

Bolsover District Council

Meeting of the Executive on 7th October 2024

Sale of land at Elmton Lane, Bolsover

Report of the Portfolio Holder for Growth

Classification	This report is Public.
Report By	Jim Fieldsend, Director of Corporate and Legal Services and Monitoring Officer

PURPOSE/SUMMARY OF REPORT

- To seek approval to grant an option to purchase land on the west side of Elmton Lane, Bolsover

REPORT DETAILS

1. Background

- 1.1 The Council owns the parcel of land on Elmton Lane shown edged red on the appendix. The land is currently used for the grazing of horses.
- 1.2 The land forms part of the development site, commonly known as Bolsover North, that was granted outline planning permission in 2017 for 950 dwelling, together with an extra care facility and infant school (planning reference 14/00080/OUT. The Council's land is toward the south of the site and forms part of the area proposed for the school.
- 1.3 The development site is approximately 30 hectares and comprises of several parcels of land in different ownership. The developers, Strata Homes Yorkshire Limited, Persimmon Homes Limited and Stancliffe Homes Limited are in the processes of securing title to the land by way of options.
- 1.4 The Council has been approached by the developers with a view to granting an option to sell the land upon the grant of reserved matters planning permissions. Negotiations have taken place between the Council's Senior Valuer and the developer and a price of £200,000 has been agreed. The Council's Asset Management Group has been consulted and has no objection to the sale.

2. Details of Proposal or Information

- 2.1 It is proposed to grant an option to the developers which will give them a right to purchase the land for £200,000. An option to buy does not oblige the developers to buy the land however if they obtain the necessary planning permission it is highly likely that they will trigger the option which will require the Council to transfer the land.

- 2.2 The terms of the option agreement have been discussed and agreed in principle by the Council officers. Terms include:
- payments of an option fee (£8,000) which is non-refundable if the option is not exercised but deductible from the purchase price if it is,
 - a time limit of two years to exercise the option subject to an extension of time for example if the developer waiting for a relevant planning permission to be determined or a planning appeal to be concluded
 - an obligation on the developer to seek relevant planning permission in line with the outline permission referred to above
 - a requirement on the Council to deal with the property;
 - rights of access for the developer to undertake surveys and investigations;
 - payment of the Council's legal costs up to £5,000.

3. Reasons for Recommendation

3.1 To secure Executive's agreement to grant an option to purchase the land . This matter has been considered by Asset Management Group who are comfortable with the proposal to transfer the land .

3 Alternative Options

3.1 Not to grant a purchase. The Council would not receive a capital receipt for the land.

RECOMMENDATIONS

That the Council grant an option to Strata Homes Yorkshire Limited, Persimmon Homes Limited and Stancliffe Homes Limited to buy the land for £200,000 on terms agreed by Director of Governance and Legal Services and Monitoring Officer

Approved by Councillor John Ritchie, Portfolio Holder for Growth

IMPLICATIONS:

Finance and Risk: Yes No

Details:
A capital receipt of £200,000 would be payable to the Council

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:
The Council will enter into a legally binding option agreement which would require the Council to transfer the land upon the developers triggering their option.

On behalf of the Solicitor to the Council

Environment:

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	Yes
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	Yes

<p>District Wards Significantly Affected</p>	
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>Details:</p>

<p>Links to Council Ambition: Customers, Economy and Environment.</p>
<ul style="list-style-type: none"> • Making the best use of our assets. • Ensuring financial sustainability and increasing revenue streams.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Plan of the site

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).

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