

The Vale of Glamorgan Council

Cabinet Meeting: 17 December 2018

Report of the Leader

Disposal of Land - Rear of 42 & 44 Fonmon Road, Rhoose

Purpose of the Report

1. To seek approval to dispose of a small parcel of land located at the rear of 42 & 44 Fonmon Road, 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 42 & 44 Fonmon Road, Rhoose at market rate, 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 Neighbourhood Services and Transport.
3. That the Monitoring Officer / Head of Legal and Democratic 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 each of the occupiers of the neighbouring properties.
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 children's play facility located at Nurston Close in Rhoose. This playground borders a number of properties located on Fonmon Road. Over a number of years there has been encroachment onto the Council's land and the original boundary is difficult to locate. A new border is clearly visible but looking at original drawings it is clear that some of the land currently occupied by the residents of

Fonmon Road, Rhose is in the ownership of the Council. This land is identified at Appendix A. Following discussions with some of the residents in Fonmon Road an application has been made by the owners of 42 & 44 Fonmon Road to purchase the piece of Council land they are currently occupying. It is understood that this land has been encroached upon for in excess of 10 years and the Council would have difficulty in regaining possession. Therefore the Council is not be required to advertise the disposal of this land.

Relevant Issues and Options

3. The disposal of this land will not reduce the amount of public space currently available as this site has been inaccessible to the public for a significant period of time. Whilst the Council would normally reject any application to purchase play space, given the number of years that this area appears to have been occupied by residents it is proposed to make an exception in this instance.
4. 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)

5. 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

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

Legal Implications (to Include Human Rights Implications)

7. 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 obligation, however the Council are not relying on any such exemptions in this particular case.
8. The Legal Section will be required to draft, complete and execute all documents required to complete the disposal of land.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

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

Corporate/Service Objectives

11. 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

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

Consultation (including Ward Member Consultation)

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

14. The Council's Regeneration & Planning Division has also been consulted in relation to this land becoming garden space as opposed to open space. They have stated that they do not perceive an issue as the land is within the settlement boundary.

Relevant Scrutiny Committee

15. Corporate Performance and Resources.

Background Papers

None.

Contact Officer

David Knevett - Operational Manager Neighbourhood Services, Healthy Living and Performance

Officers Consulted

Operational Manager - Property

Financial Accountant - Environment and Housing

Committee Reports - Legal

Operational Manager - Neighbourhood Services, Operations

Operational Manager Development Management

Responsible Officer:

Miles Punter, Director of Environment and Housing

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