

Falkirk Council

Title: Assets Surplus to Operational Requirements
Meeting: Executive
Date: 16 August 2016
Submitted By: Director of Development Services

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval for the land and property on the attached schedules to be declared surplus to operational requirements for disposal.

2. Recommendation

- 2.1 **It is recommended that the Executive agrees to declare the following land as surplus to operational requirements and authorises disposal of the following sites:**

- 1. Land to the South of Kilsyth Road in Longcroft – disposal on the open market**
- 2. Land at Lime Road in Tamfourhill – disposal by negotiation**
- 3. Land to the North of Glasgow Road in Dennyloanhead – disposal by negotiation and subject to a further report to the Executive**

3. Background

- 3.1 The Council's Corporate Asset Management Strategy and Property Asset Management Plan include objectives to secure efficiencies through asset realisation including the disposal of land and property which is surplus to operational requirements.
- 3.2 The attached maps at appendix 1 show the sites on Development Services Account which could be declared surplus:
- Land to the South of Kilsyth Road in Longcroft
 - Land at Lime Road in Tamfourhill
 - Land to the North of Glasgow Road in Dennyloanhead

4 Considerations

Land to the South of Kilsyth Road in Longcroft

- 4.1 The land (see attached plan) extending to 0.269 ha forms part of the site of the former Longcroft School which was closed in 1965 has since been demolished. More recently the site has been used for informal parking primarily by users of the nearby church.
- 4.2 The site is crossed by two servitude rights of access to properties at 36 Kilsyth Road and JEL Office Equipment and is informally used as an access to the rear of "Schoolhouse". The site is also crossed by a right of way which connects Kilsyth Road to Cumbernauld Road.
- 4.3 Development Services (Planning) has advised that the property has potential for either residential or commercial use. A planning brief has been prepared to assist the marketing of the site.
- 4.4 This desktop design exercise has successfully demonstrated that a development can be designed which does not compromise these access servitudes or sever the right of way.
- 4.5 Development Services (Roads and Design) were consulted during the preparation of the planning brief and did not raise any significant issues.
- 4.6 If agreed as surplus for disposal the site will be marketed to attract residential or commercial development.

Land at Lime Road in Tamfourhill

- 4.7 The land (see attached plan) extending to 0.268 ha at Lime Road in Tamfourhill is currently being used by Network Rail as a site compound to enable works relating to the Edinburgh to Glasgow Improvement Programme (EGIP). Network Rail has previously regularly used the site since at least 2004 based on the understanding they owned the land.
- 4.8 It came to light recently that this land is owned by the Council. A lease agreement has been finalised for occupation for the duration of the current contract phase which commenced March 2015. However, Network Rail has identified a continuing need for the site and has asked to purchase the site at a price to be agreed via the District Valuer.
- 4.9 The site sits adjacent to the railway and there is a tree belt of ranging c 5m to 16m between the compound and the boundary with neighbouring houses.

- 4.10 Development Services (Planning) has confirmed that, due to the length of time Network Rail have been using the land, an application for a Certificate of Existing Lawful Use or Development would be required should they remain in occupation on the same basis as currently. However, if the land is sold to Network Rail, then this will not be necessary due to their rights as a statutory undertaker under the General Permitted Development Order.
- 4.11 Development Services (Roads and Design) have been consulted and did not raise any significant issues.

Land to the North of Glasgow Road in Dennyloanhead

- 4.12 The land (see attached plan) extending to 1.317ha is predominantly the disused Kilsyth to Bonnybridge railway line. This is part of a wider housing site originally allocated in the Falkirk Council Local Plan in 2010 and has subsequently been reconfirmed as the Dennyloanhead Strategic Growth Area in the Local Development Plan (reference H08) in 2015.
- 4.13 The developer, Mactaggart and Mickel, has been in active dialogue with Council officers about the potential purchase of this land to the North of Kilsyth Road to enable their development for a number of years.
- 4.14 In 2009 an outline planning application was lodged by Mactaggart and Mickel for the development of 550 houses a commercial block and other associated infrastructure. The application was originally considered by the Planning Committee on 23 March 2011. The Committee were minded to grant planning permission in principle subject to the satisfactory conclusion of a Section 75 Planning Obligation. At the date of writing, this has still to be satisfactorily concluded but general agreement has now been reached in respect of the few outstanding matters to enable the Section 75 to progress to final conclusion and signing.
- 4.15 The declaration of this site as surplus enables discussions to proceed with Mactaggart and Mickel in respect of acquisition, which would require to be undertaken on the basis of an assessment of value via the District Valuer. The outcome of this would be subject to a further report to the Executive.

5 Consultation

- 5.1 For each of the three sites, the relevant local Members as well as the Portfolio Holder for economic development were consulted and no objections have been received.

Land at Lime Road in Tamfourhill

- 5.2 A request was received to consult with neighbouring householders prior to proceeding with the disposal. As the site is separated from the houses by a tree belt which will remain in Council ownership and has been used as a site compound by Network Rail since at least 2004 it is felt this did not justify a departure from the processes set out in the approved Council Standing Orders for site disposals of this nature.

