

Agenda Item No:

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Report of: Head of Land and Property
Report to: The Director of City Development
Date: July 2017
Subject: Land at Low Fold, South Accommodation Road, Cross Green, Leeds, LS9

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City and 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 subject land, as identified on the attached plan, comprises a Council owned strip of land located to the front of a cleared former industrial site to the west at Low Fold, South Accommodation Road, Cross Green, Leeds, LS9.
2. The owner of the adjacent site has obtained planning permission to build 312 town houses and apartments on its land, which will also include a new footbridge across the River Aire, and has applied to purchase the Council land to provide links to the footbridge and landscaping for its development.
3. Following negotiations terms for the sale of the Council land have been provisionally agreed as detailed in the attached confidential appendix.

Recommendations

4. It is recommended that the Council declare the subject land surplus to requirements and give approval to sell it to the adjacent owner 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 Low Fold, South Accommodation Road, Cross Green, Leeds, LS9 surplus to the Council's requirements and to sell it on the terms detailed in the attached confidential appendix.

2 Background information

- 2.1 The Council owned land, which measures approximately 0.38 Ha (0.93 acres) predominantly comprises a sloping strip of land to the rear of the public footpath between South Accommodation Road and a cleared former industrial site at Low Fold. This land is all currently designated as adopted highway.
- 2.2 The owner of the site at Low Fold has been granted planning permission to build 312 town houses and apartments on its site. A condition of this permission is that the owner also builds a footbridge across the River Aire from its site.

3 Main issues

- 3.1 The owner of the Low Fold site has applied to purchase the strip of land owned by the Council in order to provide pedestrian link to the new footbridge and to provide a landscape buffer to its development
- 3.2 Terms for the sale of Council's land have been negotiated and are detailed in the attached confidential appendix.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted by letter and email on 17 July 2017, two members responded in favour of the sale on 17 and 18 July respectively.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equality issues arising from the proposal.

4.3 Council Policies and City Priorities

- 4.3.1 The property is to be declared surplus to Council requirements as no operational reason has been identified to justify retention. In these circumstances disposal represents prudent and economic asset management, minimising holding costs associated with managing and maintaining the land. The disposal of the Council land will generate a capital receipt in support of the Capital Programme, which contributes to a variety of Council policies.

4.4 Resources and Value for Money

- 4.4.1 If the land is sold the Council will cease to be responsible for any current and future maintenance and repair liabilities.
- 4.4.2 Disposal of the Council's freehold interest will generate a capital receipt and thereby contribute to the Council's Capital Receipts programme.

4.4.3

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 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 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 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 applicant has negotiated terms and has instructed solicitors to act on their behalf. There is no reason to anticipate that the purchase of the freehold interest will not be completed by the applicant.

5 Conclusions

- 5.1 As the applicant has negotiated terms, instructed solicitors and is keen to proceed it can be considered prudent to sell the land. A sale will generate a capital receipt and facilitate the provision of a new footbridge over the River Aire.

6 Recommendations

- 6.1 It is recommended that approval is given to sell the Council land at Low Fold, South Accommodation Road, Cross Green, Leeds, LS9 on the terms detailed in the attached confidential appendix

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.