

27 March 2015

Asset and Enterprise Committee

Brent Hall

Report of: *Adrian J Tidbury, Estates and Valuation Surveyor*

Wards Affected: *Warley*

This report is: *Public*

1. Executive Summary

- 1.1 This report considers the revised requirements from the owner of Brent Hall for an access to the property from Warley gap.

2. Recommendation(s)

- 2.1 That the consultation process through the Commons Act 2006 be undertaken in respect of the proposal submitted to upgrade the existing redundant access to Brent Hall subject to the full cost being borne by the applicant and subject to any planning permission being first obtained.**
- 2.2 That delegated authority be granted to the Strategic Asset Manager to enter into negotiation with the applicant on the successful conclusion of the consultation process for a 50% share in the uplift to the value of Brent Hall and that the valuation in question be derived at the applicant's cost by obtaining valuations from an RICS surveyor.**

3. Introduction and Background

- 3.1 Members will recall the decision of the 12th March 2014 Performance and Resources Board where Members resolved:
- To agree the commencement of the consultation process leading to the relocation of the existing access to the new location shown in the Appendix A of the report.

- That all costs including legal and associated consultation costs are funded by the applicant.

3.2 An amendment to the recommendation of the report was also agreed:

- To enter into negotiation with the applicant on the successful conclusion of the consultation process for a 50% share in the uplift to the value of the property. and that the valuation in question be derived at the applicants cost by obtaining valuations from three RICS surveyors.

3.3 Since that meeting officers commissioned an RICS surveyor to provide a valuation of the property however it was clear to the surveyor that the new access as requested had the ability to provide access to the site in general and not directly to Brent Hall alone.

3.4 Prior to commissioning the second and third valuation as requested by the Policy and Resources Board, it was clear to the surveyor following conversations with the land owner that future development was being considered on the land and that consideration was being given to closing the existing access to the site. The effect of these proposals would intensify the use of the proposal new access which clearly was not for the sole use of Brent Hall.

3.5 Therefore until clarity could be provided regarding any future development, valuation of the benefits that the proposal would provide could not be adequately quantified and Members consideration of a 50% share in the uplift not determined.

3.6 Officers are therefore currently awaiting details of such development proposals should they be forthcoming.

4. Issue, Options and Analysis of Options

4.1 Alongside these negotiations, officers have also received concerns from the owner of Brent Hall regarding the need for the new access and understanding the difficulties that the proposed access has revealed, now has indicated his preference for a direct access to the property utilising the existing disused access.

4.2 This existing access has been disused since the construction of Brent Hall with the access currently fenced off as it leads directly to the rear lawned gardens of Brent Hall. A pedestrian gate has been provided.

- 4.3 The access is in its current state clearly unusable although some of the original asphalt remains. The owner of Brent Hall recognises that significant reconstruction would be required in order for the access to be useable by motor vehicles.
- 4.4 Members will recall the reasoning provided by the applicant for the need of a new access which was due to the current nuisances that rendered the existing access difficult to use.
- 4.5 Members will be aware that these nuisances related to the use of the woods by youths with trial bicycles, crossing the access and causing a danger to themselves and those using the access in motor vehicles. Indeed the emergency services had been called on more than one occasion.
- 4.6 It will be clear therefore to Members that, in considering granting approval for the reinstatement of the access, works will be required to the adjacent wooded area to fill dips that make the area attractive to such individuals as it would be inappropriate to bring the access back into use without some accommodation measures being put in place to curtail the original nuisance leading to the argument for the relocation of the access.
- 4.7 The existing access currently runs through part of Little Warley Common which is in the Green Belt, A 'Special Landscape Area' and also designated a 'Country Wildlife Site'.
- 4.8 Members will recall the report to the 12th March 2014 Performance and Resources Board in that valuers were instructed to establish if an improved access enhanced the value of Brent Hall and they have advised that "Our understanding is that the Council are under no obligation to grant access and therefore are in a relatively strong negotiating position. Whilst this comment related to a new access, there would still be a similar benefit to improving the old now redundant access.
- 4.9 As the proposal would be considered as restricted works and therefore require a section 38 application or Section 16 Deregistration and Exchange application under the Commons Act 2006. Such an application will involve significant consultation with a number of different statutory consultees following an informal and formal consultation process which may lead to an inquiry or hearing.

5. Consultation

- 5.1 Ward members have been consulted on the change in direction regarding the access to Brent Hall.
- 5.2 One Ward Member has commented on the dangerous activities of the mountain bikers and illegal quad bikes in the area and commented "The present owner has the right to access to his house (Brent Hall) across the common over his legal right of way without relying on another route that is privately owned. We should make our land safe, repair the right of way and work with the residents to maintain the beauty of the common."

6. References to Corporate Plan

- 6.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 6.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

7. Implications

Financial Implications

Name & Title: Chris Leslie, Financial Services Manager (Section 151 Officer)

Tel & Email: 01277 312542/chris.leslie@brentwood.gov.uk

- 7.1 All costs associated with upgrading the access will be met by the applicant. Depending on negotiations and the valuation, the Council may receive a capital receipt from the increase in the property's value as a result of the upgraded access.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

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None directly arising from this report.

8. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9. Appendices to this report

Appendix A - Location of the existing access

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