

Council Report

Cabinet and Commissioner's Decision Making Meeting – 13 March 2017

Title

Property Disposal Schedule

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision though it has been included on the Forward Plan.

Director Approving Submission of the Report

Damien Wilson, Strategic Director Regeneration & Environment

Report author(s):

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Wards Affected

Sitwell and Wales

Executive Summary

The purpose of this report is to seek approval to the disposal of a number of low value property assets.

Recommendations

1. That the disposal of the property assets detailed in this report be approved.
2. That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the disposal of the assets using the appropriate method.
3. That the Assistant Director of Legal Services complete the necessary legal documentation for the disposal of the assets.

List of Appendices Included

Appendix 1 – Site and Location Plan 52 Allendale Road, Rotherham

Appendix 2 – Site and Location Plan 44 Danby Road, Kiveton Park, Rotherham

Appendix 3 – Exempt Financial Addendum

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

Public report with exempt appendix

Title

Property Disposal Schedule

Recommendations

- 1.1 That the disposal of the property assets detailed in this report be approved.
- 1.2 That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate the disposal of the assets using the appropriate method.
- 1.3 That the Assistant Director of Legal Services complete the necessary legal documentation for the disposal of the assets.

2 Background

2.1 52 Allendale Road, Rotherham

- 2.1.1 The Council has owned the freehold interest of 52 Allendale Road since 1952. This is a private residential property on which a long lease of 99 years was granted at the time on a nominal rent (currently £2 per annum) with 34 years remaining.
- 2.1.2 The residential occupier of this interest (the long leaseholder) is seeking to dispose of his leasehold interest, but with only 34 years remaining on the lease, this is impacting upon its value and marketability of his home. The long leaseholder has subsequently approached the Council to request to purchase his freehold interest, or if he can find an agreeable buyer, that they purchase this interest.

2.2 Garden Land Sale – 44 Danby Road, Kiveton Park, Rotherham

- 2.2.1 The owner of 44 Danby Road, Kiveton Park has requested to purchase an area of open greenspace land measuring 52 square metres. This land is adjacent to her existing front curtilage, but is currently owned by the Council
- 2.2.2 No 44 Danby Road is a former Council House purchased in 2002 through the Right To Buy Scheme. Under the original sale, this land was not included and was left as an open greenspace area.

3 Key Issues

3.1 52 Allendale Road, Rotherham

- 3.1.1 The Long Leaseholder has the statutory right to either extend the length of the lease or purchase the freehold interest. A purchase of the freehold interest is subject to the payment of a premium by the leaseholder and payment of the Council's Legal and Surveying fees in dealing with this matter. There is no benefit in the Council retaining its freehold interest in this property as the cost in demanding the rent is higher than the actual rent received.

3.2 Garden Land Sale – 44 Danby Road, Kiveton Park, Rotherham

- 3.2.1 The owner of 44 Danby Road has occasionally maintained the land as it is adjacent to the front driveway and has now requested to purchase this from the Council. The owner of the adjacent property, 4 Trinity Road, Kiveton Park has previously purchased part of this open greenspace area from the Council and fenced it off leaving this remaining area of land open. The holding service, Housing & Estates Services, is responsible for its maintenance have confirmed that this land is surplus to their operational requirements and are responsible for its maintenance. Planning have confirmed that there would be no objections to its disposal as an extension to the existing garden.

4 Options Considered and the Recommended Proposal

4.1 52 Allendale Road, Rotherham

- 4.1.1 **Option 1 – Retain The Asset.** The Council's freehold interest in the property generates a nominal rental income which costs more to invoice than is received.
- 4.1.2 **Option 2 - Dispose of the Asset to the Long Leaseholder.** This option represents the recommended proposal as it will produce a Capital receipt by way of a premium, with the Council's Legal and Surveying fees met by the Long Leaseholder. The Long Leaseholder has the statutory right to either extend the length of lease or purchase the freehold interest.

4.2 Garden Land Sale – 44 Danby Road, Kiveton Park, Rotherham

- 4.2.1 **Option 1 – Retain The Asset.** The site has no benefit to the Council but has to be maintained as part of the estate's open green space areas. Accordingly, this option is not supported for reasons of good estate management.
- 4.2.2 **Option 2 - Dispose of the Asset.** Dispose of the site to the adjoining owner of 44 Danby Road as a private treaty sale. This option will provide a capital receipt and represents the recommended option.

