

Report of Chief Statutory Housing

Report to Chief Officer Property and Contracts

Date: January 2014

Subject: Request to declare land adjacent to 19 Adel Wood Place surplus to departmental requirements

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Adel & Wharfedale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The owner of 19 Adel Wood Place has put in a request to purchase land to the side of their property (highlighted on the attached plan). The land is vested with Environment and Housing.
2. Other properties within the immediate area have already enclosed similar pieces of land within their boundaries so a precedent has been set.
3. The land has already been fenced off by the applicant so they want to formalise the land use.

Recommendations

4. It is recommended that the Chief Officer Property and Contracts declare the land (highlighted on the attached plan) surplus to the Department of Environment and Housing operational requirements for the purpose of selling as garden land to the owner of 19 Adel Wood Place.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to sell part of the land to the side of 19 Adel Wood Place (highlighted on attached plan) for garden purposes.

2 Background information

- 2.1 The owner of 19 Adel Wood Place has put in a request to purchase land to the side of their property (highlighted on the attached plan). The land is vested with Environment & Housing and managed by Housing Leeds.
- 2.2 The land measures approximately 170 sq. meters with a value between £4250 and £5950 plus fees.

3 Main issues

- 3.1 The owners of 19 Adel Wood Place have recently approached the Council requesting to purchase the land to the side of their property (highlighted on attached plan).
- 3.2 Other properties within the immediate area have already enclosed similar pieces of land within their boundaries so a precedent has been set.
- 3.3 The land has already been fenced off by the applicant and incorporated into their garden. They have recently approached the Council with a request to formalise their use of the land by way of purchase.
- 3.4 During a site visit on 17th December 2013, it was noted that the fenced area is slightly different to the plan which went through internal consultation, but with no adverse effect as it straightens the boundary with the neighbouring property (highlighted per attached system plan).
- 3.5 The Investment and Asset Team also carried out an option appraisal in which the following options were considered:
- 3.6 **1. Retain the land in LCC ownership**
- 3.7 Benefits: LCC retain control over the land which forms part of the wider landscaping of the estate.
- 3.8 Risks: Retaining the land would leave LCC responsible for the maintenance and the Council has no operational use for the land. Furthermore, if the land were to be re-instated an irregular boundary would be formed as the neighbouring properties have all extended their boundaries.
- 3.9 **2. Dispose of the land as per the customers original proposal**
- 3.10 Benefits: The Council has no operational use for the land and would be alleviated of the maintenance responsibility. Furthermore LCC would receive a capital receipt for the disposal. Fencing the land would even up the boundary with the

adjacent property that has already got a similar piece of land enclosed within their garden.

- 3.11 Risks: Loss of the land would mean a loss of land which forms part of the wider landscaping of the estate. However a precedent has already been set as the adjacent property has already enclosed a similar plot of land in the past, also the location and size of the plot of land would not have an adverse effect as there are large areas of open space within the immediate vicinity.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Local Ward members and Area management have been consulted. One reply was received in support of the proposal.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality, diversity cohesion and integration screening exercise have been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to this proposal and that a full impact assessment was not required.

4.3 Council policies and City Priorities

- 4.3.1 The proposal to sell the land to the owners of 19 Adel Wood place would generate a capital receipt for the Council and alleviate any future maintenance responsibility.
- 4.3.2 If the owner of 19 Adel Wood Place were to purchase the area of land, they would maintain it and incorporate it into their garden. Enclosure of the land would reduce the risk of litter and fly tipping on an open area, therefore the impact on the street will be a positive one which supports the following City Priority:
- Best City for communities: Ensure that local neighbourhoods are clean by reducing the percentage of streets with unacceptable litter.

- 4.3.3 The land will be sold with a restrictive covenant for garden purposes only.

4.4 Resources and value for money

- 4.4.1 The sale of the land would alleviate the Council from any potential future maintenance liability and provide the Council with a capital receipt.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report is not eligible for Call in and there are no known legal implications.

4.6 Risk Management

- 4.6.1 If the sale does not proceed the Council will remain responsible for the maintenance of the land and the land has no operational use for the department

of Environment and Housing. Selling the land to the owner of 19 Adel Wood Place would greatly reduce the risk of littering as the land would be incorporated into their garden and maintained by them.

5 Conclusions

- 5.1 The Department of Environment and Housing has no operational use for the land to the side of 19 Adel Wood Place (highlighted on the attached plan). Following internal consultation where no right of way or adverse issues were raised as to the use of the land, it is concluded that the best option would be to sell the land to the owners of 19 Adel Wood Place.
- 5.2 The proposed sale of this land would alleviate the Council from its maintenance responsibility and would generate a capital receipt.

6 Recommendations

- 6.1 It is recommended that the Chief Officer Property and Contracts declare the land (highlighted on the attached plan) surplus to the Department of Environment and Housing operational requirements for the purpose of selling as garden land to the owner of 19 Adel Wood Place.

7 Background documents¹

- 7.1 Plan identifying land to side of 19 Adel Wood Place.
- 7.2 System print following site visit of actual land fenced at 19 Adel Wood place.

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.