
Cabinet Member (Business, Enterprise and Employment)

10th February 2014

Name of Cabinet Member:

Cabinet Member (Business, Enterprise and Employment) - Councillor Kelly

Director Approving Submission of the report:

Executive Director, Place

Ward(s) affected:

St. Michaels

Title:

Disposal of land at the rear of 11 Gulson Road and 56 Seagrave Road

Is this a key decision?

No

Executive Summary:

Following a review of the Council's land holdings a number of surplus sites and buildings have been identified for disposal.

The land situated at the rear of Gulson Road (shown shaded and hatched green on the plan attached as Appendix 1) is currently derelict, vacant, overgrown and does not have any strategic benefit for the Council to retain. The site has been identified as part of the SLAA (Strategic Land Availability Assessment) 2013, within Planning Policy.

The land forming the site shown shaded and hatched green on the plan attached as Appendix 1 has never been used for allotments and is held by the Council as statutory allotment land ("the Allotment Land"). In order for the Council to dispose of any part of this land an application to the Secretary of State needs to be made to de-register it.

Part of the site to be included in the application for de-registration is included in a master lease dated 17th September 2007 made between the Council (1) and Coventry and District Allotment and Gardens Council (2) ("the Master Lease") (namely the area hatched green on the plan attached as Appendix 1) and therefore prior to any disposal of this part of the land it would need to be formally removed from the Master Lease by a Deed of Surrender of Part.

Subject to 1) Cabinet Member (Business Enterprise and Employment) approval 2) seeking the consent of the Secretary of State for the application for the de-registration of the land and 3) the completion of the Deed of Surrender of Part under the Master Lease, then the site could be considered for disposal and the capital receipt expected in 2014/2015.

Recommendations:

The Cabinet Member (Business, Enterprise and Employment) is recommended to:

1. Approve the application to be made to the Secretary of State to de-register the Allotment Land shown coloured green on the plan attached as Appendix 1.
2. Approve the Deed of Surrender of Part under the Master Lease in respect of the Allotment Land to be de-registered
3. Approve the disposal of the land edged red on the plan attached as Appendix 3 under s.123 of the Local Government Act 1972
4. Delegate Authority to the Executive Director, Resources to complete the necessary legal documentation to achieve the above.

List of Appendices included:

Appendix 1: Land to the rear of Gulson Road/Seagrave Road

Other useful background papers:

N/A

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Disposal of land at the rear of 11 Gulson Road and 56 Seagrave Road

1. Context (or background)

- 1.1 Following a review of the Council's land holdings, a number of sites and buildings have been identified as surplus where there are no strategic reasons for the Council to continue to retain them.
- 1.2 The area of land shaded and hatched green on plan 1 (See Appendix 1) is currently held within the portfolio of Streetscene & Greenspace, Place Directorate. This land was acquired by the Council in 1927 and is currently held as Statutory Allotment land ("the Allotment Land").
- 1.3 The area of land shaded and hatched green has never been cultivated for allotment use. As a result this area of land has become substantially overgrown, is frequently used for fly tipping and anti-social behaviour and is an overall nuisance and cost to the Council.
- 1.4 The area outlined hatched green identifies the extent of the land included in the Master Lease, however the area hatched green is not cultivated as an allotment plot and has never been used as part of the allotment site.
- 1.5 Due to the constant fly tipping, anti-social behaviour issues, encroachments and other factors, this particular area requires extensive management and control, and therefore officers have identified this site together with the adjacent land, (all shown edged red on the plan attached at Appendix 1) to be included within the (SLAA) Strategic Land Availability Assessment.

1.6 Land Transfer of Allotment Land

- 1.7 In order to be able to redevelop this area, the Allotment Land requires de- registration from its original use as statutory allotment land. This requires submitting an application to 'de-register' this land to the Secretary of State.
- 1.8 The land hatched green on the plan attached as Appendix 1 (circa 228sqm/0.007 acres) currently forms part of the Master Lease even though it is not cultivated and not fit for allotment use, therefore it has been agreed with the Trustees of Coventry and District Allotments and Gardens Council to vary the Master Lease to remove this area of land.

