



DELEGATED DECISION

REPORT TITLE	LAND ADJACENT 72 LOWFIELDS AVENUE, EASTHAM - DISPOSAL
REPORT OF	CORPORATE DIRECTOR OF DELIVERY SERVICES AND ASSISTANT CHIEF EXECUTIVE

REPORT SUMMARY

This report seeks approval to the disposal of land adjacent 72 Lowfields Avenue, Eastham.

The sale will support the Wirral Plan and its delivery through the generation of capital receipts.

This matter affects the Eastham ward and is not a key decision.

RECOMMENDATION

That the land adjacent to 72 Lowfields Avenue, Eastham be declared surplus to the Council's requirements and the Corporate Director of Delivery Services and Assistant Chief Executive be authorised to progress the disposal by private treaty to the owners of 72 Lowfields Avenue.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 To make the best use of the Council's property assets by declaring the property surplus to requirements and to seek authority to a disposal by private treaty.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 A sale by private treaty is considered to be the most appropriate method of disposal in the circumstances. Consequently, no other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 The land adjacent to 72 Lowfields Avenue, Eastham is shown edged red and shaded green on the attached plan and comprises approximately 75 sqm.

- 3.2 The land adjacent to 72 Lowfields Avenue, Eastham is maintained by the Council as grassed amenity land. The proposed purchasers wish to buy the land in order to build a dwelling attached to their existing house. In the main part the new house will be on land they currently own, but is reliant on a small section of the Council's land being included. This creates a value in the Council's land that could only be achieved through the marrying together of the two sites.

- 3.3 The owners of 72 Lowfields Avenue, Eastham have agreed terms for a freehold transfer as follows:

- i. Sale will be subject to Member authorisation.
- ii. Consideration is to be in the sum of £10,200.
- iii. The Purchasers will pay the Council's legal fees of £600.
- iv. The Purchasers will pay the Council's surveyor's costs of £600.
- v. Any unforeseen matters at this stage may also have to be agreed with officers and included as a condition of sale.

- 3.4 The Council has a legal obligation under the provisions of the Local Government Act 1972 to obtain the best price reasonably obtainable on the disposal of its land and property. As the terms agreed are considered to properly reflect the value of the land, a sale on the terms reported in 3.3 above will ensure this obligation has been met.

- 3.5 The land has been open amenity land since the lay out of the housing estate and will need to be advertised in Public Notices as a disposal of Open Space in accordance with the Local Government Act. The proposed purchasers will be expected to cover the Council's costs of advertising the disposal.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Sale of the land will generate a capital receipt of £10,200.

- 4.2 The sale price is considered to be the best reasonably obtainable and consequently satisfies section 123 of the Local Government Act 1972 – see also 3.4 above.

5.0 LEGAL IMPLICATIONS

- 5.1 The disposal will require the preparation of appropriate legal documentation.
- 5.2 The sale price is considered to be the best reasonably obtainable and consequently satisfies section 123 of the Local Government Act 1972 – see also 3.4 above.
- 5.3 Disposal will need to be advertised in Public Notices – see also 3.5 above.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 The purchasers have agreed to meet the Council's Legal and Surveyors costs in the sum of £1,200.
- 6.2 There are no IT implications or staffing implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There is a risk the owner of 72 Lowfields Avenue will not proceed with the purchase, in which case the Council will continue to be responsible for the maintenance of the subject land.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Officers of the Council have been consulted and agree the principal of the sale of this land.
- 8.2 Public notice will be issued for planning purposes and advertising the disposal of public open space.

9.0 EQUALITY IMPLICATIONS

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
No because there is no relevance to equality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The legal transaction to sell the land will have no environment or climate implications.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 The site is designated as part of a Primarily Residential Area in the Unitary Development Plan.

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APPENDICES

Location Plan

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years)

Council Meeting	Date