5. Consultation

5.1 52 Allendale Road, Rotherham

5.1.1 Due to the nature of this asset and the statutory right to purchase, no consultation has been carried out.

5.2 Garden Land Sale – 44 Danby Road, Kiveton Park, Rotherham

5.2.1 As this area of land is located directly adjacent to the proposed purchaser's property it has no benefit to any other potential user. Ward Members have been consulted and no responses have been received.

6. Timetable and Accountability for Implementing this Decision

6.1 If approval is given to the recommendation as presented above these will be actioned immediately.

7. Financial and Procurement Implications

7.1 The Council's Legal and Surveying fees in dealing with the purchase of the freehold interest of 52 Allendale Road, Rotherham will be met by the Long Leaseholder.

7.2 A contribution of £250 towards the Council's and Legal and Surveying fees in dealing with the garden land sale is to be made by the purchaser.

7.3 The estimated capital receipt from the proposed disposal of the assets are contained within the exempt financial addendum within paragraph 7.5 of Appendix 4.

8. Legal Implications

8.1 Specific legal implications are contained within the main body of the report.

9. Human Resources Implications

9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

10.1 None.

11. Equalities and Human Rights Implications

11.1 None.

12. Implications for Partners and Other Directorates

12.1 With regards to 44 Danby Road the holding service, Housing and Estates will no longer have the responsibility to maintain the area of land which is surplus to their operational requirements.

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Damien Wilson, Strategic Director, Regeneration & Environment



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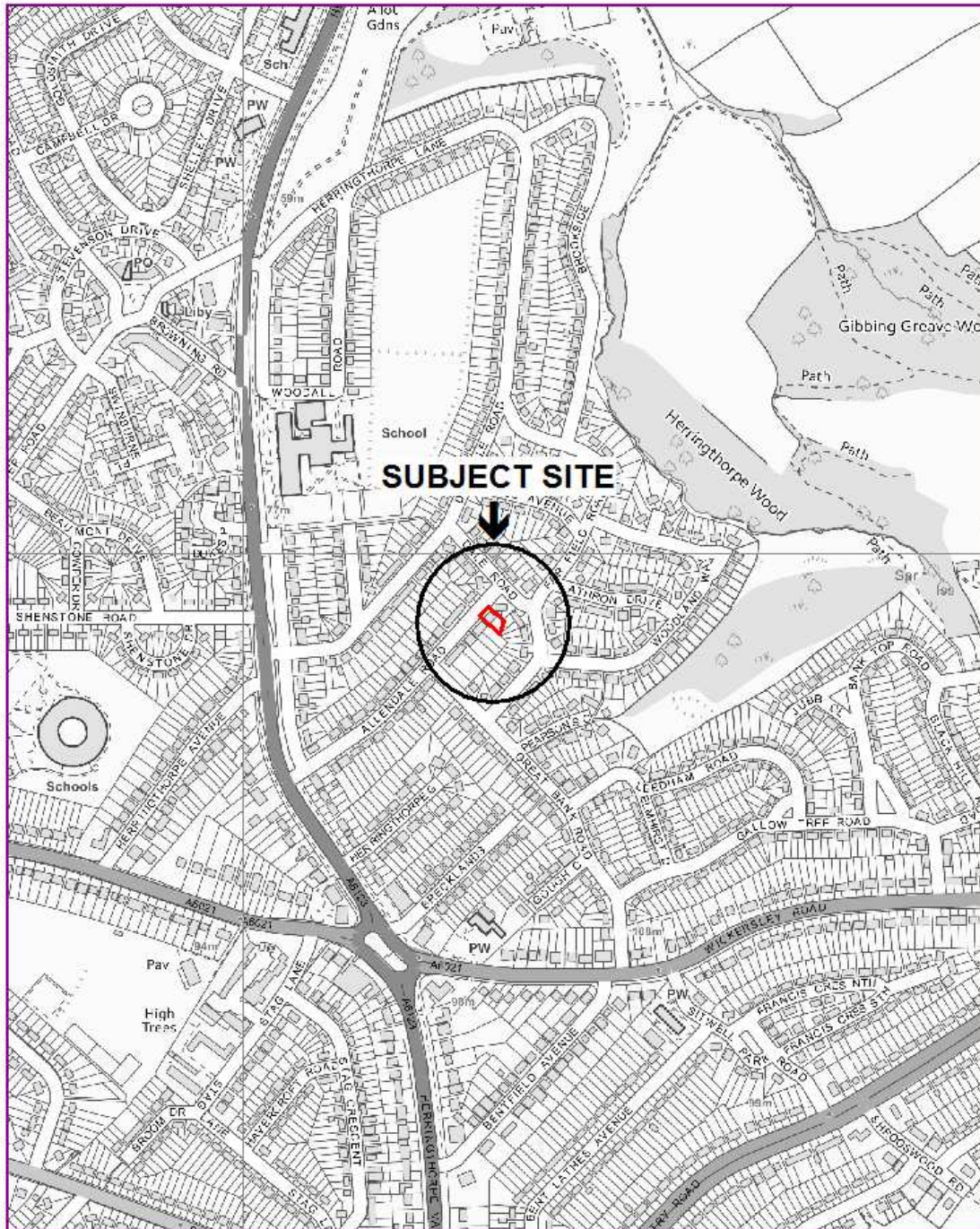


