

CABINET  
30 AUGUST 2005

ITEM NO. ....20.....

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**FORMER ERNEST BENNETT SAWS SITE, MIDDLETON ST GEORGE**

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**Responsible Cabinet Member(s) - Councillor Don Bristow,  
Resource Management Portfolio**

**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To seek approval for the disposal of land at Yarm Road, Middleton St George for incorporation into a proposed residential development at the former Ernest Bennett Saws site.

**Information and Analysis**

***Background***

2. Thoroughbred Homes wish to develop the former Ernest Bennett Saws site at Middleton St George for residential development and have acquired the site in conjunction with Clarion Homes.
3. In 1957 the Council acquired land here for road improvement. The **attached** plan shows (hatched) part of this land extending to 123 m<sup>2</sup> or thereabouts which seems to have been incorporated into their site by the owners of Ernest Bennett Saws. It is likely that possessory title could be claimed by them.

***Valuation Comment***

4. In informal negotiations Thoroughbred Homes have agreed to buy this land from the Council for a consideration of £5,000 in order to regularise their ownership. It is considered that this represents the best consideration reasonably obtainable in accordance with Section 123 of the Local Government Act 1972.

***Highways Comment***

5. There are no objections to the proposed sale on highways grounds provided that sight lines from the nearby Yarm Road roundabout are maintained.

### ***Planning Comment***

6. At its meeting on 3 March 2005 the Planning Applications Committee agreed the recommendation of the Director of Development and Environment to grant planning permission for the demolition of the existing premises and the redevelopment of the site to provide 28 apartments in two, two storey blocks. (Ref 05/00067/FUL). The final decision and the issue of the planning permission was delegated to the Director of Development and Environment and was subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 which required the applicant to enter into a number of planning obligations. This agreement has not yet been completed and therefore the planning permission has not been issued.

### **Outcome of Consultation**

7. The internal Council consultation process has raised no objections in principle to the proposal other than those comments detailed in this report.

### **Legal Implications**

8. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

10. The issues contained within this report do not represent change to Council policy or the Council's policy framework

### **Decision Deadline**

11. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

### **Recommendation**

12. It is recommended that :-
  - (a) Disposal of the land be approved on the terms outlined above and subject to maintaining sight lines from the Yarm Road roundabout;
  - (b) The Borough Solicitor be authorised to complete the documentation as necessary.

## **Reasons**

13. The recommendations are supported by the following reasons :-

- (a) To achieve a capital receipt for the Council;
- (b) To facilitate the disposal.

**John Buxton**  
**Director of Development and Environment**

Richard Adamson: Extension 2737  
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