

Agenda Item No:

Report author: D E Thomas

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Report of : Head of Property Services

Report to : Director of City Development

Date:

Subject: LAND ADJOINING 175 HIGH STREET BOSTON SPA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
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 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

- 175 High Street is a privately owned shop which has been empty for some time, the owners wish to redevelop the upstairs as flats
- To enable this development they wish to build a footpath on land along the edge of the property some of which is owned by the council and currently forms part of a car park.
- It is proposed that a strip of land will be sold to enable this development. In addition to a payment for this land the owner of 175 High Street will also transfer an area to the rear of their property to the Council, this land is currently surfaced and used as part of the Councils car park.

Recommendations

- That the transfer of the land be approved on the terms proposed by this report and its confidential appendix.

1 Purpose of this report

- 1.1 To approve the transfer of land which will regularise the Councils title and generate a receipt.

- 1.2 This will also enable the development of the adjoining private property, which is currently vacant and in a poor condition.

2 Background information

- 2.1 175 High Street is a vacant privately owned property currently organised as a shop and offices. The owners wish to invest in the property and convert the first and second floors into flats. The flats will be accessed via a new doorway to be created at the side of the property from land which is currently a small unkept verge and part of the adjoining Council car park.
- 2.2 The small verge immediately adjoining 175 High Street is in a poor condition and represents a health and safety risk to users of the car park, the sale of this land and the construction of the proposed footpath will resolve this issue.
- 2.3 The owner of 175 High Street wishes to construct a footpath along the boundary of their property (shown hatched and labelled 'A' on the plan) to provide access to the new side door they are to create and also assist pedestrian access to the rear of their property.
- 2.4 The owner of 175 High Street holds the title to land at the rear of their property ('B') which forms part of the Council's car park and which has been used by the Council for many years without consent.

3 Main issues

- 3.1 It is proposed that the owner of 175 High Street will purchase the land to the side of their property for use as a footpath (area A), they will also transfer an area of land at the rear of the property (B) to the Council, this area currently forms part of the Council car park.
- 3.2 It is not proposed that any spaces in the car park will be lost as a result of the purchase
- 3.3 The owner of 175 High Street will make up a small area of footpath adjoining the land they are purchasing (area C) to assist with pedestrian access onto the car park, they will also reline the parking spaces immediately adjoining their property following completion of their works.
- 3.4 The footpath (A) is not a ransom strip as access to the property and the proposed redevelopment can be achieved through the existing internal layout of the property.
- 3.5 The transfer of the land at the rear of the property (B) to the Council will regularise the Council's title.
- 3.6 The land to be transferred to the Council and the land purchased have been valued and it has been established that the proposal does not represent a diminishment in the value of the total land owned by the Council.
- 3.7 The Council department responsible for the management and maintenance of the car park have been consulted and have no objections to the proposal.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted on 3 October 2014. A response was received from Councillor Wilkinson on 14 October supporting the proposal. Councillor Procter and Councillor Lamb responded via the Conservative office on 24 October that they would support the proposal on the condition that 15% of the sale price was retained for the benefit of the local community, this usually only occurs in the case of larger capital receipts, while in this case the sale price would be regarded as revenue.
- 4.1.2 The local parish council have also been involved and support the resolution of this issue and the redevelopment of 175 High Street.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The sale and transfer of the land will not have specific equality and diversity implications, but will assist in bringing this high street property back into use.

4.3 Council Policies and City Priorities

- 4.3.1 The proposed settlement will assist the local economy by facilitating the redevelopment of 175 High Street, bringing it back into use a shop with residential accommodation upstairs and will also therefore improve the visual amenity of this property and the high street. Whilst also regularising the Council's title to the car park and generating a small receipt.

4.4 Resources and Value for Money

- 4.4.1 The Council will receive legal and surveyors fees for the transfer in addition to a purchase price of the land to be sold, the acquisition of the land to the rear of the property will also regularise the Council's title.

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 **Head of Land and Property** 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 Land and Property confirms that the proposal 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.
- 4.5.5 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this

information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.6 Risk Management

- 4.6.1 In the event of the proposed transfer not proceeding 175 High Street is likely to remain unoccupied which will have a negative effect on the High Street. Additionally the land immediately adjoining 175 high street may remain in a poor state representing a health and safety issue which may impact on users of the Council's adjoining car park.

5 Conclusions

- 5.1 That the terms as proposed by this report and its confidential appendix should be approved.

6 Recommendations

- 6.1 That the sale of the land adjoining the property and the transfer of land at the rear should proceed as proposed by this report.

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.