2. Options considered and recommended proposal

- 2.1 **Apply to de-register the former allotment land and then dispose of the same**— As specified earlier in the report, the uncultivated land has never been used for allotments; the site does not form any strategic or operational purpose for the Council to retain, The disposal of the site, which is largely non-performing, will generate a capital receipt for the financial year 2014/2015.
- 2.2 **Continue status quo** – If the identified site is not de-registered and released for disposal then there is a lost opportunity to generate a capital receipt for an asset serving no strategic or operational purpose. The site will continue to remain overgrown and derelict and incur intermittent expenditure in response to fly tipping or other local anti-social uses.
- 2.3 It is therefore recommended to proceed with making the application to de-register the land shown coloured green on plan (Appendix 1). Upon receiving the necessary approval from the Secretary of State, the Master Lease is varied to remove the land from the demise.
- 2.4 The land identified by red edging on Appendix 1 is then approved for disposal. It can only be developed in conjunction with other adjoining land in private ownership.

3. Results of consultation undertaken

- 3.1 The Coventry and District Allotments and Gardens Council have been consulted on the proposed surrender of the Allotment Land from the Master Lease and, as the Master Lease is being renewed, other amendments requested and agreed to as part of this process will be included in the new lease. In relation to ensuring that the allotments continue to offer a valued facility to local people, your officers will continue to work closely with (C&DAGC) to ensure that this objective is supported.

4. Timetable for implementing this decision

- 4.1 Subject to Cabinet Member approval, an application will be made to the Secretary of State to 'de-register' the site; if consent is received the site will be allocated for disposal over the financial years 2014/2015. The changes to the Master Lease and any necessary appropriations will then take place accordingly.

5. Comments from Executive Director, Resources

5.1 Financial implications

The Medium Term Financial Strategy requires a certain level of receipts to fund the capital programme approved by members in February 2013. The eventual receipts will contribute to the corporate capital receipts target which underpins the Medium Term Financial Strategy.

5.2 Legal implications

Section 8 of the Allotments Act 1925 states that where a Local Authority has purchased or appropriated land for use as statutory allotments the consent of the Secretary of State for Communities and Local Government is required for the sale appropriation or disposal of such allotments. The Secretary of State has to be satisfied that that adequate provision will be made for those displaced allotments holders. It should be noted that there are no displaced allotment holders in this case.

The Council is obliged to obtain the best consideration reasonably obtainable for the disposal of land in accordance with Section 123 Local Government Act 1925. Officers within Place Directorate will ensure that this requirement is satisfied upon the disposal of the land

6. Other implications

Property Implications

The proposed transaction will dispose of a site that does not serve any strategic use and is therefore surplus to requirements and will contribute towards corporate financial targets.

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The capital receipts will contribute towards corporate resources whilst the disposal of site will promote their development and support urban regeneration.

6.2 How is risk being managed?

The risks have been identified as per paragraph 2.2 with the loss of potential capital receipts.

6.3 What is the impact on the organisation?

6.4 The impact to the organisation will be minimal however it will generate additional work for officers within Finance & Legal Services, Resources Directorate in processing the necessary application to the Secretary of State and dealing with the completion of the land disposal and the necessary variations to the Master Lease

6.5 Equalities / EIA

An Equality Impact Assessment has not been undertaken as the proposal concerns the disposal of land for development and no group will be impacted.

6.5 Implications for (or impact on) the environment

The impact will be positive as overgrown, derelict allotment land will be redeveloped and will promote regeneration of the area.

6.6 Implications for partner organisations?

There are no implications for any partner organisations.

