
To: Housing and Community Safety Policy Board

On: 12th May 2015

Report by: Director of Finance and Resources

Heading: Land Adjacent to 2 Byres Road, Elderslie

1. Summary

- 1.1 The purpose of this report is to seek the consent of the Board to declare the area of land adjacent to 2 Byres Road, Elderslie surplus to requirements as outlined on the attached plan E2204.
 - 1.2 Note that it is proposed to dispose of the ground to the adjacent proprietors, Mr & Mrs Stewart.
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2. Recommendations

- 2.1 Declare the land adjacent to 2 Byres Road, Elderslie surplus to requirements which equates to 99 square metres or thereby as indicated on the attached plan E2204.
- 2.2 Authorise the sale of this land to the proprietors of 2 Byres Road on such terms and conditions as may be negotiated by the Head of Property Services under delegated powers.
- 2.3 Authorise the Head of Legal and Democratic Services to conclude the sale of this land which shall include any such terms and conditions that may be deemed necessary to protect the Council's interest.
- 2.4 Authorise the Head of Planning and Economic Development to place an advert in the local press in terms of the Town and Council Planning (Scotland) Act 1959 for the proposed sale of an area of open space.
- 2.5 Note that the Director of Finance & Resources will seek Scottish Ministers consent in terms of Section 12(7) of the Housing (Scotland) Act 1987 for the disposal of land from the Housing Revenue Account.

3. **Background**

- 3.1. The area of ground is located adjacent to 2 Byres Road in Elderslie and is currently held within the Housing Revenue Account as shown on the attached plan E2204. The land is currently used as open space and there is a community bench and telecoms box situated on the land.
- 3.2. A request to purchase this area of ground has been received from the adjacent proprietors, Mr and Mrs Stewart, who are seeking to create a private driveway to their property. There are no other adjacent owners to this property which is currently being used as open space.
- 3.3. The Head of Housing Services has been consulted with regards to this request to purchase and raised no objection to this land being disposed, subject to the relocation of the community bench.
- 3.4. To this regard, the Community Council have been consulted and they have advised that they would wish to see the bench moved to a more suitable location within Stoddard Square, which shall be agreed in due course.
- 3.5. The purchaser is aware that there is an existing utility box situated on this ground which shall remain on the land. The Head of Legal & Democratic Services will advise the Utility provider of the change of owner on conclusion of the sale
- 3.6. The following heads of terms have been provisionally agreed which will form the basis of the sale:
 - 1) The ground which is subject to our negotiations extends to 99 sqm or thereby as indicated on the attached plan E2204.
 - 2) The purchase price attached to the subject ground is £5,000.
 - 3) In addition to the purchase price, the purchaser will be required to meet the Councils standard disposal costs
 - i. Legal Costs of £350, although actual sum will be confirmed by the Head of Legal & Democratic Services on conclusion of the sale.
 - ii. Cost to prepare a necessary title plan of £280.
 - iii. Request to purchase processing fee of £250.
 - iv. Costs associated with placing an open space advert of up to £500.
 - 4) The purchaser will be responsible for all future maintenance of the subjects.
 - 5) The purchaser will be responsible for obtaining any planning consents required for the future use of the land, it should also be noted that a change of use from open space to garden ground will be required in this case.
 - 6) The purchaser will also meet the costs to relocate the community bench and to obtain any statutory consents required in this regard.

