

Agenda item 12: Proposals from the owners of a property in Dodbrook

Millbrook Parish Council have a 99 year lease agreement with Cornwall Council for the responsibility of West Street Car Park.

Please see correspondence below from a resident in Dodbrook:

Hi Karenza

As you suggested, I'm writing to ask about the possibility of us gaining access from the council Car Park, to a new dwelling we would like to build in our garden.

We're proposing to purchase a right of access, and to replace the lost parking by providing new spaces at our expense.

The attached diagram shows very roughly what we have in mind (the indicative lines etc. I've drawn are approximate and not to scale).

Red Line: Perimeter of our garden

Blue Cross: Location of proposed new dwelling (obviously other locations would be possible, but this is our preferred one)

Yellow Box: Proposed access from the car park. This could be in a different place, depending on the final design.

Pink Box: Proposed replacement parking to be provided by us.

We would like to have access from the Car Park because:

- a) This would avoid the need for a drive across our garden
- b) We are advised that access from the narrow road could require significant remodeling to satisfy planning requirements for vehicular access (visibility, safety etc.)

It seems to me that there are two aspects to this proposal:

1. Planning. We understand completely that the council should not comment on planning matters until a formal planning application has been made. We are not asking for any comment on planning.
2. Purchase of access through the Car Park. It would be very useful to know at this stage whether the council would consider this proposal, subject to planning. Unlike a "normal" new build adjoining a road, where access could be taken for granted, we would need to obtain your approval and pay for the access.

We're still in the early stages of thinking about this, nothing is set in stone, and we would value your advice.

Regards

Name redacted

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Cornwall Council are therefore the landlords of the car park.

Extract from MPC / CC lease agreement;

3.6.2 *Pre-conditions for alterations*

Not make any alterations to the Premises unless it first:

- 3.6.2.1 obtains and complies with the necessary consents of the competent authorities and pays their charges for them.
- 3.6.2.2 makes an application to the Landlord for consent (such consent in the case of minor alterations not to be unreasonably withheld or delayed), supported by drawings and where appropriate a specification in duplicate prepared by an architect or a member of some other appropriate profession who must supervise the work throughout to completion.
- 3.6.2.3 pays the reasonable fees of the Landlord and its professional advisers
- 3.6.2.4 enters into any covenants the Landlord requires as to the execution and reinstatement of the alterations.

Cornwall Council's Community Link Officer has emailed with the following:

The car park team are ok with it in principle but it would depend on two things - what is the position of MPC on losing a car parking space and as the entrance would be serving a house it will effectively be a permanent easement, as the period of time the access would be required would go beyond the term of the lease MPC have, so it may have to be considered as part of an asset review within Cornwall Council.

Please link of this link relating to guidance on easements:

<https://www.gov.uk/government/publications/easements/practice-guide-62-easements>