

Full Council

Date:	24 September 2013
Title:	Chalgrove Road
Purpose of the Report:	To resolve that a small area of amenity land be sold
Contact Officer:	Morag Robinson, Office Administration Manager

Background

The Council adopted a Policy for Land Acquisition and Disposal in September 2012 which provides a transparent and consistent approach when making such decisions. The Policy is provided for reference as Appendix 1.

On 26 March 2013, the Policy & Resources Committee considered the sale of a small piece of amenity land to the resident at 10 Chalgrove Road which was referred to Full Council on 9 April. It was decided that the request be progressed whilst ensuring the criteria of the policy be met. The resident agreed to meet the appropriate conditions within the policy including any associated costs.

Disposal Process

The process for disposing of land for best consideration is set out in the flow chart attached as Appendix 2. The Council has followed these steps and can report that only one objection was received during the publication of the intended sale received from a Lea Park resident stated 'I am against the sale of the land at the rear of 10 Chalgrove Road as the developers had to include amenity land for the benefit of all residents on Lea Park. Thame Town Council should not entertain selling off pockets of open land'.

The resident requesting the purchase of the land submitted a planning application to the district council and was granted a Certificate of Lawful Development for a proposed change of use from public amenity land to private garden with the erection of a 1.75m fence.

A valuation of £2,500, assessed at current market value, was provided by the District Valuer and is attached as Appendix 3.

Matters for Consideration

Members should make reference to the policy adopted for Land Acquisition and Disposal when considering this matter.

General points for consideration include:

- The valuation of £2,500.

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- The Permitted Development Rights allow the land to be used as garden land and no further development be permitted. Restriction on development should be listed as a covenant within the transfer deeds.
- A 1.75m high timber close boarded fence is to be erected on completion of the sale. The maintenance, repair and replacement of the fence should be a covenant on the resident within the transfer deeds.
- The applicant is liable for all costs incurred including the legal costs.
- Investing the proceeds from the sale in improving another area of Lea Park and the resident against the sale be reassured of this commitment by the Council

Risk Assessment

The steps required by law for the disposal of land at best value by a local authority have been followed and should meet the requirements of the External Auditor.

Members need to reach a decision that is clear and consistent with regard to previous decisions to show consistency and to act as a point of reference for any future requests for the disposal of amenity land.

Resource Appraisal

Revenue expenditure has been incurred through staff time which has been accommodated within current budgets. Perhaps with any future requests and element of cost for the administration of such should be part of any agreement.

All other revenue costs such as for publicity and legal matters will be recovered from the applicant as agreed.

Capital costs will result in a £2500 receipt.

Legal Powers: Local Government Act 1972 S.127

Recommendation:

The Council is asked that the:

- i) Sale of the plot of land measuring 109.6m² to the rear of 10 Chalgrove Road be approved subject to the restrictions listed in the report being included in the covenant of sale.***
- ii) Proceeds from the sale be invested in the improvement of another area of Lea Park.***