

Finance and Resources Committee

10.00a.m, Thursday, 23 February 2017

Disposal of Housing Revenue Account Land Adjacent to 24 Featherhall Avenue, Edinburgh

Item number	8.2
Report number	
Executive	Routine
Ward	6 – Corstorphine/Murrayfield

Executive Summary

This report seeks Committee approval for the disposal of approximately 214 sq m of land on the corner of Featherhall Avenue, Edinburgh to the proprietor of the adjacent nursery, Miss Chelsea Black.

The land was declared surplus to the Council's operational requirements in October 2013 and has provided the nursery with an entrance pathway since it opened in 2014.

Links

Coalition Pledges	P17 , P33
Council Priorities	CP1
Single Outcome Agreement	SO3

Disposal of Housing Revenue Account Land Adjacent to 24 Featherhall Avenue, Edinburgh

1. Recommendations

That Committee:

- 1.1 Approves the sale of the land at Featherhall Avenue to Miss Chelsea Black under the terms and conditions outlined in this report and on such other terms and conditions to be agreed by the Acting Executive Director of Resources.

2. Background

- 2.1 The subject site, as shown outlined red on the attached plan extends approximately 214 sq m and is located on a corner of Featherhall Avenue adjacent to no. 24.
- 2.2 The Economy Committee considered reports regarding this site at previous meetings held on 19 November 2013, 29 April 2014 and 24 June 2014. In the June 2014 report, it was explained that although the applicant had applied to purchase the site, discussions were taking place to agree a right of access over it with the Council retaining ownership. At that time, this was considered to be the best and most practical outcome.
- 2.3 Corstorphine Nursery began trading in the summer of 2014 using a newly created access pathway following the line of the boundary wall between no. 24 Featherhall Avenue and the site. No sale was agreed and the Council retained ownership of the site.
- 2.4 In the early months of the nursery's trading, Council officers undertook visits to Featherhall Avenue to assess if there were insignificant local issues arising from increased traffic visiting the nursery, and noted no obvious problems.
- 2.5 To the best of officers' knowledge, the Council has received no complaints concerning the management or otherwise of the nursery.

3. Main report

- 3.1 In summer 2016, the nursery management contacted the Council asking if their request to purchase the site could be reconsidered. They explained that although the access pathway arrangement was working, there were a number of issues

created by the fact the site remained an open area of amenity land and not under their control.

- 3.2 In particular, they advised that (a) patients visiting the medical centre regularly use the nursery's path before crossing the grass to enter the centre; (b) people waiting outside the medical centre smoke in very close proximity to the nursery wall; and (c) although the site is relatively free from dog fouling, even if a dog owner acts responsibly, the nursery still cannot allow children to access the site for fear of the presence of residual matter.
- 3.3 The nursery also advised that, if they were able to purchase the site they would be prepared to create a new footpath to adoptable standard, at their expense, by continuing the existing one, following the outer boundary of the site to its south west corner until it reached the entrance to the medical centre.
- 3.4 Considering the foregoing, a sale of the land to Miss Black offers the best outcome from an asset management perspective.
- 3.5 Provisional agreement has been reached that the site will be sold subject to the following main terms and conditions:-
- Purchase price £24,000 exclusive of fees;
 - Council fees The purchaser will meet the Council's reasonably incurred legal and survey fees;
 - Undertaking The purchaser will construct, at their expense, a continuation of the footpath, to an adoptable standard, as far as the south western corner of the site;
 - Reservation The Council will reserve an access right to service and maintain the street lamp column;
 - Fence Subject to Statutory Consents the applicant can erect a perimeter fence to improve safety for children.

4. Measures of success

- 4.1 Ensures that the Council is working with communities to achieve its desired outcomes.
- 4.2 An additional strip of public footpath will be created as a direct consequence of the site's sale.

5. Financial impact

- 5.1 The HRA will receive the benefit of a capital receipt and will also be relieved of its maintenance obligations for the site.

- 5.2 Additionally, a small strip of public footpath will be built to adoptable standard at no cost to the Council.

6. Risk, policy, compliance and governance impact

- 6.1 There is the remote possibility that the sale will not conclude, and in those circumstances the status quo will prevail.
- 6.2 In the course of processing the sale the Council will ensure that all statutory requirements are met.

7. Equalities impact

- 7.1 An Equality and Rights Impact Assessment has been carried out.
- 7.2 The sale of the land to the owner of the adjoining nursery will provide additional outdoor space which will provide health benefits.
- 7.3 By erecting a fence there will be enhanced physical security to the owner.
- 7.4 The land has not been offered to the market for sale which could potentially be an infringement of the rights of other interested parties. However it is not considered that the land has any development potential and any impact is considered proportionate.
- 7.5 A sale of the land will also prevent antisocial activity being undertaken in close proximity to the nursery.

8. Sustainability impact

- 8.1 This report presents no sustainability issues.

9. Consultation and engagement

- 9.1 An extensive consultation was undertaken with all interested stakeholders in 2013 as part of the applicant's original application to purchase the site. As a result of that consultation the site was declared surplus to the Council's operational requirements.
- 9.2 More recently, Housing and Development has completed a short, update consultation with the ward councillors. All three agreed that the proposed sale with the attached conditions offers the best solution in all the circumstances.

10. Background reading/external references

10.1 [Economy Committee - 19 November 2013](#)

[Economy Committee - 29 April 2014](#)

[Economy Committee - 24 June 2014](#)

Hugh Dunn

Acting Executive Director of Resources

Contact: Deborah Bruce, Estates Surveyor

E-mail: deborah.bruce@edinburgh.gov.uk | Tel: 0131 469 3931

11. Links

Coalition Pledges	P17 – Continue efforts to develop the city’s gap sites and encourage regeneration. P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.
Council Priorities	CP1 – Children and young people fulfil their potential.
Single Outcome Agreement	SO3 – Edinburgh’s children and young people enjoy their childhood and fulfil their potential.
Appendices	Location Plan.



FEATHERHALL AVENUE



LOCATION PLAN

SCALE 1:1250

SITE PLAN

SCALE 1:200

• EDINBURGH • THE CITY OF EDINBURGH COUNCIL	
SERVICES FOR COMMUNITIES EDINBURGH	
LAND ADJACENT TO 24 FEATHERHALL AVENUE EDINBURGH AREA = 214.86sqm (or thereby)	
DATE	5/12/16
SURVEYED BY	MB,NR
DRAWN BY	Mark Ballantyne
SCALE	1:200 @ A3 SIZE
NEG. NO.	A3/1722