

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 05 September 2016

Portfolio:	Leisure and Community
Subject:	Grant of Easement for Right of Access to 24 Locks Road
Report of:	Director of Finance and Resources
Strategy/Policy:	Asset Management Plan
Corporate Objective:	A dynamic, prudent and progressive Council

Purpose:

To report the terms provisionally agreed for the granting of an easement across land at Lawn Drive, Locks Heath.

Executive summary:

The owner of 24 Locks Road has requested an easement across a strip of amenity land at Lawn Drive so that access can be created to serve the existing house and enable development of a dwelling in the front of the plot. Terms have been provisionally agreed and are set out in the confidential Appendix A.

Recommendation/Recommended Option:

That the Executive approves the granting of the easement across land at Lawn Drive on the terms as shown in the confidential Appendix A.

Reason:

To progress the proposed easement the approval of the Executive to the provisionally agreed terms is required.

Cost of proposals:

All costs to be met by the owner of 24 Locks Road.

Appendices:

A: Confidential appendix setting out the terms provisionally agreed for the grant of an easement from Lawn Drive (Exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

B: Plan

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Executive Briefing Paper

Date:	05 September 2016
Subject:	Right of Access to 24 Locks Road
Briefing by:	Director of Finance & Resources
Portfolio:	Leisure and Community

INTRODUCTION

1. The owner of 24 Locks Road has requested an easement across a strip of amenity land at Lawn Drive so that a pedestrian and a separate vehicular access can be created to serve the existing house which is set towards the rear of the plot (see Appendix B for approximate positions). This will enable the development of a detached dwelling in the front of the plot.
2. Planning permission has been sought for a new house facing & accessed from Locks Road & to change the orientation of the existing property to face Lawn Drive, the house is also to be altered, extended and made more energy efficient (Outline Application [P/16/0680/OA](#)).

PROPOSED TRANSACTION

3. It is proposed that an easement in perpetuity be granted across the Council owned land. A consideration has been negotiated which reflects the increase in value to the plot attributable to the benefit of the easement after taking account of the various costs of the project. The consideration is set out in the confidential Appendix A and is recommended for approval by the Executive.
4. In addition to the consideration the purchaser of the easement (the “grantee”) would be responsible for estates fees, both parties’ legal fees and all other costs involved in the transaction.
5. A covenant restricting the use of the amenity land to public open space was imposed by David Wilson Homes on transfer to Fareham Borough Council in 1991 and the solicitors acting for the owner of 24 Locks Road have established that the restrictive covenant can be lifted to enable the proposed use. All costs in this respect will also be met by the grantee.

CONCLUSION

6. Terms for an easement for access from Lawn Drive have been provisionally agreed and are recommended for approval.

Enquiries:

For further information on this report please contact Karen Boothroyd (Ext 4620)