

Agenda Item No:

Report author: James Child

Tel: 24 74457

**Report of:** Land and Property

**Report to:** Director of City Development

**Date:** 6 September 2016

**Subject:** Design & Cost Report for Acquisition for land at Cabbage Hill, Barrass Garth Road, Wortley, Leeds, LS12

**Capital scheme number:** 32610

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Farnley & Wortley	
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 Council has long held an aspiration to improve the greenspace area known as Cabbage Hill, to include the subject site which is in third party ownership.
2. The company that formerly owned the land was dissolved with the result that the land was vested with the Crown. Offers were invited by the Crown for the acquisition of the land. The Council's offer has been accepted on the terms outlined in this report.

### Recommendations

3. It is recommended that approval is given to:
  - a) Acquire the freehold of land at Cabbage Hill.
  - b) The injection into the Capital Programme, and give authority to spend, the sum detailed in the confidential appendix.

## **1 Purpose of this report**

1.1 The purpose of this report is to seek approval to:

- a) Acquire the freehold of land at Cabbage Hill.
- b) The injection into the Capital Programme, and give authority to spend, the sum detailed in the confidential appendix.

## **2 Background information**

2.1 The site, which measures approximately 1.69 acres (0.68 hectares) and shown on the attached plan, is an area of poor quality open space / scrubland that was previously owned by BJ Skip Hire Limited. The company was dissolved and the land now vests with the Crown.

2.2 The Council has long held an aspiration to improve the greenspace area known as Cabbage Hill and to include this privately owned section. The Council's adjoining land to the west, together with the subject site, is allocated in the Unitary Development Plan as N5 proposed open space and N8 urban green corridor. A proposed scheme for the laying out of the greenspace is attached.

2.3 Funding for the proposed greenspace is to come from £120,000 of s106 monies which are due from an adjacent residential development at the former Upper Wortley Primary School site.

2.4 Recently works to clear the subject site have been undertaken without the consent of the Crown. Following complaints from local residents and Councillor Ann Blackburn, planning took enforcement action and issued a stop notice.

## **3 Main issues**

3.1 Following receipt of correspondence from the solicitors acting on behalf of BJ Skip Hire Ltd, the Council became aware that an application to restore the company was being made, which included the possible reacquisition of the land from the Crown.

3.2 The Council made enquiries with the Crown about potentially acquiring the land. In the context of an application by BJ Skip Hire Ltd, the Crown invited best and final offers to acquire the land by a closing date of 28 July 2016, with a guide price of offers in excess of £17,500. The guide price was determined following a valuation undertaken by the District Valuer on behalf of the Crown. The cost of the valuation (as detailed in the confidential appendix) is required to be borne by the Council.

3.3 Due to the shortness of time the Council submitted an offer, conditional on Council approval, by the closing date. The offer was subsequently accepted by the Crown with a completion date of 2 December 2016 set. Details of the accepted offer and terms are given in the confidential appendix.

3.4 The Crown has a duty to sell to the highest bidder in the same way as the Council does to achieve best consideration under s.123 of the Local Government Act 1973. Irrespective of the outcome of any application to restore BJ Skip Hire Ltd, the Crown is not required to sell to the previous owner, so there is no risk to the Council that BJ Skip Hire Ltd could make a new application in due course.

3.5 It is therefore proposed and recommended that the Council give approval to:

- a) Acquire the freehold of land at Cabbage Hill, as shown on the attached plan.
- b) The injection into the Capital Programme, and give authority to spend, the sum detailed in the confidential appendix.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 Councillor Ann Blackburn has been leading on this matter in the ward and is supportive of the proposal to acquire the land.

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

4.2.1 There are no equality, diversity, cohesion or integration implications arising from this proposal.

### **4.3 Council Policies and the Best Council Plan**

4.3.1 The acquisition of the land and its inclusion within the proposed greenspace will support a number of the objectives from the Best Council Plan by supporting communities, promoting sustainable and inclusive economic growth by making the area more attractive, building a child friendly city by creating a safe place to play and delivering the better lives programme.

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

4.4.1 The cost of the acquisition and future maintenance of the land will be funded from s106 monies.

#### **4.4.2 Capital funding and cash flow**

4.4.3 See attached confidential appendix.

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

4.5.1 Under Part 3, Section 3E(g) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.

4.5.2 The Chief Officer Economy and Regeneration, Head of Asset Management and Head of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development's sub delegation scheme.

4.5.3 This 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 terms offered to the Council represent a fair market value for the property.

4.5.5 The information contained in the Appendix of this report is exempt under Access to Information Rule 10.4(3) as it contains information relating to the financial or business affairs of a particular organisation and of the Council. It is considered that the public interest in maintaining the content of the appendix as exempt outweighs

the public interest in disclosing the information due to the impact that disclosing the information would have on the Council and third parties.

## **4.6 Risk Management**

- 4.6.1 The cost of purchasing the land will be covered by s106 monies received through planning permissions for specific spending on greenspace. There is no risk to the Council that the cost of the acquisition would have to be met from its own financial resources.
- 4.6.2 The cost of maintaining the land into the future will be borne by the Council as part of its general maintenance budget for greenspaces. The proposed greenspace scheme should cover an allowance for future maintenance costs from s106 monies.

## **5 Conclusions**

- 5.1 It is concluded that approval be given to:
- a) Acquire the freehold of land at Cabbage Hill.
  - b) The injection into the Capital Programme, and give authority to spend, the sum detailed in the confidential appendix.

## **6 Recommendations**

- 6.1 It is recommended that approval be given to:
- a) Acquire the freehold of land at Cabbage Hill.
  - b) The injection into the Capital Programme, and give authority to spend, the sum detailed in the 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.