

## PORTFOLIO HOLDER DECISION RECORD SHEET

<b>Name of decision maker:</b>	Graeme Elliot
<b>Portfolio:</b>	Finance & Resources
<b>Date of Portfolio Holder Decision:</b>	

### **Title of Decision:**

This report seeks consent to sell amenity land adjacent to 20 Cumberlow Place, Leverstock Green, subject to grant of planning permission for vehicular access and change of use.

### **Decision made and reasons:**

#### **Decision:**

Approval to sell the freehold interest in land of approximately 43 square metres, adjacent to 20 Cumberlow Place, for the total capital sum of £12,900, plus payment of the Council's legal and surveyors fees. The land sale is subject to the applicant securing planning permission for change of use from amenity land to residential garden, and installation of a drop kerb and vehicle crossover, and paying all associated costs.

#### **Reason:**

The land is a shrub bed of low value forming part of the amenity space between Cumberlow Place and Pelham Court. This is an opportunity to raise capital, and reduce on-going maintenance costs for the Council. No objections have been received to this sale from Housing and Clean Safe & Green Team Leaders.

### **Reports considered: ( here reference can be made to specific documents)**

Site Plan 1 attached

### **Officers/Councillors/Ward Councillors/Stakeholders Consulted:**

Group Manager (Commercial Assets & Property Development)  
Team Leader, Valuation and Estates  
Team Leader, Property and Place  
Team Leader, Neighbourhood Action  
Lead Planning Officer

### **Deputy Monitoring Officer comments:**

Local authorities have a general power to dispose land which is surplus to its requirements further to section 123 of the Local Government Act 1972. Under this provision, a local authority has the power to dispose of land held by it in any manner it wishes provided that the local authority achieves the best consideration that can reasonably be obtained.

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### Deputy Chief Financial Officer comments:

The sale of this land represents the best financial return for the land as well as facilitating reduced roadside parking in a busy residential area.

**Implications:** None other than inherent in this report.

**Risk:** No risk to the Council.

**Value for Money:** The sale price is considered to represent the best consideration reasonably obtainable.

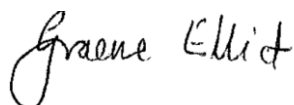
### Options Considered and reasons for rejection:

**Option 1 – To retain land in the Council’s ownership** - This is a “do nothing” option. As such, the Council would retain maintenance liabilities of the shrub bed, and continue to pay for the upkeep of this area. No income is being generated from the land, and maintenance costs are a continued burden. Therefore this option is not recommended.

**Option 2 - To advertise the land on the market for sale** – The highest value for this land will only be realised from a sale to the special purchaser, being the owner of 20 Cumberlow Place, due to the close proximity and location of their house to the land. Therefore, this option is not recommended. The value will be enhanced significantly with the grant of planning permission for vehicular access. The land is too small to be developed independently of no. 20, but new vehicular access could facilitate development within the rear garden of the adjoining house, and even though this is not the applicant’s intention, this risk needs to be protected.

**Option 3 – To offer the land to the adjacent property owner (20 Cumberlow Place) –** This will realise the highest capital value for the land. The sale will not proceed unless planning permission is granted for vehicular access and land use change (which the Applicant will apply for and pay all associated costs). Should planning be forthcoming, any sale transfer will also need to include restrictive covenants not to develop, other than to allow one garage to be built, and be supported by an overage deed in favour of the Council. With these protections, this option is recommended, and it will also realise a windfall capital receipt.

### Portfolio Holders Signature:



**Date:** 04/01/2021

**Details of any interests declared and any dispensations given by the Standards Committee:**

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<b>For Member Support Officer use only</b>	
Date Decision Record Sheet received from portfolio holder:	
Date Decision Published:	Decision No:
Date of Expiry of Call-In Period:	
Date any Call-In received or decision implemented:	

### BACKGROUND

The applicant has approached the Council to purchase the subject land because he has two young children and a disabled wife, and they are having to currently park about 50 metres from their property. To access parking on the subject land, vehicular access is required from a classified road (A4147) and this will require planning permission, which may also involve stopping up part of the highway. If permission is not granted, the sale will not proceed. The proposed terms, subject to contract, are as follows:

#### **Sale of land adjacent to 20 Cumberlow Place, Leverstock Green**

- Tenure: Freehold with vacant possession on completion.
- Price: £12,900.00 (Twelve Thousand Nine Hundred Pounds)
- Purchaser: Mr. David Eton of 20 Cumberlow Place, Leverstock Green
- Restrictive covenants: The proposed sale would be subject to the land being used to accommodate a garage with associated vehicular access, and for continued use as a single private dwelling-house only. The land will be sold subject to any existing legal rights (i.e. utility services).
- Overage: There is a possibility that this area of land with vehicular access could facilitate development of an independent dwelling within the existing garden, which is protected by two restrictive covenants but no overage deed. I recommend that one is sought in connection with this sale as an additional protection to existing covenants within the title of no. 20.
- Statutory consents: Purchaser to be responsible for obtaining any necessary planning permission for the change in use of the land area from amenity to garden and garage use, or any other statutory consent before completion of the sale.
- Boundaries : Purchaser will be responsible for the boundary to the north and north east of the land.
- Use: Development of a new garage with vehicular access & garden.
- Indemnity: Purchaser to be required to indemnify the Council against any claims whatsoever arising from the sale of the subject land.

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Costs:

Purchaser will be required to pay the Council's planning fee of £462, legal costs of £750.00 & surveyor fees of £350.00 plus any abortive fees, should the matter not proceed to completion. There may be additional professional fees in relation to the requirement for an easement to facilitate vehicular access.