

**Report of :** Head of Land and Property

**Report to :** Director of City Development

**Date:** 5 December 2014

**Subject:** Land adjacent to Access House, Parkside Lane, Beeston, Leeds, LS11

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|---|---|--|
| 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, Access to Information Procedure Rule number:                       | 10.4(3)                                 |  |
| Appendix number:  | 1                                       |  |

## Summary of main issues

1. The land measures approximately 0.12 hectares (0.3 acres) and is presently occupied without Council consent by the owners of Access House for use as a yard and car park in association with their scaffolding business.
2. The land is effectively isolated from the Council's adjoining development site following the construction between 2006 and 2009 of a cycleway. It is understood that following the construction of this cycleway the owners of Access House started using the land without consent.
3. In order to regularise the occupation of the land, this report now seeks approval to declare land adjacent to Access House, Parkside Lane, Beeston, surplus to the Council's requirements and to approve terms, as outlined in the confidential appendix of this report, for its sale on a one to one basis to the owner of Access House.

## Recommendations

4. It is recommended that approval is given to declare land adjacent to Access House, Parkside Lane, Beeston, surplus to the Council's requirements and to approve terms, as outlined in the confidential appendix of this report, for its sale on a one to one basis to the owner of Access House.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to seek approval to declare land adjacent to Access House, Parkside Lane, Beeston, surplus to the Council's requirements and to approve terms, as outlined in the confidential appendix of this report, for its sale on a one to one basis to the owner of Access House.

## **2 Background information**

- 2.1 The land, as identified as the subject site on the attached plan, measures approximately 0.12 hectares (0.3 acres) and is presently occupied without Council consent by the owners of Access House for use as a yard and car park in association with their scaffolding business.
- 2.2 The land is allocated in the Local Development Framework for employment uses and is part of the same allocation as the Council's adjoining vacant site (identified as 'A' on Plan 1 attached) which is presently for sale on the open market for industrial type uses.
- 2.3 It is believed the land has been occupied without Council consent from somewhere between 2006 and 2009 to present. It was during this period that highway works were undertaken as part of the construction work to support the nearby South Leeds Academy. An adopted cycleway was constructed, as identified on the attached plan, which effectively landlocked the site by splitting it from Site A. It is believed at this time the owners of Access House started using the land for car parking and open storage.
- 3 The owner of Access House has also at some point blocked a definitive Public Right of Way no.201 (PROW), part of which runs through his site and unregistered land (as shown between points A, B and C marked on Plan 2 attached). As the Council has a duty to protect PROW the adjoining owner has been encourage to make an application to formally stop up this footpath, which has now been submitted and is pending an outcome.
- 3.1 A public sewer runs beneath the site, which would limit its development potential. In addition, the site is accessed from Parkside Lane but the head of the cul-de-sac is not part of the adopted highway. There is also a strip of unregistered land between the highway and the subject site; the ownership of which is unknown. The site would therefore appear to have limited development potential on the open market and a sale to the adjoining owner would both regularise the occupation of the site and maximise best consideration.

## **4 Main issues**

- 4.1 In order to regularise the occupation of the land, the Council has provisionally agreed terms for its sale to the adjoining landowner. The provisionally agreed terms, which are recommended for the approval of the Director of City Development, are outlined in the confidential appendix of this report.

## **5 Corporate Considerations**

### **5.1 Consultation and Engagement**

- 5.1.1 Ward Members were consulted by way of email on 27 August 2014 with regard to the proposal to sell the land to the owner of Access House. Each Ward Member replied by email to advise they had no objections.

## **5.2 Equality and Diversity / Cohesion and Integration**

- 5.2.1 This proposal has no specific implications for equality, diversity, cohesion and integration.

## **5.3 Council Policies and City Priorities**

- 4.3.1 The sale of the land supports the best Council policy of promoting sustainable and inclusive economic growth by helping people into jobs and boosting the local economy through the use of the land in connection with an existing employer. The disposal will also generate a capital receipt, which supports the same best Council policy.

## **5.4 Resources and Value for Money**

- 5.4.1 The sale of the land will generate a capital receipt and release the Council from future maintenance liabilities.
- 5.4.2 The land is surplus to the Council's requirements and no operational reason has been identified to justify its retention. In these circumstances, its disposal represents prudent and economic asset management, obviating holding costs associated with managing the land and therefore supports best value objectives of the Council.

## **5.5 Legal Implications, Access to Information and Call In**

- 5.5.1 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.
- 5.5.2 The proposal constitutes a significant operational decision; it is not subject to call in.
- 5.5.3 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).
- 5.5.4 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.

## **5.6 Risk Management**

- 5.6.1 The risks associated with the proposed disposal are detailed within the confidential appendix attached to this report.

## **6 Conclusions**

- 6.1 The report proposes that approval is given to declare land adjacent to Access House, Parkside Lane, Beeston, surplus to the Council's requirements and to approve terms, as outlined in the confidential appendix of this report, for its sale on a one to one basis to the owner of Access House.

## **7 Recommendations**

- 7.1 It is recommended that approval be given to declare land adjacent to Access House, Parkside Lane, Beeston, surplus to the Council's requirements and to approve terms, as outlined in the confidential appendix of this report, for its sale on a one to one basis to the owner of Access House.

## **8 Background documents<sup>1</sup>**

- 8.1 None.

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<sup>1</sup> 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.