Land to the North of Glasgow Road in Dennyloanhead

- 5.3 A query was received in respect of land currently leased to the Railway Inn for car parking which is part of the site. At the time this lease was originally negotiated it was understood by all parties that the site may be required for development and the lease includes an appropriate clause allowing the Council to terminate in these circumstances. Negotiations will take place with the developer to ascertain the extent of the land required. In the event the developer does not need this part of the site then this can be excluded from the eventual sale.

6 Implications

Financial

- 6.1 If progressed to conclusion, these sales will generate capital receipts for the General Services Account. The amounts obtained through disposal will be reported back to members in due course.

Resources

- 6.2 None

Legal

- 6.3 Disposal will be subject to conclusion of all necessary legal agreements.

Risk

- 6.4 None

Equalities

- 6.5 Not required

Sustainability/Environmental Impact

- 6.6 None, but all sites have been assessed through planning processes.

7 Conclusions

Land to the South of Kilsyth Road in Longcroft

- 7.1 As a consequence of the land's derelict appearance, negative impact on the local townscape and the ongoing maintenance costs; it is considered the most appropriate course of action is to declare this site surplus to operational requirements and dispose of the land by placing it on the market.

Land at Lime Road in Tamfourhill

- 7.2 This land is unsuitable for development other than that associated with the operation of the adjacent railway and, given Network Rail has an on-going requirement; the most appropriate course of action is to declare this site surplus to operational requirements and dispose of the land following agreement on a suitable price with the District Valuer.

Land to the North of Glasgow Road in Dennyloanhead

- 7.3 Now that the planning process appears to be drawing to a conclusion it is considered the most appropriate course of action is to declare the property surplus to operational requirements and dispose of the site. Subject to suitable terms being agreed with Mactaggart and Mickel, this will enable a capital receipt, assist the delivery of one of the Council's twelve strategic growth areas and make a significant contribution towards meeting the Local Development Plan's housing growth target.

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Director of Development Services

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Date: 5 August 2016

APPENDICES

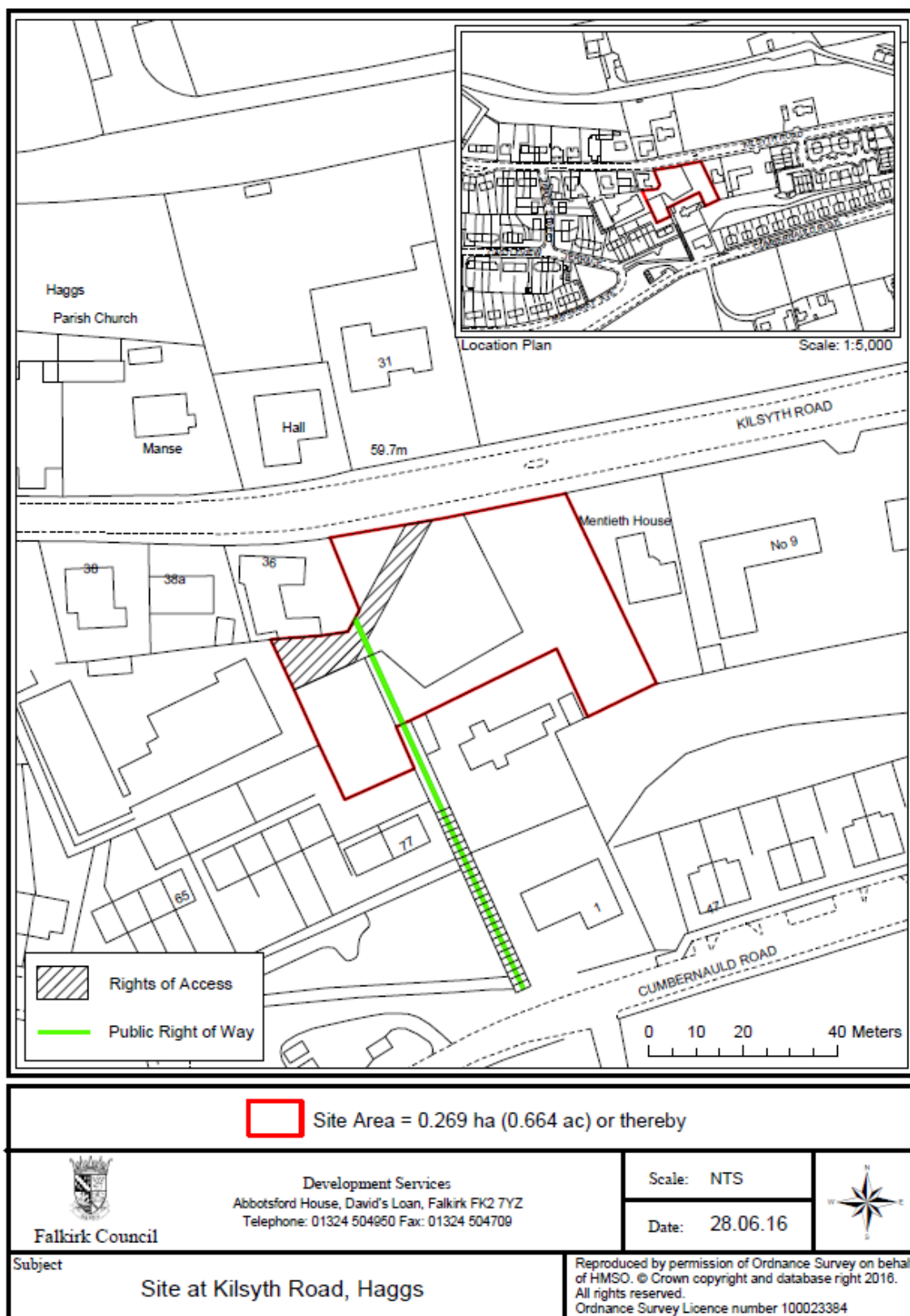
Appendix 1 – Maps showing assets surplus to operational requirements

