

Decision by Portfolio Holder



Report reference: HSG-017-2018/19
Date of report: 13-November-2018

**Epping Forest
District Council**

Portfolio: Housing

Author: David Clifton (Ext) 4035

Democratic Services: J Leither

Subject: Land Sale – Adjacent to 7 The Glebe, Magdalen Laver

Decision:

- (1) That the piece of land adjacent to 7 The Glebe, Magdalen Laver (shown on the plan in Appendix 1), which measures approximately 206 square metres in area, be sold to one of the owners of 7 The Glebe (Ms Birch) for £20,000.
- (2) That a covenant be placed on the deeds to:
 - (a) Require the new owner to preserve all existing pipes and drains on the land so as not to damage them or obstruct access; and,
 - (b) Require the new owner to allow access rights for maintaining pipes and drains; and,
 - (c) Restrict the use of the land for garden use only.
- (3) That an overage agreement be applied to the land which, in the event of a change of use or implementation of any planning permission, a further premium under overage provisions will be paid to the Council.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary 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: None	
Signed: Cllr S-A Stavrou	Date: 13 th November 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a N/A
Office use only: Call-in period begins: 14 th November 2018	Expiry of Call-in period: 20 th November 2018

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

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

Reason for decision:

The Director of Communities has delegated authority to dispose of housing land of up to 50 metres square, however, the piece of land in question measures in excess of this.

The land is remote and costly for the Council to maintain and has frequently been used to dump waste.

The Council's solicitor has advised that the land should not be built upon as there is a public sewer running through the land to a private sewage plant serving this and the neighbouring properties.

Options considered and rejected:

The option to retain the land has been discounted. The land is not suitable for development and has also previously been a target for local residents to dump waste.

Background Report:

1. Upon receiving an application to purchase the land from the owner occupier at No 7 The Glebe in 2014, the land was previously valued at £30,000 in July 2014 (232 square metres). The Portfolio Holder at the time agreed for it to be sold (report reference HSG-009-2014/15), however, after it was agreed, it was identified that the original site plan included a tarmacked resident's turning area which had established rights of way granted over the land. Because of this, the turning area has now been removed from the original plan and has reduced the plot size to 206 square metres. A plan is provided in Appendix 1 of the report.
2. In the meantime, another resident (No 6 The Glebe) expressed an interest in purchasing the land. In the interest of fairness, it was decided give both applicants the opportunity to submit a sealed bid to the Council for the land in question, with a minimum price of £20,000 – and with the highest bidder being successful. As a result of this process, the Council only received one bid of £20,000, from one of the owners of No 7 The Glebe.
3. The Director of Communities has delegated authority to dispose of plots of housing land of up to 50 square metres by virtue of the former Housing Committee held on 26th January 1998. However, if this land is to be sold, approval has to be a matter for consideration by the Portfolio Holder for Housing (as the total area is 206 square metres, approval of its sale is outside of the Director's delegated powers).
4. One of the owners of No 7 has indicated that she wishes to use the land to extend the area of their garden. Planning Officers have advised that they would be unlikely to recommend approval if the owners were subsequently to seek consent for a new dwelling or development of the rear garden of No 7. In addition, a public sewer runs through the land to a private sewage plant which serves this and the neighbouring properties. The Council's solicitor has advised that, for this reason, the land should not be built upon and the Council should reserve the rights of access in order to carry out any necessary repairs and/or replacement works. It is recommended, therefore, that if approval is given to sell the land, a covenant is placed on the deeds to this effect.
5. If the sale proceeds, the purchaser will be required to pay the Council's legal and valuation fees.
6. Although the land is being sold specifically for garden use, an overage agreement will be applied to the conditions of the sale. This will mean that in the event of a change of use of the land or implementation of any planning permission e.g. If Planning Permission is

granted for the construction of a new dwelling, a further premium under overage provisions will be payable to the Council. Details of the overage agreement are provided in Appendix 2 of the report.

Resource Implications: £20,000 income from the sale of the land.

Legal and Governance Implications: None.

Safer, Cleaner and Greener Implications: Once the land is fenced and included within the garden of No 7 The Glebe, it will no longer be used as a dumping ground for neighbouring properties.

Consultation Undertaken: The local ward member has been consulted and has no objections. The owner of No 6 The Glebe has been involved in the bidding process; however they did not make a bid.

Background Papers: None

Impact Assessments:

Risk Management: No material risks identified.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 3 to the report.

Key Decision Reference (Y/N): N