

Agenda Item No:

Report author: Mike Ross

Tel: 39 51479

Report of : Head of Property Services

Report to : Director of City Development

Date:

Subject: Land at 101 Commercial Road, Kirkstall, Leeds, LS5

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Kirkstall	
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, as identified on the attached plan, comprises a Council owned piece of land located to the front of 101 Commercial Road, Kirkstall, Leeds, LS5.
2. The new owners of the adjacent property, 101 Commercial Road, wish to buy the site in order to secure their boundaries and the pedestrian access to the property as part of their refurbishment of the building.
3. This report seeks approval to declare the site surplus to the Council's requirements and to sell the land on the terms set out in the attached confidential appendix.

Recommendations

4. It is recommended that the Council declare the subject site surplus to requirements and sell it to the adjacent owner on the reported terms.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to declare land at 101 Commercial Road, Kirkstall, Leeds LS5 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 Council owned land, which measures approximately 140 sq m, comprises, in part, a sloping landscape buffer behind a stone retaining wall recently constructed as part of the A65 Kirkstall Road Quality Bus Initiative highway improvement works. The rest of the land is within the curtilage of the adjacent property, 101 Commercial Road and comprises an area of hard standing to the front of the building together with the site of a number of mature trees and 2 points of pedestrian access from Commercial Road to the property.
- 2.2 101 Commercial Road, was originally built and operated by the Council as an old persons home known as Kirkdene. This property was sold by the Council in 2000 for use as student accommodation but the front portion of the site was not included in the sale as it was recognised that it might be required for future highway improvement works to the A65 which passes to the front of the property.
- 2.3 101 Commercial Road is currently vacant and has fallen into disrepair. It has recently been purchased with the new owners intending to refurbish the buildings to provide affordable rented accommodation with low running costs for young people/graduates/key workers.
- 2.4 Extensive consultations with Planning Services with input and consultation from Ward Members has resulted in a planning application submitted in December 2014 to provide 36 one person studio flats which was approved on 6 August 2015.
- 2.5 The new owners have approached the Council to buy the subject site in order to normalise the curtilage of their property and secure the ownership of the pedestrian accesses from Commercial Road.

3 Main issues

- 3.1 An approach has been made to the Council by the owner of 101 Commercial Road which wishes to purchase the subject site in order to normalise the curtilage of its site and secure ownership of the pedestrian accesses to its property.
- 3.2 Negotiations have been undertaken to sell the site with the provisionally agreed terms detailed in the attached confidential appendix.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted by letter and e-mail on 12 May 2014. There were some initial concerns expressed about the sale of the land but following additional information being provided on the proposals for the building by e-mail on 13 May 2014 all Ward Members confirmed their support for the sale on 13 May 2014.
- 4.1.2 The Executive Member for Regeneration Transport and Planning was consulted on 12 May 2014 and following e-mail dialogue with the Ward Members confirmed his support for the sale on 12 May 2014.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This proposal has no specific implications for equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

5 The sale of this land supports the Best Council Outcome to improve the quality of life for our residents, particularly for those who are vulnerable or in poverty.

5.1 Resources and Value for Money

5.1.1 The sale of the subject property will generate a revenue payment to the Council and release the Council from future maintenance liabilities.

5.2 Legal Implications, Access to Information and Call In

5.2.1 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.

5.2.2 The proposal constitutes a significant operational decision and is therefore not subject to call in.

5.2.3 The property is surplus to the Council's requirements and no operational reason has been identified to justify its retention. In these circumstances, its disposal represents prudent and economic asset management, obviating holding costs associated with managing the land and therefore supports best value objectives of the Council.

5.2.4 The Head of Property Services 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).

5.2.5 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

5.0 Risk Management

6 The risks associated with the proposed disposal are outlined in the attached confidential appendix.

7 Options

8 Options relating to the proposed disposal are considered in the attached confidential appendix.

9 Conclusions

9.1 The sale of this land will result in benefits to the local area where there is a shortage of low cost good quality affordable rented accommodation and this report therefore seeks approval to declare the property surplus to the Council's requirements and to approve the terms for its sale.

10 Recommendations

10.1 That approval is given to declare the property surplus to the Council's requirements and to sell the land to the adjacent owner on the terms outlined in the attached confidential appendix.

11 Background documents¹

None

The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.