

PROPOSED DISPOSAL OF APPROXIMATELY 725 SQUARE METRES OF EXISTING GARDEN LAND ADJACENT TO THE RESIDENTIAL PROPERTY KNOWN AS CEDAR LAKES, NETHERFIELD LANE, STANSTEAD ABBOTTS

Presented by the Director of Corporate Services

EXECUTIVE SUMMARY

Members may recall a report presented to the Executive Committee in February 2012 concerning options for the future of garden licences granted for non-Park use. The approximate 725 square metres of garden land adjacent to the property known as Cedar Lakes was one of the sites included in this report as it was at the time licensed to the owners of this property as private garden land. This licence was allowed to continue to expiry in 2014 as was the wish of Members and the land has since then been unoccupied. Since 2012 and again in 2014 on expiry of their licence the owners of Cedar Lakes have expressed an interest in acquiring the land as part of their garden, but after confirming that it was not required for Park use, it was not possible to agree terms on a provisional deal at that time. In October 2016 the same owners again expressed interest in acquiring the land as they were now in a better position to proceed. Terms were provisionally agreed and these are set out in a separate report contained as a Part 2 item of this Committee.

RECOMMENDATIONS

- Members Approve:
- (1) subject to the terms set out in report E/484/17, agenda item 13 in Part 2 of this committee, disposal of the land shown on Appendix A to this report;
 - (2) subject to (1) above an application be submitted to the Secretary of State for consent to the disposal; and
 - (3) subject to (1) and (2) above the signing and sealing of all necessary legal documentation.

BACKGROUND

- 1 The approximate 725 square metres of garden land shown edged red on the

attached plan (Appendix A to this report) has been the subject of a licence since at least 1992 when it was licenced to the owner of the property known as Baron's Patch by St Albans Sand and Gravel Ltd, the previous freeholder of Stanstead Innings. The Authority continued with the arrangement after it acquired the land in 1998. Recently a property has been developed on private land between the former licensee's property and the formerly licenced land and this plot is shown edged blue on Appendix A to this report. The owners of the newer property known as Cedar Lakes approached the Authority in 2011 to request they continue to licence the land for private garden use and a 3 year licence was subsequently agreed which expired on 1 August 2014.

- 2 On 22 February 2012 while this licence was still current, Members resolved 'that the granting of the licence (the Cedar Lakes licence) set out at paragraph 6 of Paper E/189/12 continues'. This was on the basis of information contained in the report that we were receiving an economically viable licence fee and that the licence should continue until expiry and thereafter the land would be added to the public open space.
- 3 Officers gave notice to the licensees that the licence would not be renewed on its expiry by e-mail on 30 May 2014 and referred them to the Members' report in 2012. A response was received from the licensees acknowledging the notice and enquiring if we would consider disposing of our freehold interest as they have invested a lot of time and effort into maintaining this area.
- 4 On receiving the licensee's proposal enquires were made of our Green Spaces officers who were of the opinion that as the land had been licenced for a considerable time up to and including our period of ownership they had not formed any plans for it to be incorporated into the adjacent open space and at the time did not foresee any future plans for it to be used for Park purposes.
- 5 The Authority's original offer of terms in 2014 was rejected by the former licensor on the grounds that they could not afford the cost at that time. As the Authority commenced actions to integrate the land as part of the adjacent open space they contacted the Authority once again to ask for terms as they were now in a position to proceed. The principal conditions provisionally agreed are set out in a separate report contained in Part 2 of this Committee.

ENVIRONMENTAL IMPLICATIONS

- 6 There are no environmental implications arising directly from the recommendations in this report. The site is identified within the adopted Park Plan as an area for Landscape Enhancement. The land has at no time since the Authority acquired Stanstead Innings been incorporated into the open space and there are no future plans for the land to be used for Park purposes.

FINANCIAL IMPLICATIONS

- 7 Should it be agreed that the land is surplus to the Authority's requirements and be disposed of then it is an opportunity for the Authority to generate a capital receipt for land that has at no time been used for Park purposes. The terms provisionally agreed ensure there would be no cost to the Authority in disposing of the land.
- 8 The negotiated amount satisfies the requirements of the Lee Valley Regional Park Act 1966 in relation to best consideration. An external valuation view has

been obtained to confirm this position and for the purposes of the application for Secretary of State consent.

