepts a restrictive covenant on the land limiting its use to storage only and precluding any building on the land.
- 3.3 Following some initial works to the railway bridge by DCC, the purchaser will take full maintenance responsibility for the former railway bridge crossing the culvert which

carries his access to the additional land and the Cycle Loop. The purchaser will also take full maintenance responsibility for the culvert itself.

- 3.4 Taking into account the value of the land given up, the value of the land to be acquired, and the additional maintenance responsibilities referred to above, it is proposed that the purchaser pays a consideration of £1750 (One thousand seven hundred and fifty pounds) for this transaction. Given that we are requiring the purchaser to undergo disturbance to his current operation to meet the timescales set by DCC, The purchaser's legal costs together with those of the District Council will be covered by DCC in this case.

Site between Nos. 1 and 2 Derwent Lane and Pontemilvio, Northwood

- 3.5 The slightly revised route of the cycle path is shown indicated in green and yellow on the plan at Appendix 2. The yellow section passes across the subject site, the boundaries of which are not clear and there is some informal use of the site by the owners of neighbouring properties. Negotiations have now taken place with the 3 neighbouring house owners to formalise the informal use of the site by offering them the freehold of the remaining land edged red on the attached plan and terms have now been agreed as outlined below.
- 3.6 Terms have now been agreed with the owners of No 2 Derwent Lane to purchase the freehold of 50% of the area edged red for the sum of £1500 (one thousand five hundred pounds) for garden extension/parking use subject to planning consent and subject to each party being responsible for their own legal costs with the District Council's legal costs being met by DCC. In order to meet the purchasers requirements, it is proposed to grant a lease of the site to them for a 15 month term at a rent of £100 per annum with an option to buy the freehold for £1 at the end of the lease.
- 3.7 Terms have now been agreed with the owners of No 1 Derwent Lane to purchase the freehold of the remaining 50% of the area edged red for the sum of £1500 (one thousand five hundred pounds) for garden extension/parking use subject to planning consent and subject to each party being responsible for their own legal costs with the District Council's legal costs being met by DCC.
- 3.8 The owner of the third house bordering the site (Pontemilvio) has confirmed that he has no interest in purchasing any of the land edged red.

4.0 VALUATION

- 4.1 The terms to be agreed for the various land transactions in the report will be on the basis of Market Value and as such will comprise the best price reasonably obtainable for the land.

5.0 CONSULTATION

- 5.1 The relevant Ward Members and Local Councils together with Peak Rail PLC have been consulted on the contents of the main report and any comments received will be reported verbally at the meeting.

6.0 OTHER EXPRESSIONS OF INTEREST

6.1 In addition to various general expressions of interest in development sites / opportunities across the District and the expressions of interest forming part of this report, specific expressions of interest have been received in relation to one of the sites/properties included in this report. (Land to the r/o The Shalimar, Northwood)

7.0 RISK ASSESSMENT

7.1 Legal

The report recommends the agreement of terms for a number of land disposals and an exchange of land with interested parties to facilitate the scheme.

The Report recommends that the land swap with the owner of the Ashbrook Roofing site is approved and that the freehold disposal of land edged red on the plan at Appendix 2 of this report to neighbouring house owners is approved.

The Council has statutory powers to acquire and dispose of land where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the promotion or improvement of social well-being and as such the legal risk of disposals is considered to be low.

7.2 Financial

The report recommends that Derbyshire County Council are made responsible for the District Council's reasonable legal costs with the purchasers being responsible for their own legal costs. In the case of the land swap, DCC will also meet the purchaser's legal costs Any income generated from the land swap or disposals will be credited to the general reserve. The financial risk is, therefore, assessed as low.

