



Agenda Item 15

**Land Surplus to Requirements –
Westfield, Town House Street, Denny**

Falkirk Council

Title: Land Surplus to Requirements – Westfield, Town House Street, Denny
Meeting: Executive
Date: 19 October 2021
Submitted By: Acting Director of Development Services

1. Purpose of Report

- 1.1. The purpose of this report is to seek approval for an area of land, adjacent to Dunipace Football Club, Westfield, Denny, to be declared surplus to operational requirements for disposal.

2. Recommendations

- 2.1. It is recommended that the Executive agrees :

- (i) to declare 1,988 sq.m land adjacent to Dunipace Football Club surplus to requirements and,
- (ii) to authorise the Acting Director of Development Services to conclude the disposal by negotiated agreement to Stoneywood Community Project.
- (iii) To authorise the Acting Director of Development Services to agree and conclude a new servitude right with Dunipace Juniors FC for egress into subject site

3. Background

- 3.1. The Council's Corporate Asset Management Strategy includes objectives to secure operational efficiencies through asset realisation, including the disposal of property and land which is surplus to operational requirements.
- 3.2. A request has been received from Stoneywood Community Project, also referred to as Stoneywood in this report, to acquire an area of land owned by the Council to create a community garden. There are no operational requirements to retain the property and its disposal will generate a capital receipt to support the Council's General Services Capital Programme.
- 3.3. Stoneywood Community Projects is a Community Interest Company registered Charity (SC487013) which operates from near the area of land at 40 Glasgow Road, Denny. The organisation primarily working with adults with learning disabilities, SCP supports clients to gain confidence and skills that may lead them into sustainable employment. Stoneywood works with a number of local care organisations, to support adults to live more independently learning key life skills. Their web site has further information: www.stoneywoodcare.co.uk
- 3.4. The project will work with several local partners including environmental groups linking outdoors environmental projects aimed at local residents. Other

partners and customers will include local schools, local community organisations and Dunipace Juniors Football Club – the link with the football club will allow SCP to introduce health and fitness opportunities and outcomes through the Community Garden space. Dunipace Juniors are in favour of the proposed transaction.

4. Considerations

- 4.1. The land intended to be sold is a cleared area of ground. Previously it had a building at its western end used as a social club, the outline is still shown on the attached plan. Unfortunately, due to a fire, this became derelict and was subsequently demolished.
- 4.2. Stoneywood intend to develop a community garden for the local community to access and benefit from, make the area safe and secure and to provide opportunities for people to develop their skills in relation to horticulture and basic DIY skills. The intention would be to include a small community cafe on the land and to offer therapeutic activities for the local community to be involved in. The plan is to design, build and develop a community garden space into a sustainable space capable of generating an income which ensure services are provided for everyone in the community. Detailed information is available in their business plan.
- 4.3. The vision is for the community garden to be a social meeting place in Denny encouraging local parents, families and older people to meet and socialise there and be a place where local community organisations can meet and deliver their services to people in the area. The area will also facilitate the seamless integration of adults with disabilities into all activities offered at the area enabling everyone to get more involved in and contribute to Denny's local community life.
- 4.4. It is proposed to sell the site by negotiated agreement which involves the site having been independently valued by the District Valuer. The District Valuer's opinion, reflecting use, market knowledge and location, is that the sale price should be £10,000. This has been agreed, in principle, with Stoneywood.
- 4.5. The completion of the sale would be subject to the Stoneywood Community Project gaining planning permission satisfactory to Stoneywood for the development of a community garden in line with that mentioned in their business plan. Stoneywood have been discussing their proposals with Development Management in Planning, the intended use is broadly acceptable to Planning.
- 4.6. Stoneywood Community Project would be responsible for any maintenance obligations over the proposed servitude right of access over the access route shaded blue on the plan and a new servitude over the area shaded yellow. Similarly the cost of creating and maintaining a boundary fence or similar around the proposed development will be the responsibility of Stoneywood.

