

Agenda Item

Executive Board

30 March 2011

11/1107



Land off Combe Hayes, Sidmouth

Exempt Information

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

Summary

A request has been received from a developer represented by Challice Architects to purchase a strip of land from the Council in order to be able to access and develop the adjoining site off Combe Hayes, Sidmouth. The purpose of this report is to seek authority to open negotiations with the developer and with the intention of agreeing terms for the disposal of the land.

Recommendation

Authority is granted to the Estates Surveyor to open negotiations to agree terms for the disposal of the land at Combe Hayes, Sidmouth.

a) Reasons for Recommendation

It is anticipated that the disposal will result in a capital receipt.

b) Alternative Options

Not to negotiate the sale of the land and a portion of the adjoining site be left undeveloped.

c) Risk Considerations

N/A

d) Policy and Budgetary Considerations

The disposal will result in a capital receipt

e) Date for Review of Decision

N/A

1 Main Body of the Report

- 1.1 The Council owns a strip of land (coloured brown on the attached plan) adjoining a development site (outlined blue on the attached plan) on which a planning application (10/1821/MFUL) has been submitted for 21 dwellings including 8 affordable dwellings.

- 1.2 If the developer were unable to acquire the land from the Council for the purposes of providing permanent access to the site, the developer will be unable to develop the Western portion of the site (coloured green on the attached plan).
- 1.3 If the Council were to agree to opening negotiations for the sale of this land it would not be unreasonable to expect a figure reflecting around 33% of the market value of the land which forms the Western portion of the development site.
- 1.4 Land owned by the Council must be disposed of pursuant to the Council's obligations under Section 123 of the Local Government Act 1972, including a requirement to secure the best consideration reasonably obtainable on the open market. Best consideration is usually measured by advertising the land for sale by an open market tender process and assessing the bids received. However, given that the site's value is intrinsically linked to the adjoining site, with no market in its own right, the developer will be considered to have special purchaser status. This will negate the need to dispose of the site by way of an open market tender process and negotiations can commence with Challice Architects with the aim to achieve best consideration possible.
- 1.5 If a satisfactory agreement can be negotiated, a further recommendation will be made to the Executive Board setting out the agreed terms and seeking authority to dispose of the land.

Legal Implications

No comments of a legal nature arise as a result of the report.

Financial Implications

This capital receipts will provide welcome additional funding for the capital programme.

Consultation on Reports to the Executive

Background Papers

- Site Plan (1:1250)

Robert Chalklin MRICS
Estates Surveyor

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