

Land to the rear of 349 Tong Road, Wortley, LS12 4QG

Date: 18 February 2022

Report of: Land and Property

Report to: Chief Officer Asset Management and Regeneration

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report is to seek approval to sell land to the rear of 349 Tong Road, Wortley, to the adjoining owner, as named and on the terms set out in the confidential appendix. The site measures approximately 0.053ha and is currently overgrown and unused.
- In addition to the disposal, a licence to enter to commence construction of the car park will be granted to the adjoining owner pending the Council's application to register the land at Land Registry. Once the land is registered, this will enable the freehold transfer of the site.
- The disposal of the land will generate a capital receipt and will divest the Council of a maintenance responsibility.

Recommendations

It is recommended that approval be given to:

- a) Declare the land to the rear of 349 Tong Road surplus to Council requirements;
- b) Dispose of the land to the adjoining landowner on the terms set out in the confidential appendix;
- c) Grant a temporary licence to enter to carry out works in the interim period until a transfer is completed so that the applicant can develop the land. In the unlikely event that the land is unable to be registered, it is probable that reinstatement of the site will be enforceable onto the applicant.

Why is the proposal being put forward?

- 1 The owner of the adjacent business premises, which operates as a dental practice, has expressed an interest in purchasing the land, as shown on the attached plan, to expand their car park. This was considered to be market value at the time that the heads of terms were agreed. The land will also be sold subject to a restrictive covenant which will prevent the site being used as anything other than a car park as set out in the heads of terms.

- 2 The land, which measures approximately 0.053 hectares (0.13 acres) is not maintained under a grass cutting contract and as such is very overgrown and in a poor unsightly condition. It is assumed that the land vests with City Development.
- 3 Heads of terms for the proposed sale are set out in the confidential appendix. Planning permission has been granted (ref: 14/00502/FU) to allow the construction of 20 car parking spaces.
- 4 The land is unregistered as it was part of an enclosure award but is in the process of being registered with Land Registry. However, this is due to take time so a licence to enter to carry out the construction of the car park is to be granted in the interim period to allow the applicant to begin works on site. The licence will be terminated upon the transfer of the registered land.

What impact will this proposal have?

Wards Affected: Farnley & Wortley

Have ward members been consulted?

Yes

No

- 5 The land will become a car park to serve the adjacent business premises, which should reduce on-street parking demands. The sale of the site will obviate any future maintenance liabilities and produce a capital receipt that will support various projects relating to the Best Council Plan.

What consultation and engagement has taken place?

- 6 Ward Members were consulted by email on 2 July 2021 regarding the proposal set out in this report. No comments have been received.

What are the resource implications?

- 7 The sale of the land will generate a capital receipt and will divest the Council of any maintenance responsibilities.

What are the legal implications?

- 8 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.
- 9 The Chief Officer Asset Management and Regeneration, Head of Asset Management and Deputy 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.
- 10 The proposal constitutes a Significant Operational Decision and is therefore not subject to call in.
- 11 The Deputy Head of Land and Property confirms that in their 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).
- 12 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.

What are the key risks and how are they being managed?

- 13 Should the sale of this land not complete, the maintenance costs would fall to the Council. However this is unlikely given the applicant's eagerness to proceed and planning consent to construct the car park has been granted.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 14 The disposal will result in a capital receipt to the Council that will contribute to the Best Council Plan by supporting communities and promoting sustainable and inclusive economic growth by supporting the adjacent business premises.

Options, timescales and measuring success

a) What other options were considered?

- 15 Lease the land to the applicant. However, the applicant was not keen on this proposal as they preferred security of ownership due to the cost implications of the car park provision and this method would not produce the immediate receipt to the Council as a sale would.

b) How will success be measured?

- 16 This will be measured by way of a transfer of documentation from the Council's Legal Services team to the applicant and the granting of the interim licence agreement.

c) What is the timetable for implementation?

- 17 One year's licence to enter, extended or shortened as necessary depending on the length of time the land registration process takes to enable the transfer to complete.

Appendices

- 18 None.

Background papers

- 19 None.