

**To: Infrastructure, Land and Environment Policy Board**

**On: 8 November 2017**

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**Report by: Director of Finance & Resources**

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**Heading: Disposal of land adjacent to 11 Neuk Avenue, Houston**

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**1. Summary**

- 1.1 The purpose of this report is to declare the area of land adjacent to 11 Neuk Avenue, Houston shown on the attached plan, as surplus to requirements.
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**2. Recommendations**

**It is recommended that the Board:**

- 2.1 Declare the area of land located adjacent to 11 Neuk Avenue, Houston shown on the attached plan, as surplus to requirements, with a view to disposing to the adjacent owner.
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**3. Background**

- 3.1. The area of land, which is held on the General Services Account, comprises a total of 54 sq m and is part of a larger area of open space, maintained by Environment and Communities.
- 3.2. The applicant has incorporated this area of ground into their private garden ground. This was erroneously undertaken by the applicant after obtaining planning consent (11/0336/PP) in 2011 for a change of use from open space to garden ground and the erection of a boundary fence enclosing the Council's ground.

- 3.3. The applicant has now agreed to purchase the area of ground so as to continue using it as a private garden.
- 3.4. The area of land concerned is such that the purchase price/value of the land will be at a level upon which delegated powers granted to the Head of Property for the disposal of surplus property will be utilised.
- 3.5. The purchasers will be liable to meet the Council's reasonable professional and legal expenses in processing this transaction.
- 3.6. The Head of Amenity Services has confirmed that the area of land has no operational requirement and would not be opposed to the land being declared surplus.
- 3.7. The Head of Planning & Housing Services will place an advert in the local press in terms of the Town and Country Planning (Scotland) Act 1959 for the proposed sale of an area of open space.

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## Implications of the Report

1. **Financial** – The General Services Account will benefit from a small capital receipt.
2. **HR & Organisational Development** - *None*.
3. **Community Planning** –  
**Children and Young People** – None  
**Community Care, Health & Well-being** – None  
**Empowering our Communities** - None  
**Greener** - None  
**Jobs and the Economy** - None  
**Safer and Stronger** - None
4. **Legal** – Conclude the legal terms of the sale contract.
5. **Property/Assets** – Conclude negotiation and completion of the property disposal.
6. **Information Technology** – None.

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** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** – None.
12. **Cosla Policy Position** – None.

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### List of Background Papers

- (a) None

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# Land at 11 Neuk Avenue, Houston Disposal Plan Ref. E2426



Notes:

**Legend**

Area to be disposed to proprietor of 11 Neuk Avenue extends to 54sqm or thereby