8.0 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

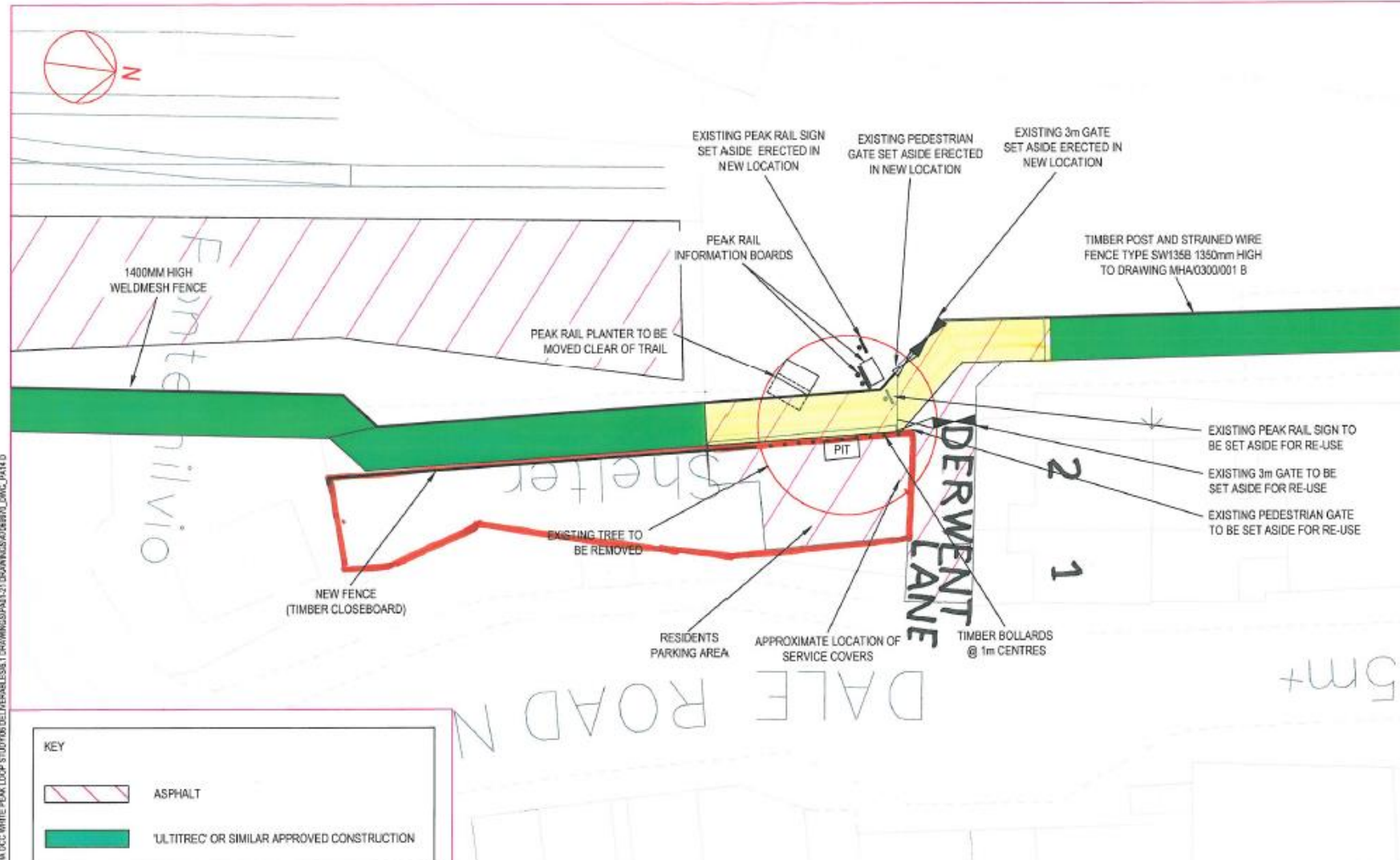
9.0 CONTACT INFORMATION

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10.0 BACKGROUND PAPERS

None

APPENDIX 2



File Date: 10/02/2015 11:19:33
 File Name: L:\CH\14M1009970_MHA\CCC\WHITE PEAK LOOP STUDY\DWG\DELIVERABLES\1_DRAWINGS\PA1-21_DRAWINGS\04748870_DWG_PA14.D

KEY	
	ASPHALT
	ULTRATREC OR SIMILAR APPROVED CONSTRUCTION

Drawing Amendments made	AT	JWB	09/03/15	D	Client
Drawing Amendments made from DCC Comments	AT	JWB	26/11/14	C	
Rotated View	AT	MD	23/10/14	B	
Asphalt Boundaries Corrected	JPH	MD	07/10/14	A	
Revision Details	By	MD	Date	SWK	

DERBYSHIRE County Council

 Improving life for local people

MIKE ASHWORTH
 Strategic Director - Economy, Transport and Environment

Project & Drawing Title
WHITE PEAK LOOP
 DETAIL ADJACENT
 DERWENT LANE COTTAGES

Purpose of Issue				
FOR PLANNING				
Designed	Drawn	Checked	Approved	Date
MD	JPH	MD	JC	26/06/2014
URS Internal Project No	Subsidiary			
47069970				
Scale @ A3	MOU Number			
1:250	3047			

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