

Meeting of:	Cabinet
Date of Meeting:	Monday, 21 June 2021
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Disposal of Small Parcels of Education Owned Land.
Purpose of Report:	To seek Cabinet approval to dispose of five small parcels of non-operational education land suitable for use incidental to the enjoyment of the adjacent dwelling houses only (as identified at Appendix A)
Report Owner:	Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	Angela Bailey, Estates Officer
Policy Framework:	This report is consistent with the Policy Framework and Budget and is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Council owns small parcels of land, which border existing, privately owned properties, that are not suitable for development but are a continuing financial burden on the Council due to their ongoing maintenance and security costs. • The Council has received enquiries to acquire five of these small areas of land, from the residents of 37 and 39 St David's Crescent, Penarth and Bryn Awel, Crooked Shoard, High Street, Llantwit Major and 7 Great House Meadows, Llantwit Major which are currently managed by, or under the control of, the Education Department. The Council can dispose of such land if it is no longer required for its operational purpose. • Permission is therefore sought to dispose of this non-operational Education owned land identified in Appendix A as surplus to Council requirements, to be used as additional garden space by purchasers subject to them gaining planning permission for this use. 	

Recommendations

1. That Cabinet declares the parcels of Education land adjoining 37 and 39 St David's Crescent, Penarth and Bryn Awel, Crooked Shoard, High Street, Llantwit Major and 7 Great House Meadows, Llantwit Major shown at Appendix A as surplus to Council requirements.
2. That delegated authority be granted to the Director of Learning & Skills, and in consultation with the Deputy Leader and Cabinet Member for Education and Regeneration, and Head of Finance to dispose of the parcels of land by the most appropriate means and on terms and conditions to be agreed.
3. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation in order to formalise the disposals.

Reasons for Recommendations

1. To comply with the Council's Constitution.
2. To ensure that the Council obtains best consideration for the land in accordance with its statutory and fiduciary obligations.
3. To legally formalise the disposal of the land and to ensure compliance with statute.

1. Background

- 1.1 The Council owns small parcels of land (which border existing, privately owned properties) that are not suitable for development and are a continuing financial burden on the Council due to their ongoing maintenance and security costs.
- 1.2 The fence line at St Illtyd Primary School was realigned nearly 20 years ago leaving a strip of land between the school fence and the adjoining properties, the Crooked Shoard, Bryn Awel and 7 Great House Meadows. It has become overgrown and is being treated for Japanese Knotweed and is not considered public open space because it is a landlocked piece of land. There is also evidence of trees that are suffering from Ash die back that will need to be removed prior to the sale being completed.
- 1.3 At a meeting on 5 June 2017 Cabinet agreed to the disposal of two pieces of land adjoining 6 Court Close and Penmaes further along the boundary. These have now been sold.
- 1.4 At the rear of 37 and 39 St David's Crescent, Penarth there is a strip of land between the public footpath along the boundary of the school and the adjoining houses which is overgrown and is not developable. It is not considered public open space because it appears to belong to the adjoining properties and is not

used by the public. Part of this land is owned by Housing and at the meetings of 1 October 2018 and 21 January 2019 Cabinet agreed to the disposal of this land.

2. Key Issues for Consideration

- 2.1** The Council has received enquiries to acquire five separate small pieces of land which are currently managed by, or under the control of, the Education Department. The Council can dispose of such land if it is no longer required for its operational purpose.
- 2.2** The Council's Insight Board and the Council's external partners on the Public Service Board (PSB) have been consulted to ascertain if there is a use for these parcels of land within the Council or the PSB. There has been no expression of interest from any of these parties in retaining these parcels of land. In addition, consultation has been carried out with the local Ward Members who have raised no objection to the land sales. They are therefore now surplus to the Council's requirements.
- 2.3** Permission is now sought to dispose of these pieces of non-operational Education owned land, to be used as additional garden space by the purchasers. Disposing of the land will generate receipts for the Council and reduce ongoing maintenance costs associated with retaining it.
- 2.4** Any disposal would also be subject to the Council receiving the best consideration for the land and the purchaser paying all the Council's costs in relation to the sale and any other appropriate terms. The parcels of land where the request have been received are identified at Appendix A.
- 2.5** It is proposed where appropriate that the Council sell its freehold interest in any area of land and place a covenant on the land to restrict the use of it to a purpose incidental to a dwelling house e.g. domestic garden purpose only. In the event of the Council agreeing to remove a restrictive covenant at a future date, officers will ensure that a suitable claw back provision has been included in the sale documentation to guarantee that the Council benefits from any increased land value that might result from a change of use.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

LONG TERM

- 3.1** Better use of land should be achieved by this proposal which also reduces the Council's land maintenance costs and makes more funding available in the long term for School repairs and development opportunities.

PREVENTION

- 3.2** By disposing of these small parcels of land to an adjoining householder, it will have a positive impact on crime and disorder by reducing the opportunities for vandalism and fly-tipping.

COLLABORATION

- 3.3** By working with colleagues in Property Services and Legal to sell this land it will result in the Council obtaining the best consideration.

INTEGRATION

- 3.4** The integration of public land into the community will serve to free up time spent on management of the areas.

