

Agenda Item 27

CABINET

02 October 2013

13/1319



Land at Howarth Close, Sidmouth

Exempt Information

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

Summary

The Council own a strip of land which would provide access to a proposed development off Howarth Close, Sidmouth. Following a report in March 2011, authority was granted to negotiate terms for the disposal of this strip to the developers of the land. Negotiations have been ongoing and authority for the disposal is now sought.

Recommendation

That the strip of land off Howarth Close is sold to Blue Cedar Homes for the sum of £100,000

a) Reasons for Recommendation

The strip of land was retained when other land was sold with the intention of disposal to a future developer of adjoining land to create an access. Following the grant of authority to enter into negotiations with the developer, terms have provisionally been agreed as representing Market Value for the land.

b) Alternative Options

The Council could decide to retain the land which would result in the developer seeking to develop the site with only one access point.

c) Risk Considerations

There is not considered to be a significant risk to the proposed transaction.

d) Policy and Budgetary Considerations

The proposed disposal will produce a capital receipt of £100,000

e) Date for Review of Decision

N/A

1 Main Body of the Report

- 1.1 The Council own a small strip of land extending to around 18m² shown coloured brown on the attached plan. This strip of land adjoins a development site (shown edged red on the plan) for which planning approval has been granted for 18 dwellings including 7 affordable units under application 12/2452/MFUL.
- 1.2 The scheme will see access to the site from both Howarth Close and from Combe Hayes, which means that the Council's strip of land is not the only means of access to the site.
- 1.3 A report to members in March 2011, sought authority to enter into negotiations with the developer of the site to agree terms for the disposal of the land to allow the developers access to the Western part of the site. These negotiations have been ongoing for some time partly due to a change in the proposed scheme for the site.
- 1.4 Terms have now been provisionally agreed for the sale of the strip of land for the sum of £100,000. This figure reflects the fact that while there is a second access to the site from Combe Hayes, as part of the planning consent, construction traffic will need to enter the site from Howarth Close.
- 1.5 Authority is sought for the disposal of the Council's land adjacent to Howarth Close, for the sum of £100,000.

Legal Implications

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. The issue of best consideration in this matter has been set out clearly in the report to the executive board dated 30 March 2011.

Should the sale proceed the full terms of any documentation to be agreed upon between the legal and surveying teams. The title to the land has not been examined. No further comments of a legal nature arise as a result of the report.

Financial Implications

The capital receipt from this land sale will be a welcome contribution to funding the Capital Programme.

Consultation on Reports to the Executive

Reports to the Executive re the budget/policy framework must detail the nature, extent and outcome of consultation with stakeholders and relevant Overview Committees. Reports about other matters must give details and outcome of consultation as appropriate

Background Papers

- Plan