- 4.7. Dunipace Juniors, the neighbouring owner, located on the southern boundary, are in favour of the proposal and have indicated they are willing to agree to Stoneywood take necessary access over the area that they use for parking. A deed between Falkirk Council and Dunipace Juniors would be required to vary their existing servitude over the area shaded blue with an added condition prohibiting any parking on this route. Stoneywood would be responsible for meeting the legal costs involved in achieving this. Falkirk Council would also grant a right of access to Stoneywood over the area shaded yellow.
- 4.8. Dunipace Juniors FC have installed a new emergency egress gate in the boundary fence. As the gate bounds the land to be disposed to Stoneywood a servitude right of access requires to be put in place to give Dunipace Juniors the appropriate rights to use this gate. This right of access will be agreed and concluded prior to the conclusion of the sale to Stoneywood.

5. Consultation

- 5.1. The relevant local members have been consulted and no concerns were raised.

6. Implications

Financial

- 6.1 If progressed to conclusion, the sale of the assets will generate a capital receipt for the General Services capital account.

Resources

- 6.2 None.

Legal

- 6.3 The disposal will be subject to conclusion of all necessary legal agreements including agreeing new servitude right of access for emergency egress; a variation to the existing servitude right of access with Dunipace Juniors and a condition on any future uplift in value from future disposal should meaningful valuable development happen here in the future beyond what is intended.

Risk

- 6.4 There are no significant risks with these proposals.

Equalities

- 6.5 More local disabled adults, alongside members of the community, will learn key daily living skills enabling them to live independently in the community. Opportunities for health and fitness activities will be offered through Dunipace Juniors Football Club with its link to the project. More young people living with a disability will have access to training and work projects through the café, the community garden and general customer facing opportunities, enabling them to develop the skills to be able to pursue sustainable paid employment

Sustainability/Environmental Impact

- 6.6 After consulting with the ECCT the sale of this land has been deemed to have a positive impact on area wide emissions due to its proposed future use. It would be beneficial when looking at future planning aspects associated with this land to work with the community group to explore the possibility of enhancing its sustainable credentials by adding elements to enhance biodiversity for the area proposed.

7. Conclusions

- 7.1 It is proposed that the Council should proceed to dispose of the land described with necessary rights at Westfield, Denny. A capital receipt will be received for a small area of ground which is of negligible alternative use to the local community and otherwise the land would be a maintenance liability.

Acting Director of Development Services

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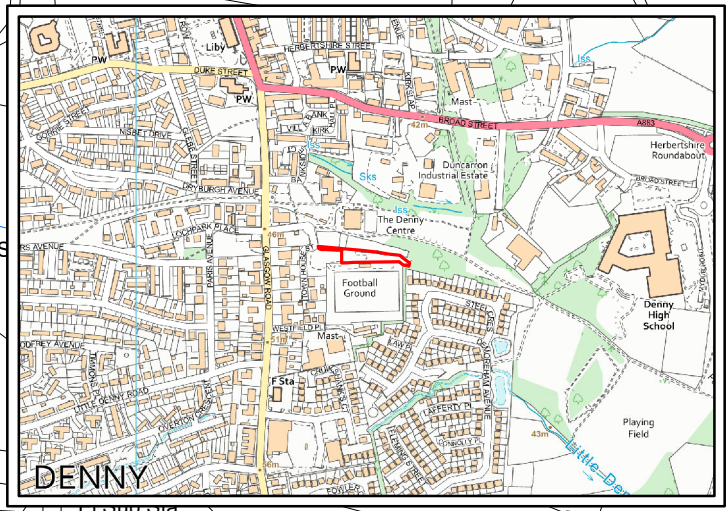
Date: 07 October 2021

Appendices

Appendix 1: Map showing location of land proposed to be sold with photograph.

