

Agenda Item No:

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Report of: Head of Land and Property
Report to: Director of City Development
Date: April 2015
Subject: Land Adjacent to Former Lofthouse Library, Carlton Lane, Lofthouse, WF3 3LJ

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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): | Ardsley & Robinhood | |
| 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: | | |
| Appendix number: <u>1</u> | | |

Summary of main issues

1. The purpose of this report is to seek approval for the sale of Council owned land adjacent to the Former Lofthouse Library.
2. The land is surplus to the Council's requirements. The sale of the land will allow the owner of the former Lofthouse Library to re-develop it and bring back into commercial use.

Recommendations

4. It is recommended that the land adjacent to the former Lofthouse Library be sold to the owner of the library.

1 Purpose of this report

- 1.1 The purpose of this report is to recommend that an area of land adjacent to the Former Lofthouse Library is sold to the owner of the Library on the terms detailed in the confidential appendix.

Comment [ER]: Diane, get the original sale area marked on the plan. You can submit your report with this hand drawn while Mike plots it.

2 Background information

- 2.1 The owner of the former Lofthouse Library applied for and has been granted planning permission, to demolish the former library and build a larger commercial unit with two off street parking spaces. This proposal encroaches onto the adjoining Council owned land.
- 2.2 The former Lofthouse Library was sold by the Council at auction in August 2012. Prior to the sale potential development opportunities for the Library site were explored by Land and Property. Planning officers advised that the former Library fell into Class D1 use (Libraries, surgeries, nurseries, day centres, halls and churches) and any reuse of the building would be limited to replicating the previous use or a use which fell into the same Use Class, or subject to the receipt of planning permission alternatives which was thought to be extremely limited due to the size and sloping topography of the site. The re-use of the site for residential use was considered unsuitable.
- 2.3 Using the advice from Planning Services the former Library was offered for sale. Only a small area of land around the footprint of the building for the purpose of maintenance was included in the sale along with the existing entrance ramp **as shown on the plan**.

3 Main Issues

- 3.1 The owner has been granted planning permission to demolish the Library and create a larger retail unit with parking spaces. In order to fulfil the planning requirements it is essential that two parking spaces are provided, and in order to meet these requirements additional land is needed, which is Council owned. The planning application incorporating the Council's land was submitted without the Council (as land owner) being aware).
- 3.2 Prior to disposing of the library a range of potential uses were tested with Planning Officers. The use thought to be of most interest to the market was residential, but Planning Officers advised this would be unacceptable due to the extensive area of surrounding Council owned land that would have to be included with the library to accommodate the larger structure that a house would be, its essential gardens and parking. The surrounding land is sloping and retaining walls would be required. Additionally trees would have been lost. It was therefore concluded it would be most likely the building would be reused so no additional land was included.
- 3.3 By now selling the land to the owner of the library it could aggrieve other parties who were interested at the time of the auction, but did not bid as no additional land was included. At the time of the auction, however, no approaches were made to the Council enquiring whether additional land could be included. Detailed planning permission has now been granted which was subject to public consultation. No objections were received to the inclusion of this additional land within the application and detailed planning permission has been granted. The planners considered the application and were able to justify the loss of the small additional area of land that would be required for the development. This was an unexpected decision, but the land take is less than would be required for a **residential development, a single house** which Land and Property originally enquired about.
- 3.4 In order for the development to proceed the Council owned land is required and the owner of the library has asked the Council to sell it.. No reason has been identified

for the Council to retain this land, and by selling it will enable an otherwise empty run down building to be redeveloped and brought back into use.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Environments & Neighbourhoods consulted Ward Members on the proposal to sell the land. Ward Members advised they were supportive of this.

4.1.2 Land and Property consulted Ward Members on 5 March 2015 by email inviting their comments on the proposal to sell the land. All three Ward Members responded supporting the proposal.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no equality issues arising from this proposal.

4.3 Council Policies and City Priorities

4.3.1 The disposal of this land will enable the Former Lofthouse Library to be rebuilt as a commercial enterprise, saving it from falling into disrepair and helping the Council achieving its aim of bringing empty and derelict properties back into use across the city.

4.4 Resources and Value for Money

4.4.1 The sale of the land will generate a capital receipt and contribute towards the Council's capital programme. The Council's maintenance and other responsibilities for the area of land will cease. A new Business Rates liability will arise from the new building.

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 proposal constitutes an administrative decision and is therefore not subject to call in.

4.5.3 Best Consideration Paragraph

4.5.4 The Head of Land and Property confirms that in his opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

4.5.5 Public Interest paragraph

4.5.6 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 The risks associated with the proposed disposal are considered below:

4.6.2 If the land is not sold to the owner of the former Lofthouse Library there is a chance that the building will remain vacant and the owner will be unable to find a use for it. Leaving the building empty could make it vulnerable to vandalism and anti-social behaviour having a negative impact on the neighbouring bungalows.

4.6.3 If the land is sold it will enable the owner to develop the site, thus bringing a site back into use.

5 Conclusions

5.1 It can be concluded that the land adjacent to the former Lofthouse Library should be disposed of to the owner of the Library on the terms detailed in the confidential appendix.

6 Recommendations

7 It is recommended that the land adjacent to the former Lofthouse Library be sold to the owner of the library Background documents¹

7.1 There are 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.