Item 2

24th November 2022

Glasgow City Council

Contracts and Property Committee

Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: George Gillespie Ext: 79106

AUTHORITY TO NEGOTIATE AN OFF-MARKET DISPOSAL OF GROUND TO THE REAR OF 15 BENGAL STREET, GLASGOW, G43 1NL, TO MARFERN LIMITED

Purpose of Report:

To seek Committee Authority to commence negotiations for an off-market disposal of ground to the rear of 15 Bengal Street, Glasgow, G43 1NL to Marfern Limited.

Recommendations:

The Committee:

1. notes the content of this report;
2. approves the principle of an off market disposal of the subject to Marfern Limited;
3. instructs the Managing Director of City Property (Glasgow) LLP to negotiate the terms and conditions of the disposal: and
4. notes that the appropriate authority shall be sought for the approval of agreed terms and conditions.

Ward No: 2 – Newlands/Auldburn Citywide: ✓

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

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Report to: **Contracts & Property Committee**

From: **Managing Director of City Property (Glasgow) LLP**

Date: **24 November 2022**

Subject: **Authority to negotiate an off-market disposal of ground to the rear of 15 Bengal Street, Glasgow, G43 1NL, to Marfern Limited.**

1 Description

1.1 The subject shown outlined and hatched black on the enclosed plan is located within the Pollokshaws area of Glasgow and is owned by Glasgow City Council. The subject extends to 0.006 hectares (0.015 acres).

1.2 The subject lies within the Pollokshaws Transformational Regeneration Area (TRA). It has been confirmed with Neighbourhoods, Regeneration and Sustainability that this land does not impact any development proposals. A separate report will be taken to the Transforming Communities: Glasgow (TC:G) Board to report terms if authority to negotiate is granted.

1.3 The subject has been erroneously included within the boundary of Hickory Dickory House, a private nursery located at 15 Bengal Street, Glasgow, G43 1NL. The subject is a small rectangular grassed area currently utilised as part of the garden space for the nursery.

2 Planning

2.1 Glasgow City Development Plan was adopted on 29 March 2017. The new local development plan replaces Glasgow City Plan 2 (2009) and sets out the Council's land use strategy providing the basis for assessing planning applications. The City Development Plan does not identify land use zones to direct particular types of development. Instead, overarching policies CPD1 Placemaking and CDP 2 Sustainable Spatial Strategy encourage development

to be informed by a placed base approach, which means new development should be responsive to its context.

3 Background

3.1 Marfern Limited ('the Purchaser') currently own the property at 15 Bengal Street, Glasgow, G43 1NL and operate a private nursery from the property.

3.2 The Purchaser contacted Glasgow City Council's Property and Consultancy Services in October 2021 intimating its interest in acquiring the subject land, shown outlined in black and hatched on the enclosed plan, as it had been brought to their attention that they did not hold title to the area.

3.3 Following confirmation that the Purchaser was an adjoining owner, Glasgow City Council's Property and Consultancy Services instructed City Property (Glasgow) LLP ('City Property') in August 2022 to seek authority to negotiate an off-market disposal to the Purchaser, and subsequently negotiate the terms of the disposal if the aforementioned authority was granted.

3.4 The subject was declared surplus on 4 August 2022 following the procedural non-operational process with no notes of interest being received.

3.5 The Purchaser intends to acquire the land for the continued use as part of the nursery grounds. The title discrepancy was highlighted when the assets were being reviewed due to a stakeholder retiring.

3.6 Due to the area and positioning of the land, the subject site would not generate interest from any other party.

3.7 The proposed disposal is compliant with the policy for off-market disposal approved by the City Administration Committee at its meeting of 10 October 2019 Link to Report. It is considered that the proposed disposal is compliant with 3.1.1 of the approved policy 'to an adjoining proprietor where there is a good reason for considering such sales e.g. land for extending gardens, extensions to residential or business premises'.

3.8 If approval to negotiate is granted, conditions will be agreed to ensure the land is only utilised for the proposed use and overage clauses will be included to protect the Council's interest if the use is to change in the future.

3.9 Common good wording will be reported when the appropriate authority is sought for the approval of agreed terms and conditions.

3.10 The subject is not included in the Council's Log of Opted for Tax Property.

4 Purchaser

4.1 Marfern Limited

5 Policy and Resource Implications

Resource Implications:

Financial:	Authority to negotiate an off-market disposal will generate a capital receipt for the Council.
Legal:	The legal team will need to conclude this transaction.
Personnel:	No direct personnel issues.
Procurement:	No procurement implications.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.	No specific equality related outcomes.
What are the potential equality impacts as a result of this report?	No equality impacts identified.
Please highlight if the policy/proposal will help address socio-economic disadvantage.	The proposal has no impact on socio economic disadvantage.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:	The proposal supports Climate Plan Theme 4: Health and Wellbeing as the proposed disposal retains the green space for the nursery which allows for safe outdoor play for the children.
What are the potential climate impacts as a result of this proposal?	As the subject land is being retained in its current use as outdoor green space in relation to the nursery, it is not considered that there will be any significant potential climate impacts.
Will the proposal contribute to Glasgow's net zero carbon target?	It is considered that the proposal shall not have either a positive or negative contribution to the City's net zero carbon target.
Common Good:	Common good wording shall be reported when the appropriate authority is sought for the approval of the terms and conditions.

Privacy and Data Protection Impacts:	No Privacy and Data Protection impacts identified.

6 Recommendations

The Committee:

6.1 notes the content of this report;

6.2 approves the principle of an off market disposal of the subject to Marfern Limited;

6.3 instructs the Managing Director of City Property (Glasgow) LLP to negotiate the terms and conditions of the disposal: and

6.4 notes that the appropriate authority shall be sought for the approval of agreed terms and conditions.