Report author(s):

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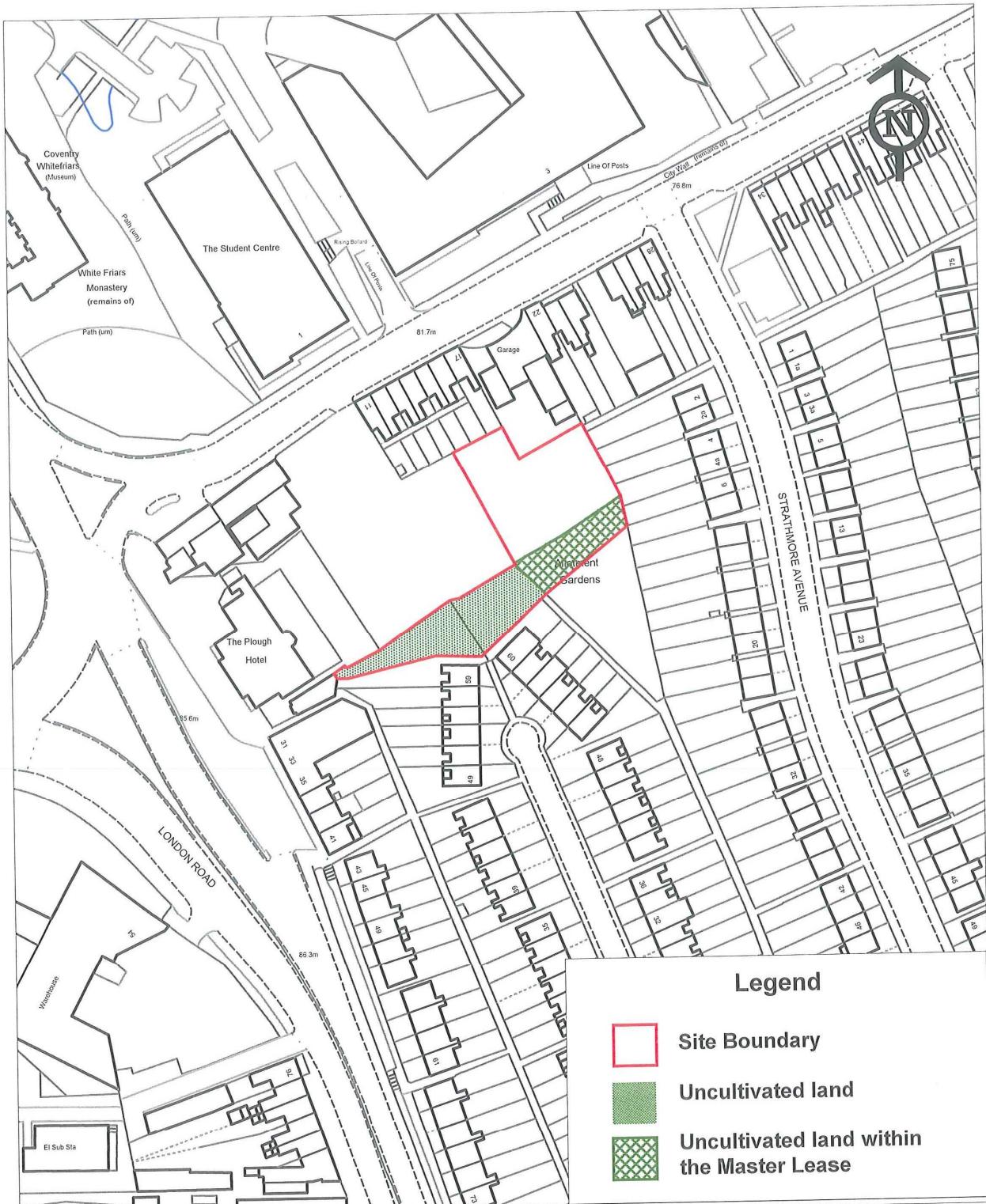
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Appendix 1: Land to rear of Gulson Road/Seagrave Road

Drawn By: NH
Scale : 1:1250
Date: 17/01/2014

For Identification purposes only

Martin Yardley - Executive Director, Place
Nigel Clews - Assistant Director, Property Management

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