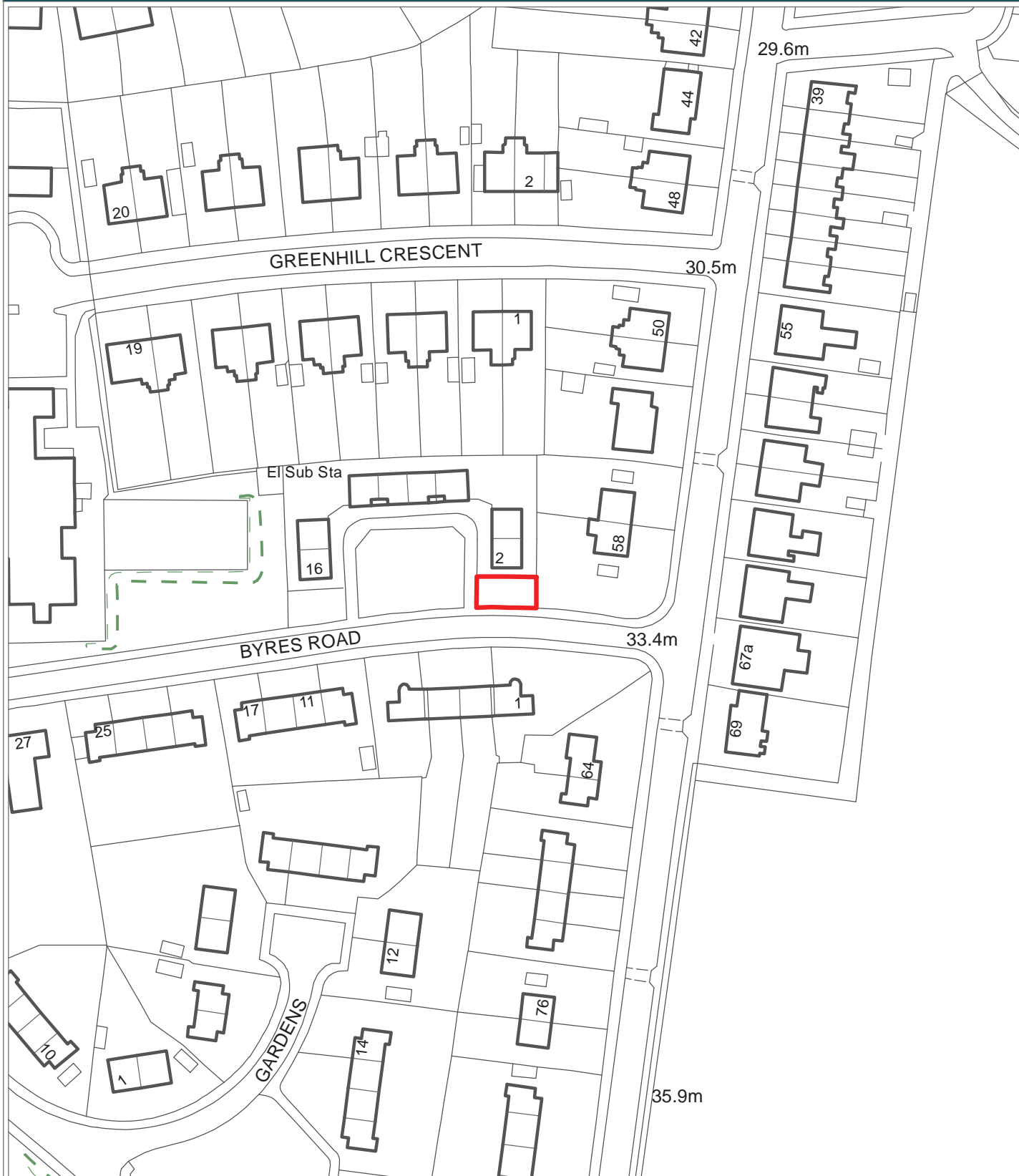
- 7) All other terms and conditions of sale will be agreed with the Head of Legal and Democratic Services.

Implications of the Report

1. **Financial** – Capital Receipt of £5,000 plus the Council's reasonably incurred legal fees to be met by the purchaser.
2. **HR & Organisational Development** – Not Applicable.
3. **Community Planning** – Not Applicable.
4. **Legal** – Completion of this transaction by the Head of Legal and Democratic Services.
5. **Property/Assets** – As per report.
6. **Information Technology** – Not Applicable
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – Not Applicable.
9. **Procurement** –Not Applicable.
10. **Risk** – Not Applicable.
11. **Privacy Impact** – Not Applicable.

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Area extends to 99 sqm or thereby.