

8 February 2018

Report of	Assistant Director Communities	Author	Cassandra Clements
Title	Disposal of Land at Colne Bank Avenue, Colchester		
Wards affected	Castle Ward		

1. Executive Summary

- 1.1 This report requests authorisation to agree to the disposal of 334.63sqm of public open space situated at Colne Bank Avenue Colchester for the sale price of £16,500 and to settle final terms and consequential matters to complete the sale. The Council will impose a covenant on the sale requiring that the land can only be used as garden land.
- 1.2 The Council occasionally receives requests to sell land. To ensure that people who are seeking the sale are dealt with in a fair and consistent manner, a policy on the planning for the provision and future protection of public open space, country parks and wildlife areas was agreed in 2002.
- 1.3 The policy allows for the sale of open space land only in exceptional circumstances, where:-
 - there is a broader community benefit to the disposal, for example a rationalisation of small parcels of 'backland' open space, either rarely used or often misused
 - the prospective purchaser is not the sole beneficiary of the disposal.

2. Recommended Decision

- 2.1 To authorise the freehold sale of 334.63sqm of public open space situated at Colne Bank Avenue, Colchester as identified on the attached plan at Appendix 1 at the sale price of £16,500 and for the Assistant Director Communities to settle final terms and consequential matters to enable the sale to be completed.

3. Reason for Recommended Decision

- 3.1 This specific site fits policy criteria of disposing of public open space where "there is a broader community benefit to the disposal, for example a rationalisation of small parcels of 'backland' open space, either rarely used or often misused" and therefore recommend disposal. The policy for Sale of Public Open Space supports this recommendation and is included as Appendix 2 of this report.

4. Alternative Options

- 4.1 Not to dispose but this is not being recommended.

5. Background Information

- 5.1 The plan of the land being disposed of is included at Appendix 1 of this report. The proposed land to be transferred is in the above plan consisting of 334.63sqm (3,602sqft)

and currently comprises public open space. It is proposed to dispose of the land to the adjacent homeowner.

- 5.2 The boundary specified by the “T” marks is to be defined by fencing totalling 25metres to be installed by the Council. The only boundary without fencing is the boundary marked by a “T” backing on to the river which will become the responsibility of the purchaser to maintain.
- 5.3 5.3 Covenants: Overage Clause: If in the future the site is used for any alternative use other than solely garden land for the benefit of the adjoining site, then the value of the uplift is to be appraised and 50% is to go to the Council. Any disagreement over the interpretation of the clause and value to be referred to a third party. Overage clause to remain for 40 years from the sale of the land.
- 5.5 As this land is held by the Council as public open space it is required by section 123 of the Local Government Act 1972 to advertise the proposed disposal for two consecutive weeks in a local newspaper. This will be carried out after the formal decision making process has concluded.

6. Equality, Diversity and Human Rights implications

- 6.1 <http://www.colchester.gov.uk/CHttpHandler.ashx?id=15007&p=0>

7. Standard References

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

8. Consultation and Publicity Considerations

- 8.1 These are mentioned in paragraph 5.5 above.

10. Financial implications

- 10.1 The agreed sale price is £16,500.00
- 10.2 The disposal of this property would result in an ongoing saving of annual revenue costs of £73.49p per annum.
- 10.3 The capital receipt will be used to cover the costs of the fencing agreed in the sale estimated at £2,000.00. The remaining £14,500.00 will be used to support the overall Council's budget position.

11. Community Safety Implications

- 11.1 None identified

12. Health and Safety Implications

- 12.1 None identified

13. Risk Management Implications

13.1 None identified

Appendices

Appendix 1 – Map of the site

Appendix 2 – Policy for Sale of Open Space

Background Papers

No background papers.