

# **Agenda Item 23**

**Cabinet**

**04 April 2012**

**12/1217**



## **Agreement for sale of land adjacent to 148 Sidford Road, Sidford**

### **Exempt Information**

Para 3 Schedule 12A information relating to the finance or business affairs of any particular person

### **Summary**

The owners of a former builder's depot were granted planning permission to construct a 3 bedroom dwelling on the land adjacent to 148 Sidford Road, Sidford. They have asked to purchase a strip of land adjoining the site edged red on the attached plan to use as domestic garden.

### **Recommendation**

**Following the appropriate advertisement procedure for the sale of open space land, to sell the land adjacent to 148 Sidford Road outlined on the attached plan. The sale will be subject to covenants requiring a restriction on the land to be used as domestic garden only and subject to the grant of planning permission for an alternative scheme for two dwellings.**

#### **a) Reasons for Recommendation**

- Receive a capital receipt.
- Reduce the ground maintenance burden.

#### **b) Alternative Options**

- Do not sell the site, leave as it is. Sell site to Town Council to retain as amenity space.

#### **c) Risk Considerations**

- There is no financial risk.

#### **d) Policy and Budgetary Considerations**

##### **Positive Impact Overall**

- Affordable Homes.
- Thriving Economy.
- Safe Environment.
- Clean Environment.
- Create Cashable Savings

**e) Date for Review of Decision**

n/a

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**1 Main Body of the Report**

**1.0 Background**

- 1.1 The owners of a former builder's depot were granted planning permission (application number 11/2676/FUL 28/11/2011) to construct a 3 bedroom dwelling on the site. They asked to purchase a strip of land adjoining the site edged red on the attached plan.
- 1.2 Their original approach to the Council was to purchase the land to provide additional garden area to the property. Following the March meeting of the Overview & Scrutiny Committee, this report was put on hold for a further month to provide Sidmouth Town Council an opportunity to put an alternative proposal forward. Ward Members had previously been consulted, with Councillor Christine Drew and Councillor Stuart Hughes being against the sale of the land, and Councillor Graham Trowman in favour.
- 1.3 The Town Council have resolved that they wish to pursue an application to the Council to have the ownership of the land transferred to them at no charge. They have further confirmed that initial discussions have taken place with Sidmouth in Bloom who have indicated that they would consider taking a licence from the Town Council to manage and maintain the land.
- 1.4 Since the time that the March report was deferred, Ward Members were invited to attend a meeting where the owners of land proposed that two smaller dwellings, rather one large property, might be more suited to the site in their ownership. An indicative proposal is shown at Appendix 2 and 3. The Council's land, if sold, would facilitate front gardens to the dwellings with footpaths to the front doors. Subject to a positive decision from the Council regarding the sale of the land required, a new planning application will then be submitted.
- 1.5 This proposal would be a more attractive elevation to the footpath than the gable end of the building for which there is currently planning permission. Please see Appendix 4 and 5.
- 1.6 Only Councillor Christine Drew attended the meeting and retains reservations about the loss of the amenity space.

**2.0 Proposed Terms of Sale**

- 2.1 The proposed purchase of the land (60 sq m edged red on the attached plan) is subject to planning permission at a price of £15,000 plus the Council's reasonable legal and surveyor's costs.
- 2.2 A one metre boundary from the edge of the footpath would be kept grass and maintained by the purchaser. A suitable low level boundary fence would be erected and maintainable by the purchaser to a design and style approved by the Council. A good design could enhance this area visually. It is also

proposed that a covenant be included within the deed for the existing trees to be retained.

2.3 The quality of the general public realm in the area could be improved and Members have commented also on the land shown outlined blue on the attached plan. Further enhancements could include a hedge in front of the electricity substation running from the Public toilets to the car park and also hide the back gardens of the houses opposite the surgery which are not well maintained at present. The Town Council have been in discussions with Britain in Bloom and further proposals may be forthcoming.

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### **Legal Implications**

The full terms of the transfer to be agreed upon between the legal and surveying teams. There are no further comments of a legal nature as a result of the report

### **Financial Implications**

The £15,000 capital receipt will be welcome funding for the capital programme.

### **Consultation on Reports to the Executive**

Details in main body of the report.

### **Appendices**

- Appendix 1: Site Plan
  - Appendix 2: Indicative Proposal
  - Appendix 3: Indicative Proposal - elevation
  - Appendix 4: Gable end illustration of existing development permitted for one dwelling
  - Appendix 5: Plan of existing development permitted for one dwelling
  - Appendix 6: Photographs of site
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