

The Vale of Glamorgan Council

Cabinet Meeting: 3 July, 2017

Report of the Leader

Land Adjacent to 9 Maes Lindys, Rhoose - Disposal of Council Land

Purpose of the Report

1. To seek approval to dispose of a small parcel of land located next to 9 Maes Lindys, Rhoose, subject to agreeing a suitable sale value together with terms and conditions.

Recommendations

1. That the land identified at [Appendix 'A'](#) be declared surplus to the Council's requirements and sold to the adjacent property owners, the registered proprietors of 9 Maes Lindys, at market value, subject to covenants restricting future development on the land being included in the terms of sale.
2. That the Head of Finance be authorised to appoint an external valuer to provide a market valuation report for the land referred to in [Appendix A](#) and agree Heads of Terms for the sale in consultation with the Head of Visible Services and Transport.
3. That the Head of Legal Services be authorised to complete all necessary legal documentation required to dispose of the land.

Reasons for the Recommendations

1. To allow a parcel of to be transferred to the occupier of the neighbouring property.
2. To ensure the Council's fiduciary and statutory obligations are met within the transaction.
3. To ensure legal procedures are followed.

Background

2. The Council owns a parcel of land adjacent to the residential property, 9 Maes Lindys, Rhoose, as shown at [Appendix A](#). This small parcel of land is sloping and is difficult to maintain. The owners of the neighbouring property to the land, 9 Maes Lindys, have written to the Council to formally request that they be allowed to purchase the piece of land as shown at [Appendix A](#). The applicants advise that the land has been maintained by them for some time and the applicants would now like to purchase the piece of land before carrying out any improvements. The applicants

would like to incorporate the land into their garden. Any transfer would include a covenant restricting the future use of the land to garden use. Heads of Terms and the form of Transfer will further require by means of covenant a requirement for the consent of the Council to the erection of a fence between the land to be transferred and the public footpath of the adjoining land in question in order to control the type and height of such fence. Planning permission may be required for a change of use to allow garden land, however this would be a matter for the applicants to seek and obtain as necessary.

3. The area of land is difficult for the Council to maintain given access difficulties and topography of the land.

Relevant Issues and Options

4. The disposal of this land will not reduce the amount of public space available as this site has been inaccessible to the public for a significant period of time.
5. In order to progress the sale of this piece of land an external valuation will be required to determine the market value of the land to satisfy the Council's obligations.

Resource Implications (Financial and Employment)

6. The Council would not be willing to incur any costs in respect of the proposed sale. The prospective purchasers will be required to meet all of the Council's costs. The cost of the valuation of the land would need to be recharged to the prospective buyer and any abortive costs would be the responsibility of the applicants.

Sustainability and Climate Change Implications

7. There are no significant sustainability or climate change implications associated with this report.

Legal Implications (to Include Human Rights Implications)

8. The Council has a statutory and fiduciary duty to obtain best consideration for disposal of land and buildings in its ownership. There are exemptions to this obligations, however the Council are not relying on any such exemptions in this particularly case.
9. The Legal Section will be required to draft, complete and execute all documents required to complete the disposal of land.

Crime and Disorder Implications

10. There are no significant crime and disorder implications associated with this report.

Equal Opportunities Implications (to include Welsh Language issues)

11. There are no significant equal opportunity implications associated with this report.

Corporate/Service Objectives

12. The relevant Well-being Outcome 2: An Environmentally Responsibility and Prosperous Wales:
Objective 4: Promoting sustainable development and protecting our environment.

Policy Framework and Budget

13. This report is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

14. Local Ward Members have been consulted on this report.

Councillor Kemp has confirmed that he has no objection to the proposed disposal subject to appropriate safeguards.

Councillor Lloyd has confirmed that he agrees to the proposed disposal subject to appropriate conditions relating to the public footpath boundary being applied.`

Relevant Scrutiny Committee

15. Corporate Performance and Resources.

Background Papers

None.

Contact Officer

Emma Reed - Head of Visible Services and Transport

Officers Consulted

Operational Manager - Property

Financial Accountant - Visible Services

Committee Reports - Legal

Operational Manager - Leisure

Operational Manager - Development

Operational Manager - Highways and Engineering

Responsible Officer:

Miles Punter, Director of Environment and Housing Services