HUMAN RESOURCE IMPLICATIONS

- 9 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 10 The contract will state that the use of the land is for garden use only and in connection with one single dwelling house. The use of this restrictive covenant will prevent sale of the land for use as more than one dwelling house unless the Authority is asked to consent to the removal of the covenant.
- 11 The Authority is able to dispose of land when it is no longer required for Park purposes. This must be a properly applied test under s.21 of the Park Act and all of the facts should be taken into consideration when making a decision to dispose of land.

RISK MANAGEMENT IMPLICATIONS

- 12 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 13 There are no equality implications arising directly from the recommendations in this report.

Author: Nick Powell, 01992 709832, npowell@leevalleypark.org.uk

PREVIOUS COMMITTEE REPORTS

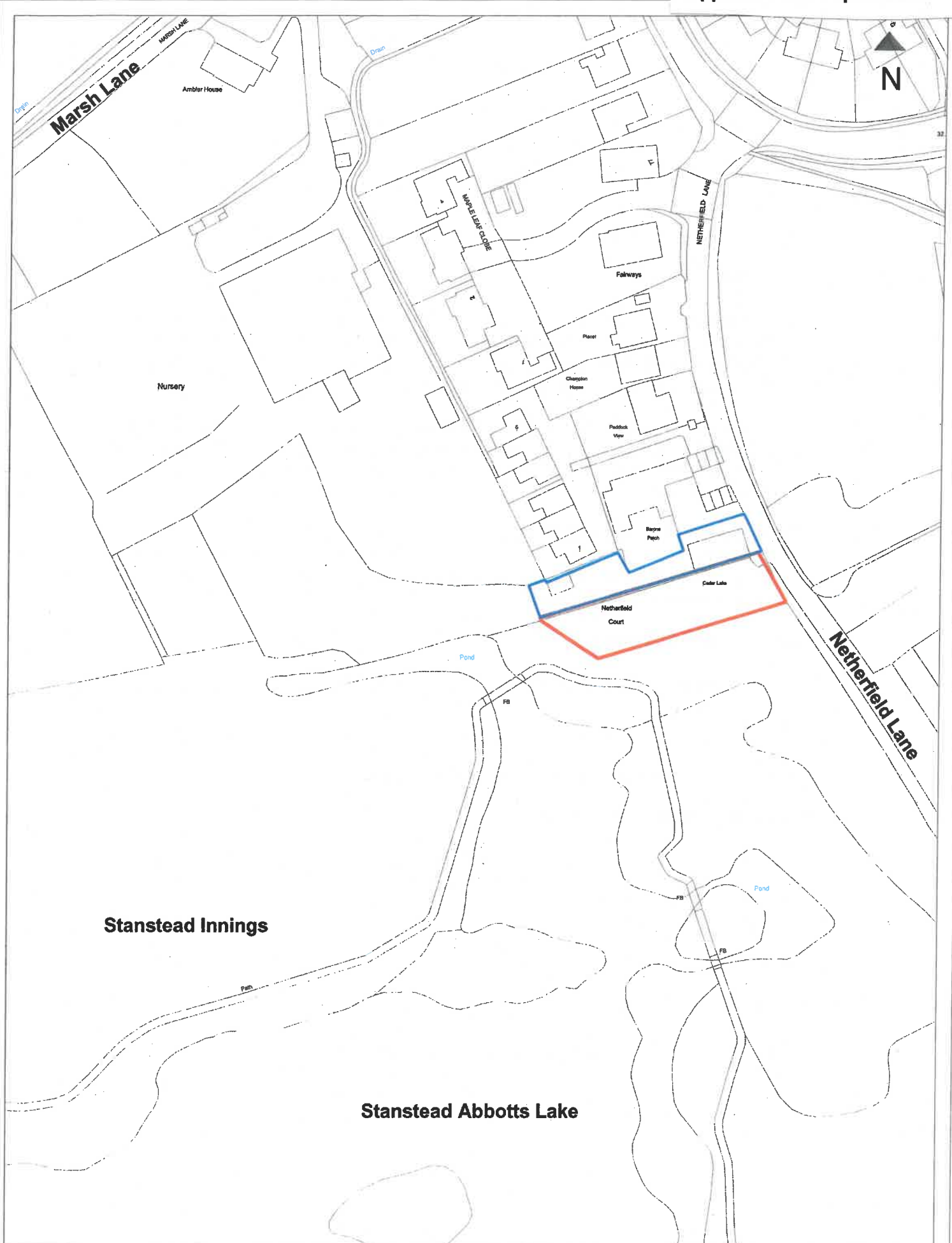
Executive	E/189/12	Options for the future of garden licences granted for non-Park use	23.2.2012
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APPENDIX ATTACHED