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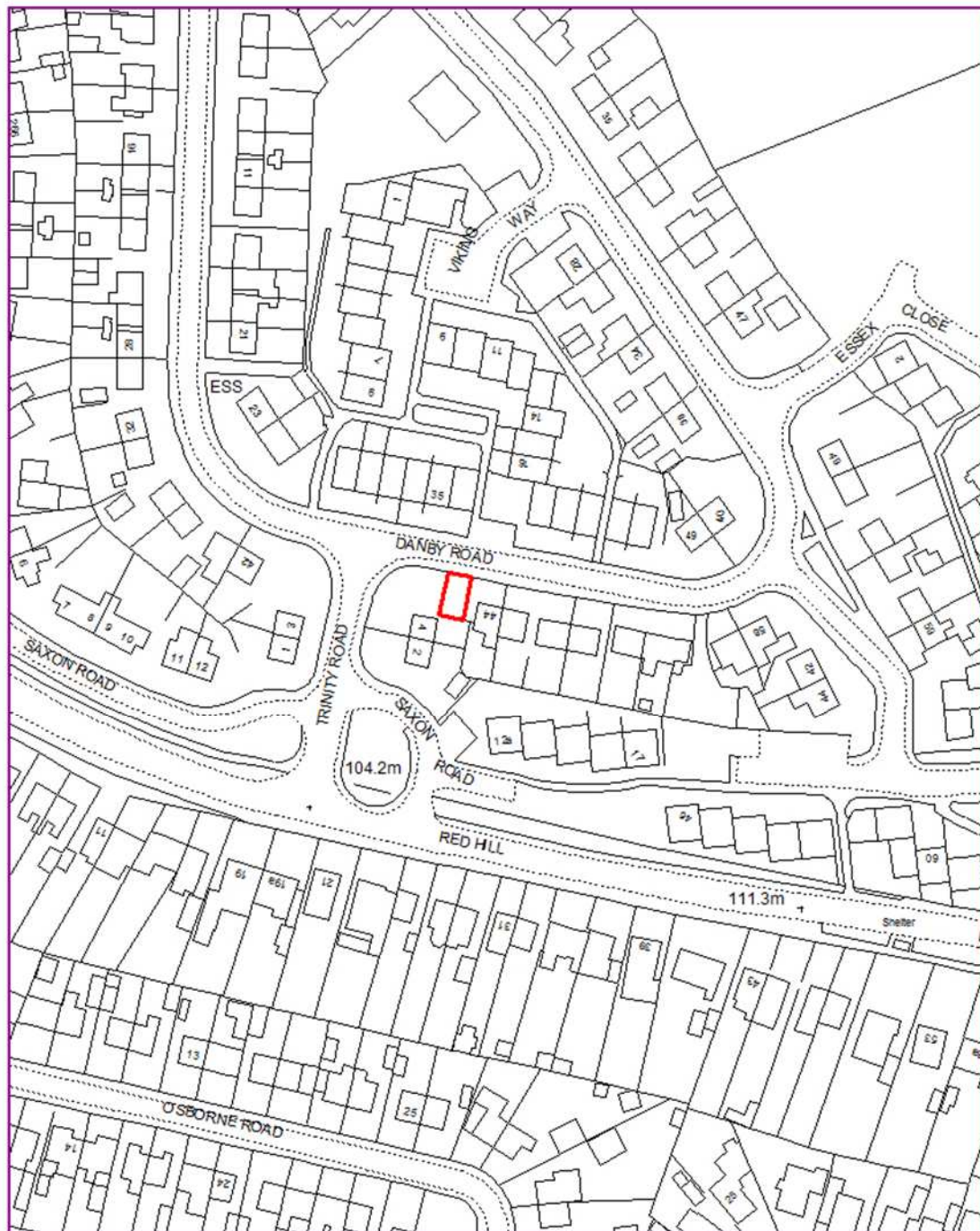
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Appendix 2



