

Report of : Land and Property Services

Report to : Chief Asset Management and Regeneration Officer

Date: 22 September 2014

Subject: Land at Roscoe Street, Sheepscar, Leeds LS7

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The subject property comprises a small section of adopted highway that serves the adjoining property owners only .They have applied to have the highway stopped up.
2. Assuming the stopping up order is approved, the underlying land would remain in the ownership of the Council but the adjoining owners would have no rights over it, as such they want some comfort that the Council will enter into negotiations with them for its sale to them.
3. This report seeks the authority to enter in to one-to-one negotiations with the adjoining property owner; any agreed terms would be reported back to the Chief Asset Management and Regeneration Officer to seek approval to them.

Recommendations

4. It is recommended that approval should be granted to enter in to one-to-one negotiations with the neighbouring property owner for the sale of the subject property. Any provisionally agreed terms would be reported back to the Chief Asset Management and Regeneration Officer for approval.

1 Purpose of this report

- 1.1 The purpose of this report is to seek authority to enter into one to one negotiations with the adjoining property owner.

2 Background information

- 2.1 In July 2013 the former Sheepscar Library (2 Chapeltown Road) was sold to the adjoining property owners on a one to one basis. Roscoe Street is an adopted highway that runs to the side of the former library; it was excluded from the sale in 2013 owing to the fact that it is adopted highway.
- 2.2 The extent of Roscoe Street can be seen on the attached plan. It is approximately 50 metres in length and serves only the rear of the former library and the adjacent Temple and car park, all of which are now in a single ownership.
- 2.3 An application to stop-up Roscoe Street has been submitted by the adjoining property owners, this is currently under consideration.
- 2.4 In advance of the stopping up order being granted approval is sought to enter into one to one negotiations with the adjoining owner.

3 Main issues

- 3.1 The subject property comprises a section of adopted highway that serves only property in a single ownership. These owners have applied to have the highway stopped up by way of an order to the Magistrates Court under the Highways Act.
- 3.2 In entering into one to one negotiations it does not oblige the Council to sell but offers the neighbouring property owners the comfort that the Council will consider the option.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 On the 3rd July 2014 Ward Members were consulted by highways colleagues with regards to the stopping up order. No negative comments were received.
- 4.1.2 On 16th July 2014, Ward Members were consulted in relation to entering into negotiations with the adjoining land owners for the sale of the land once the highway had been stopped up. Cllr's Hussain and Davey responded to say that they had no comments to make and Cllr Nash did not respond.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The proposal set out in this report has no specific implications for equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 The Council has no operational use for the land and should it be stopped up, it would no longer be maintainable by Highways as per other adopted highways and the cost of doing so would rest with City Development.

- 4.3.2 The proposal assists in 'promoting sustainable and inclusive economic growth' in that it helps to promote the economic well-being of the adjacent owner and their aspirations for their holdings and it will generate income for the Council.
- 4.3.3 The proposal also promotes 'becoming an efficient and enterprising council' in that it should assist the neighbouring business/land owner, thus encouraging enterprising culture and behaviours and it helps to reduce costs on the Council by removing the maintenance costs for this piece of highway.

4.4 Resources and Value for Money

- 4.4.1 The stopping up of the road will remove the obligation on the Council to maintain it as an adopted highway however, should the property be retained by the Council it would still represent a cost in maintaining it as per other landholdings.
- 4.4.2 The proposal to seek authority to enter into one to one negotiations with the neighbouring property owner will enable them the comfort that in stopping up the highway, they are not going to lose their access and also should generate a receipt for the Council.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.
- 4.5.2 The Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.
- 4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.
- 4.5.4 The Head of Property Services confirms that the proposed method of disposal set out above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

4.6 Risk Management

- 4.6.1 In considering the proposal 2 areas of risk have been considered:
- a) **To enter into one to one negotiations with the neighbouring property owners.** This does not represent any significant risk to the Council. It will provide the comfort to the neighbouring owners who are making the application that the Council would be willing to enter in to discussions with them concerning the eventual purchase of the land so that they have not lost their right of access.
 - b) **Not to enter into one to one negotiations with the neighbouring property owners.** This does not represent any significant risk to the Council but the subject property in question comprises a section of adopted highway that serves only the neighbouring property owners holdings. They wish to

see it stopped up and are funding that to take place. In not entering into the negotiations with the prospect of an eventual sale the Council would not receive any receipt and would have to continue to maintain this highway.

5 Conclusions

- 5.1 It is concluded that approval should be granted to enter in to one-to-one negotiations with the neighbouring property owner for the sale of the subject property. Any provisionally agreed terms would be reported back to the Chief Asset Management and Regeneration Officer for approval.

6 Recommendations

- 6.1 It is recommended that approval should be granted to enter in to one-to-one negotiations with the neighbouring property owner for the sale of the subject property. Any provisionally agreed terms would be reported back to the Chief Asset Management and Regeneration Officer for approval.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.