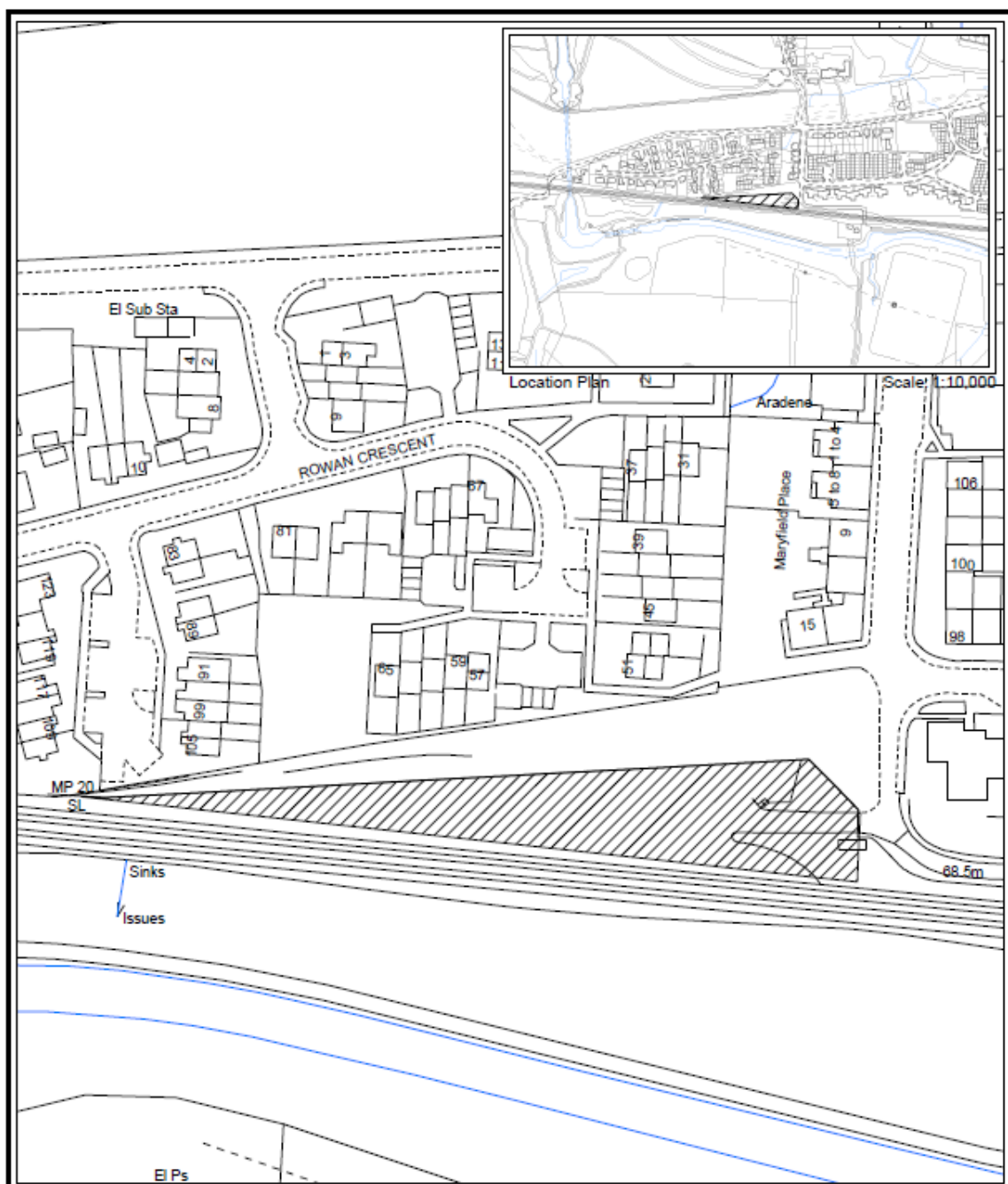
List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- Falkirk Local Development Plan
- Corporate Asset Management Strategy
- Property Asset Management Plan

Appendix 1 - Maps showing assets surplus to operational requirements





Location Plan Scale: 1:10,000

0 20 40 80 Meters

2682.29 sqm (0.663 acres)



Falkirk Council

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Scale: NTS

Date: 28.6.2016



Subject

Site Compound, Lime Rd, Tamfourhill

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