

PORTFOLIO HOLDER DECISION RECORD SHEET

Name of decision maker:	Cllr Graeme Elliott
Portfolio:	Finance & Resources
Date of Portfolio Holder Decision:	02/09/15

Title of Decision:	107 Lawn Lane, Hemel Hempstead – land sale
	Sale of parcel of land to the side of 107 Lawn Lane, Hemel Hempstead

Decision made and reasons:
Decision: Sale of the freehold interest of parcel of land to the side of 107 Lawn Lane, Hemel Hempstead for the sum of <u>£12,000 plus the Council legal and surveyors fees for the sale of the land.</u>
Reason: The reason for the disposal is mainly due to a potential liability for future maintenance, in particular removal of one of the mature trees located on the land and the Council's liability for damages as a result of the tree removal

Reports considered: (here reference can be made to specific documents)
Site Plan 1 attached

Officers/Councillors/Ward Councillors/Stakeholders Consulted: Group Manager (Commercial Assets & Property Development) Team Leader, Valuation and Estates Team Leader, Property and Place Team Leader, Neighbourhood Action Lead Planning Officer

Monitoring Officer comments:	No comments to add to the report.
Deputy S151 Officer comments:	The option proposed demonstrates best consideration for capital receipt of the land identified that will help to fund capital developments.

Implications: The land does not benefit any local residents as it is very overgrown and in need of maintenance.
Value for Money: The sale price is considered to represent the best consideration reasonably obtainable.

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Financial:

Risk: If land is not sold, The Council will retain liability for the future maintenance and upkeep of the land with cost estimated at £500 per annum. Some of the mature trees currently present on the land require removal due to an overgrown size with the remainder of the trees in need of pruning. The removal of one of the trees located within close proximity to the house at 107 Lawn Lane presents a risk of causing subsidence to the property. If the land is sold to the owner of 107 Lawn Lane, this risk for the maintenance (including removal of trees) will be transferred to the owner of 107 Lawn Lane.

Options Considered and reasons for rejection:

Option 1- To retain land in the Council's ownership – Council will retain liability for the future maintenance and upkeep of the land with estimated cost of £500 per annum (this does not include any extra cost for maintaining/pruning/removing the trees). In addition there is potential risk of subsidence being caused to the adjacent property due to the identified requirement of removal of one of the mature trees located on the subject land.

Option 2 – To advertise the site on the market for sale – the site may have potential for residential development however it's topography will limit any development. If the land was developed by the Council or others, the tree removals and site clearance will still required and consequently this option does not remove the potential risk of subsidence occurring

Option 3 – To offer the land for acquisition to the adjacent property at 107 Lawn Lane, Hemel Hempstead – this appears to be the most optimum option as the sale would remove the risk of subsidence as well as DBC's maintenance liability for the land. An overage provision will be included in the transfer as set out in the report below.

Portfolio Holders Signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

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Date Decision Record Sheet received from portfolio holder: 26/08/15

Date Decision Published: 02/09/15

Decision No: PH/22/15

Date of Expiry of Call-In Period: 09/09/15

Date any Call-In received or decision implemented:

BACKGROUND

The land adjacent to 107 Lawn Lane is currently managed by Clean Safe and Green. The land does not generate any income and is poor quality land due its overgrown state and topography. There are four large mature trees located within the land some of which have

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been declared as unsafe by Clean Safe and Green Department and recommended for removal.

The vendor of 107 Lawn Lane originally approached the Council in 2005 with a request to acquire the land. The Council agreed to sell the land at that time to vendor of 107 Lawn Lane who subsequently decided not to proceed with the purchase of the land due to inclusion of the restriction in respect of the trees.

The vendor of 107 Lawn Lane has contacted the Council again in January 2015 with a request to acquire either the whole plot of the subject land or a 3 metre strip adjacent to the property which will allow the vendor to create direct side access to the garden from adopted Highway as well as provide space to create an additional parking for the benefit of 107 Lawn Lane property.

A site visit carried out by Clean Safe & Green Management on the 19th February 2015 established that the land is in need of attention and maintenance including removal of one of the mature trees due to it potentially presenting being a health and safety hazard.

Consultations with internal Departments (Landscape, Planning, Housing and Commercial Assets and Development) has not shown any objection to the sale of land and it has been agreed that this option would provide DBC with optimum solution going forward. Initial negotiation with the owner of 107 Lawn Lane lead to an agreement of initial terms for a sale of the land as follows:

Purchasers: Mrs & Mr Holmes, current vendor of 107 Lawn Lane, HH

Tenure: Freehold with vacant possession on completion

Price: £12,000 (Twelve Thousand Pounds)

Use: The land to be used for garden and parking purposes only for the benefit of the existing dwelling at 107 Lawn Lane, Hemel Hempstead. Any other uses will be restricted by inclusion of restrictive covenants in the transfer title.

Boundaries: The purchaser is to be responsible for erecting and maintaining any necessary wall or fencing to the new boundary lines.

Trees: The purchaser will be permitted to remove, fell, top, and lop any current trees or saplings on the land, which are not subject to any Tree Preservation Order (TPO).

Overage: To protect the Councils interest, an overage provisions are to be included in the Transfer documents for any Development Value of the Property (for any extension or new dwelling) or if the land was to be used as an enabling development land within 107 Lawn Lane plot. Should the purchaser (or their successor in title) try to develop the subject land, overage of 30% of development value will be payable to the Council less the Price paid for the freehold of the land.

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