INVOLVEMENT

- 3.5** Opportunities for members of the public to make better use of surplus land to increase their garden space. The well-being of residents involved will be enhanced as they will obtain enjoyment from the use of this otherwise unused land as a recreational area.

4. Resources and Legal Considerations

Financial

- 4.1** The disposal of the land will generate receipts which will be utilised to support the Councils School Investment Programme.
- 4.2** The timely disposal of surplus assets should assist the Council in the reduction of its maintenance costs.
- 4.3** Agreement will be sought at the outset for the prospective purchasers to cover the cost of Agent's fees, and Property and Legal officer's costs even if the sale of the land is not completed, so that there will be no financial burden on the Council.

Employment

- 4.4** There are no employment implications in respect of the sale of these pieces of land.

Legal (Including Equalities)

- 4.5** The Council has a statutory duty pursuant to section 123 of the Local Government Act 1972 to secure the best consideration that can reasonably be expected to be obtained. Albeit that there are exceptions to the statutory duty, such exceptions are not being relied upon in the given cases. An external valuation report will be obtained to certify the market value of the land for sale purposes.

4.6 There are no equal opportunities implications arising from this report.

5. Background Papers

None.

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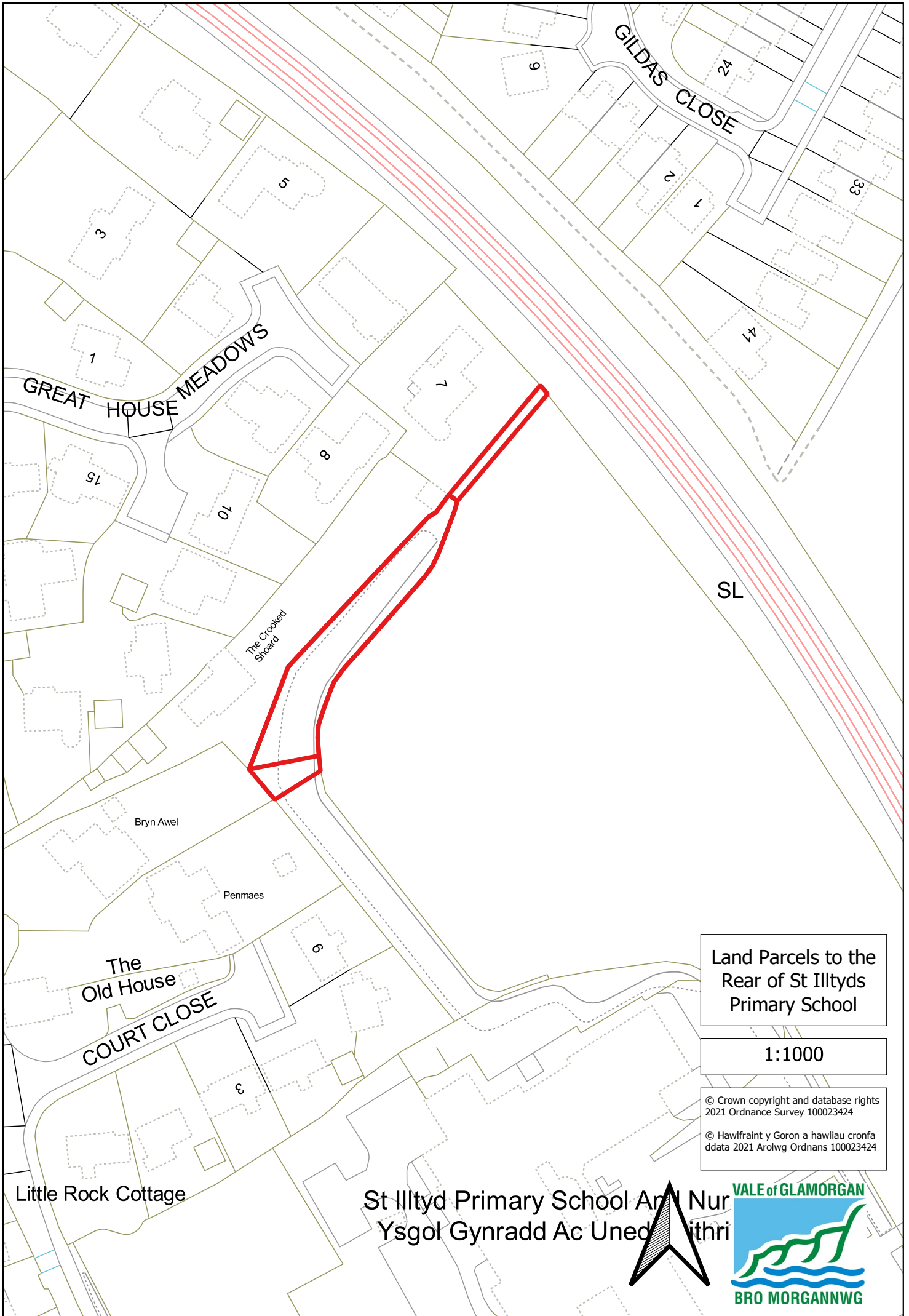
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Land Parcels to the Rear of St Illtyds Primary School

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Little Rock Cottage

St Illtyd Primary School Arddur
Ysgol Gynradd Ac Uned Gynhyrdd

