

Decision by Portfolio Holder



Report reference: LE-001-2009/10

Date of report: 26 November 2009

**Epping Forest
District Council**

Portfolio: Legal & Estates

Author: Chris Pasterfield (Ext4124)

Democratic Services: R Perrin

Subject: To transfer ownership of land for five parking spaces and electricity sub station site to Crest Nicholson (Eastern) Ltd.

Decision:

1. To include in the sale of additional amenity land as agreed at Cabinet on 7 September 2009, the land for five parking spaces and a sub station at no cost. (As shown on the attached plan appendix 1)
2. To agree to the site of the amenity land to Crest Nicholson Operations Group rather than Crest Nicholson (Eastern) Limited.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a prejudicial interest. A Portfolio Holder with a personal interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed:	Date:
<i>Personal interest declared by Portfolio Holder/ conflict of interest declared by any other consulted Cabinet Member:</i>	<i>Dispensation granted by Standards Committee: Yes/No or n/a</i>
Office use only: Call-in period begins:	Expiry of Call-in period:

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

The decision is required in order to deal with the late changes in the area of land to be sold and the name of the purchasing company, in order to ensure that the sale of the whole site can be completed on 30 November 2009 as the Council is contracted to do.

**Initialed as original copy by
Portfolio Holder:**

Options considered and rejected:

1. To reject Crest Nicholson's request to include this land in the sale of the amenity land agreed at cabinet on 7 September 2009.
2. To reject the request for the land to be sold to Crest Nicholson Operations Group and require the land to be sold to Crest Nicholson (Eastern) Limited.

Background Report:

The area of amenity land is shown on the attached plan with the parking spaces and electrical sub station site shown in yellow. The original plan submitted to committee on 7 September 09 is also attached. The company have requested that the land coloured yellow should also be included in the sale. It was agreed that part of this land would be leased by the Council for use as an electricity sub-station.

Income from the sub station site is minimal and would be offset by administration costs. It is assumed that the parking spaces would eventually be adopted as they are for general public parking and not allocated to developed properties. If the parking spaces are not adopted then Crest Nicholson or the Developers would assure the maintenance liability. The Cabinet decision on 7 September 2009 (minute 57) was based on the sale of land shown on the map at appendix?)

The Assistant Director (Facilities Management and Emergency Planning) has been consulted regarding the sub station and does not have any adverse comment.

The Director of Planning and Economic Development has been consulted and has no adverse comments as this land could not be further developed.

The Council was originally contracted by Crest Nicholson (Eastern) Limited to purchase this area of land in connection with the development. However the company has asked for the transfer to be made to Crest Nicholson Operations Group. There are no provisions in the transfer that prevent an onwards sale and there is no reason why the Council would wish to insist that the sale should be to Crest Nicholson (Eastern) Limited.

Consultation Undertaken: The Leader

Resource Implications: None

Legal and Governance Implications: Due to the urgency required in completing documentation by 30 November 2009 to allow Crest Nicholson to commence draw down of Kickstart funding, waiving of the call in for this proposed decision would be sought.

Crest Nicholson have indicated that they ask for this land to be taken in the name of a subsidiary company.

Safer, Cleaner and Greener Implications: None

Background Papers: Minutes of Cabinet 7 September 2009.

Impact Assessments: None.

Key Decision Reference (Y/N): N