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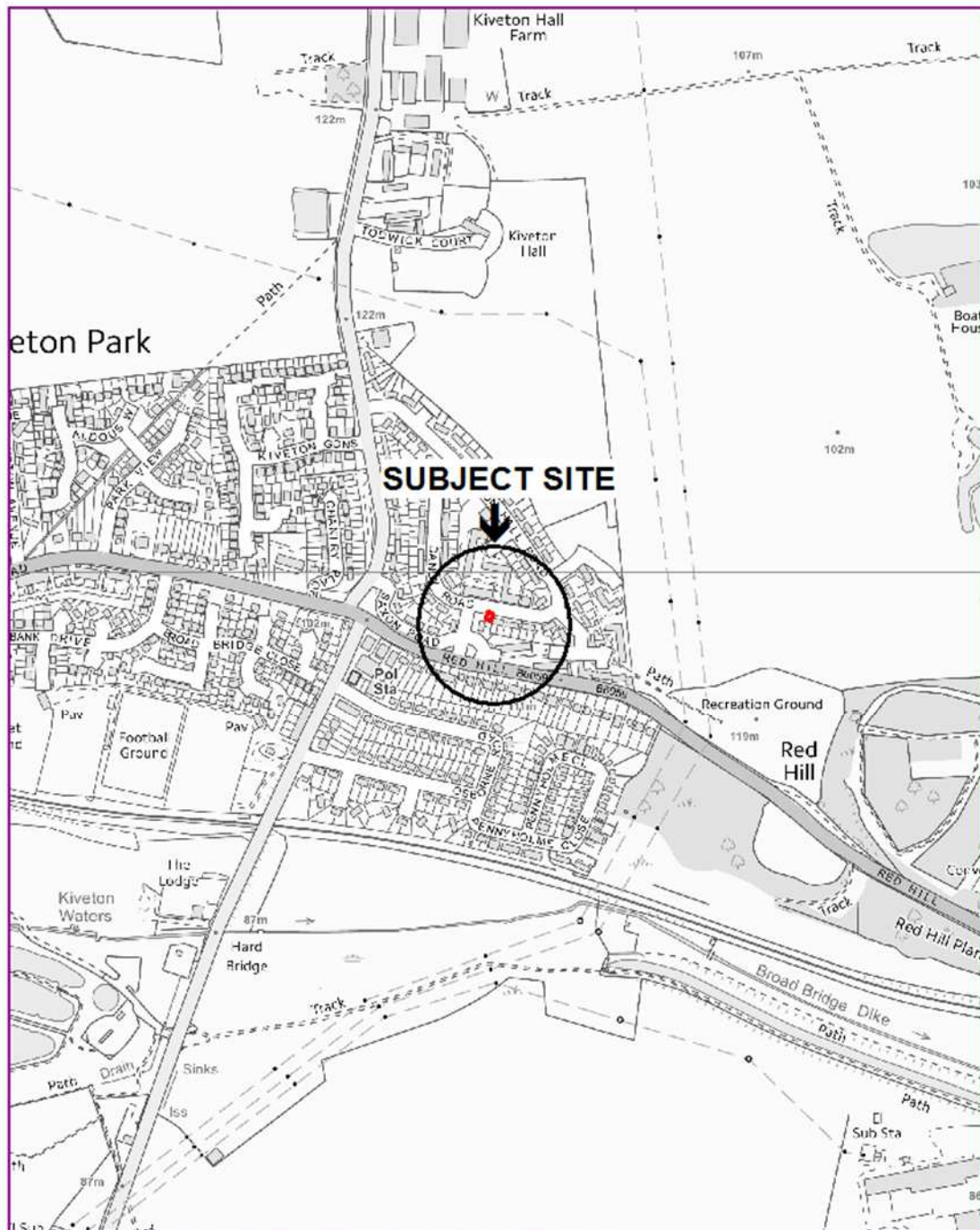


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