Appendix A Plan showing the land to be disposed of edged in red

LIST OF ABBREVIATIONS

the Park Act Lee Valley Regional Park Act 1966



APPENDIX A - Proposed Disposal of Land Adjacent to Cedar Lakes, Netherfield Lane, Stanstead Innings

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Cedar Lakes Land Disposal

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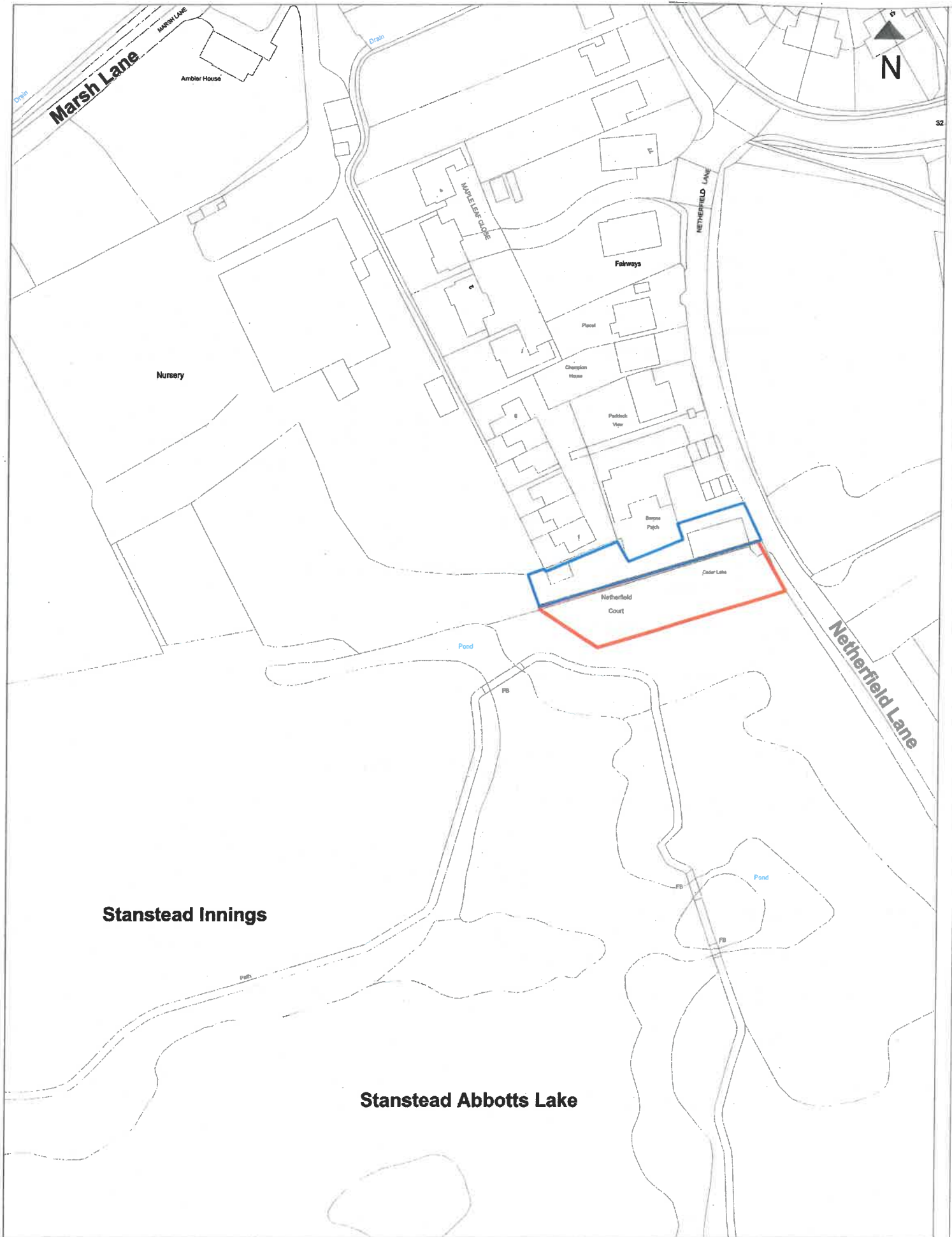
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