

Agenda Item No:

Report author: Mike Ross

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

**Report to :** Director of City Development

**Date:**

**Subject:** Land at Swarcliffe Avenue/Brayton Green, Swarcliffe, Leeds, LS14

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Crossgates and Whinmoor	
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 subject site, located at the junction of Swarcliffe Avenue and Brayton Green, Swarcliffe, Leeds, LS14 and identified on the attached plan, comprises a cleared vacant grassed area.
2. The nearby Windmill Doctors Surgery is operating from a substandard building and developers acting for the doctors have approached the Council with a request to buy the subject site in order to build a new surgery premises.
3. Negotiations have been undertaken with the developers and provisional terms for a sale of the land have been agreed as detailed in the attached confidential appendix.

### Recommendations

4. It is recommended that the Director of City Development declares the land at Swarcliffe Avenue/Brayton Green surplus to the requirements of the Council and gives approval to sell the land on a one to one basis on the terms detailed in the attached confidential appendix.

## 1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to declare land at Swarcliffe Avenue/Brayton Green Swarcliffe, Leeds, LS14 surplus to the Council's requirements and to sell the site on the terms detailed in the attached confidential appendix.

## **2 Background information**

- 2.1 The subject site, which measures approximately 0.27 Ha (0.67 acres) comprises a cleared grassed area, formerly the site of Eastholme Aged Persons Home which was closed and demolished approximately 13 years ago.
- 2.2 The Windmill Surgery occupy nearby premises at Mill Green View which are considered substandard by the NHS for their current use. Developers acting on behalf of the Surgery have approached the Council with a request to buy the subject site to allow them to build a new purpose built premises with attendant pharmacy.
- 2.3 The subject site is to be declared surplus to operational requirements by the Chief Officer, Resources and Strategy, Adult Social Care.

## **3 Main issues**

- 3.1 The subject site has previously been considered for residential use but this proposal was opposed by Ward Councillors who were aware of the requirement for Windmill Surgery to re-locate to new premises. Negotiations on the terms of the sale have been undertaken on the basis that the sale price is at market value.
- 3.2 Terms for the sale of the subject site have been provisionally agreed and are detailed in the attached confidential appendix.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Local Ward Members were consulted by letter and e-mail on 17 July 2015. Two councillors responded in support of the proposal to sell the site to build a new surgery on 17 July and 27 July respectively. A further e-mail was sent to the third councillor on 10 August 2015 who confirmed his support on the same day.

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

- 4.2.1 The existing Windmill Surgery does not meet current standards. A new building on the subject site will be designed to be fully DDA compliant which will benefit all users of the new facility.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The provision of a new purpose built doctors surgery supports the Best City Plan objective of delivering the Better Lives programme to help local people with care and support needs to enjoy better lives.
- 4.3.2 The raising of a capital receipt for selling the subject site supports the Best City Plan objective of Becoming a More Efficient and Enterprising Council.

### **4.4 Resources and Value for Money**

4.4.1 The sale of the subject site will generate a capital receipt and release the Council from future maintenance liabilities.

#### **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 a significant operational decision and is therefore not subject to call in.

4.5.3 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).

4.5.4 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.

#### **4.6 Risk Management**

4.6.1 If the site is not sold, its maintenance responsibility will remain with the Council.

4.6.2 There is a risk that the prospective purchaser may withdraw their interest. This is considered unlikely as they have obtained indicative funding from the NHS for their proposed development and are keen to proceed.

### **5 Conclusions**

5.1 The sale of the subject site to build a new doctors' surgery will result in substantial benefits to the local residents and this report therefore seeks approval to declare the site surplus to the Council's requirements and sell it on the terms reported.

### **6 Recommendations**

6.1 It is recommended that the Director of City Development declares the land at Swarcliffe Avenue/Brayton Green surplus to the requirements of the Council and gives approval to sell the land on a one to one basis on the terms detailed in the attached confidential appendix.

## 7 Background documents<sup>1</sup>

7.1 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.