

REPORT TO:	Executive Board
REPORT NO:	HHE/49/18
DATE:	11 December 2018
LEAD MEMBER:	Councillor Terry Evans (Economy – Economic Development and Regeneration)
CONTACT OFFICER:	Steve Plack (Tel: 315676)
SUBJECT:	Disposal of land fronting Crane Street, Cefn Mawr
WARD:	Cefn ED

1. PURPOSE OF THE REPORT

To seek Members approval to advertise the disposal of the area of land (shown hatched on Appendix 2, measuring approximately 200 square metres), which forms part of informal open space on the corner of Crane Street, Cefn Mawr.

2. EXECUTIVE SUMMARY

- 2.1 The disposal of the former Ebenezer Chapel, Cefn Mawr is progressing to auction. As part of that disposal an area of land shown hatched on Appendix 2 and extending to approximately 200 square metres will be included in the disposal.
- 2.2 The land was acquired by the Council by way of conveyance dated 31st March 2005 and consists of an open area and steps leading to High Street. The land has been maintained as such since that time.
- 2.3 As part of a sale a condition will be imposed for the steps and open area to remain accessible for use by the public.
- 2.4 As the land is accessible to the public it is therefore considered informal public open space and must be disposed of in accordance with Section 123 (2A) of the Local Government Act 1972;

3 RECOMMENDATIONS

3.1 That Members:

- (i) authorise the Head of Corporate and Customer Services to publish notice of the Council's intention to dispose of the land on the corner of Crane Street Cefn Mawr (as shown edged red on Appendix 2) forming informal public open space in accordance with Section 123 (2A) of the Local Government Act 1972; and**
- (ii) authorise the Head of Corporate and Customer Services to report to the Executive Board on any objections received to the intended disposal of the site forming informal public open space but that in the absence of objections the land is disposed of as set out in the report.**

REASONS FOR RECOMMENDATIONS

To enable the Council to dispose of the land on the corner of Crane Street, Cefn Mawr in order to relieve the Council of future maintenance of the land and steps and to include this land with the adjacent Ebenezer Chapel disposal. The plant room that serves the former chapel is located beneath the stone steps and is therefore critical to any future sale of Ebenezer Chapel.

4. BACKGROUND INFORMATION

- 4.1 The area of land shown hatched on Appendix 2, extending to approximately 200 square metres, is considered informal public open space.
- 4.2 Part of the land consists of steps which provide access from High Street to Crane Street and the remainder of land forms an open area in front of the former Ebenezer Chapel.
- 4.3 The disposal of the former Ebenezer Chapel, Cefn Mawr is progressing to auction. As part of the disposal the area of land shown hatched on Appendix 2 and extending to approximately 200 square metres will be included in the disposal.
- 4.4 The plant room that serves the former chapel is located beneath the stone steps and is therefore critical to any future sale of Ebenezer Chapel.
- 4.5 Any sale would impose a restrictive covenant within the transfer deed that would bind the proposed purchaser and their successors 'for the land to remain open and protect the current access rights over the steps'. There is an overage attached to the land in favour of the former owners of the Cosy Corner shop (demolished) this overage will continue to run with the land until 2035.
- 4.6 On the basis that the land is held as informal public open space and is open for the public to make use of it for recreational purposes, then the Open Space provisions apply. The disposal shall take place in accordance with the provisions of Section 123(2A) of the Local Government Act 1972. The intention to dispose of the land will be published for two consecutive weeks in a local paper and any objections received will need to be considered by the Council.

5. IMPLICATIONS

- 5.1 **Policy Framework** – This proposal is supported in the Council’s Policy Framework through the Asset Management Plan, which seeks to reduce and eliminate the holding of underused and surplus property in accordance with the Audit Commissions’ report.
- 5.2 **Budget** – Any capital receipt received, from a sale of the land, will be used in accordance with the Council’s Policy.
- 5.3 **Legal** – all legal implications are stated within the body of the report.
- 5.4 **Staffing** – no staffing implications.
- 5.5 **Equality/Human Rights** –

Members are advised of their duty to consider the full Equality Impact Assessment which is available at HE/EIA00175/2018. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

A summary of the Equality Impact Assessment is attached as Appendix 1.

- 5.6 **Risks** – There are no perceived risks associated with the proposal.

6. CONSULTATION

- 6.1 The local Member has been notified

7. EVALUATION OF OPTIONS

- 7.1 **Option 1** – Dispose of the land as part of the sale of Ebenezer Chapel. This will result in financial savings to the Council and remove any future maintenance liability of the said land and steps.
- 7.2 **Option 2** – Retain the land and the Council continues to maintain as informal public open space. This option would impact on any potential sale of the adjacent Ebenezer Chapel.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.