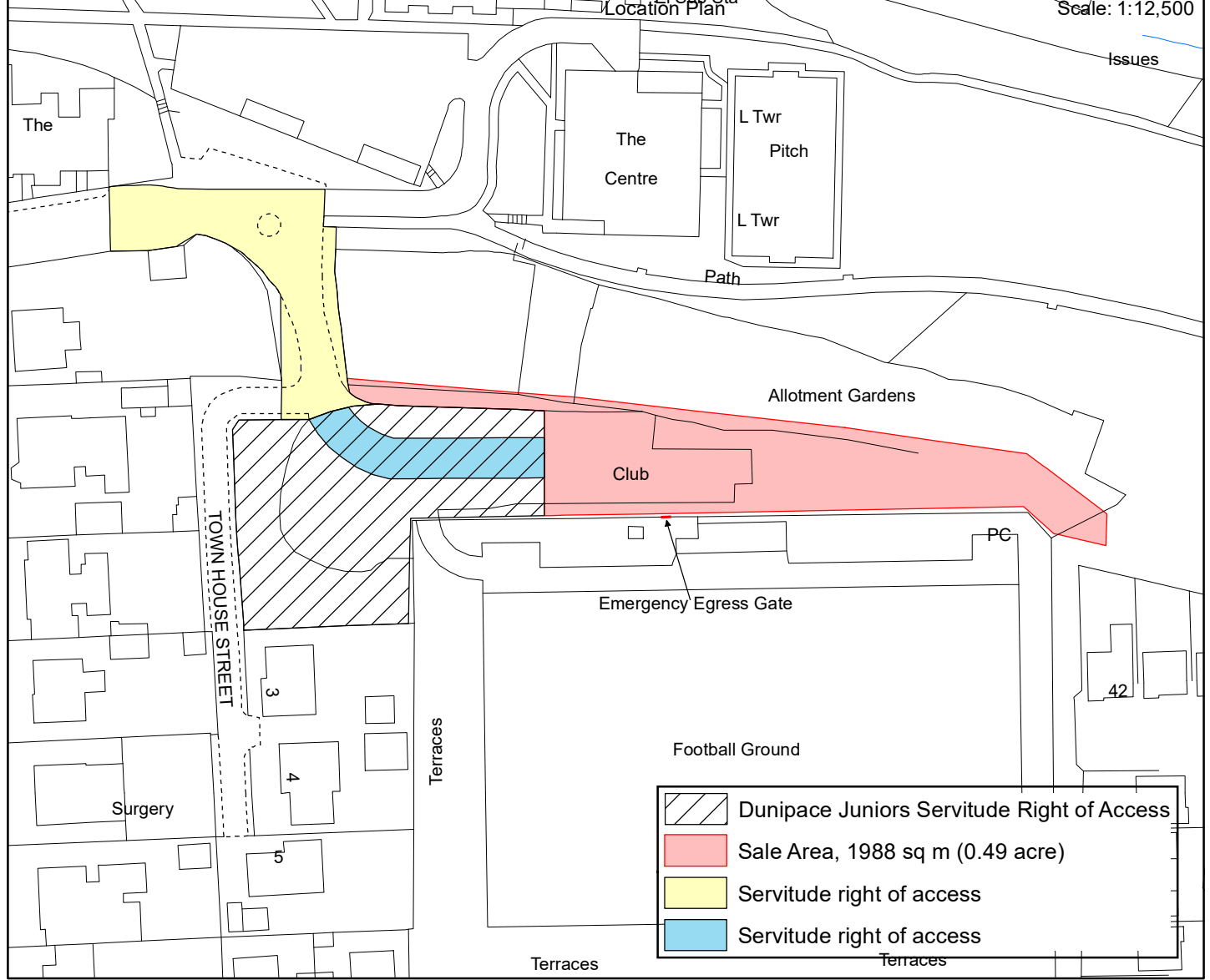
List of Background Papers:





No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.



Location Plan

Scale: 1:12,500



-  Dunipace Juniors Servitude Right of Access
-  Sale Area, 1988 sq m (0.49 acre)
-  Servitude right of access
-  Servitude right of access



Falkirk Council

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Scale: 1:1,250

Date: 1.10.2021



Subject

Land at Westfield, Denny

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