

**SALISBURY DISTRICT COUNCIL**

**SPECIAL DELEGATION PROCEDURE**

**COMMITTEE CONCERNED:** The Cabinet

**FROM:** Ann Beard

**SERVICE UNIT:** Legal and Property Services

**DATE:** 11 August 2008

**1. Purpose of the report:**

To seek approval for the transfer of the amenity spaces on the Avonmead Estate Durrington

**2. Background:**

- 2.1 The Avonmead Estate was built in the late 1970's and 1980's. There are over 50 amenity areas spread throughout the estate of various sizes secured by three planning agreements under the Town and Country Planning Act 1971. The Developer was required by planning conditions to maintain the areas for five years but the planning agreements did not (as was the norm at that time) deal with the long term maintenance. In 2007 it came to the knowledge of the Parish that one of the areas had been sold to an adjoining householder which brought to light the fact that the Amenity Areas were still in the ownership of the family of the original developers. The family were notified in February 2008 that maintenance would cease until the position as to ownership was regularised.
- 2.2 It took sometime to get a dialogue with the owners but they have now agreed in principle to transfer the amenity areas to the Council subject to a contribution to their legal costs. They have also agreed to progress the matter quickly so that maintenance can resume.
- 2.3 As a result of a lack of maintenance this summer, the estate is looking somewhat unkempt and residents are extremely concerned that maintenance resumes.

**3. Cost:**

No payment other than a contribution towards landowners legal costs

**4. Consultation:**

The Parish Council are fully aware of the situation and in favour of the transfer to the District Council and the matter has also received considerable press coverage

**5. Recommendation:**

It is recommended, subject to Wiltshire County Council consenting, that the Council

- 5.1 takes a transfer of the amenity areas for no payment other than a contribution to the landowners' legal costs.
- 5.2 delegates to the Head of Legal and Property Services to negotiate a contribution by the Council towards the landowners' legal costs

(Please tick relevant box)

IMPLICATIONS	OFFICER	COMMENTS (incl)	NONE	NOT APPLICABLE
Legal	Ann Beard	Contained within – subject to WCC consent		
Financial	Caroline Law	It is anticipated that all costs will be contained within existing budgets.		
Procurement Manager	N/A			
Personnel	N/A			
Environmental/ Planning	Stephen Hawkins	Contained within the report.		

Co-ordinated with

Officer (s)

Unit (s)

**APPROVED :**

Leader : ..... Portfolio Holder : .....  
 Copy to: Chair & Vice Chairman of relevant Scrutiny Panel