

DECISION-MAKER:	CABINET
SUBJECT:	OBJECTION TO PROPOSED DISPOSAL OF MAYFIELD LODGE
DATE OF DECISION:	11 APRIL 2011
REPORT OF:	CABINET MEMBER FOR RESOURCES, LEISURE AND CULTURE
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

The intention to dispose of Mayfield Lodge has been formally advertised in accordance with statutory requirements. There has been one objection. Cabinet is required to consider the objection before finalising any decision to sell the property.

RECOMMENDATIONS:

- (i) To consider and determine the objection received in respect of the proposed disposal of Mayfield Lodge.
- (ii) If after Cabinet considers the objection it is considered the sale should proceed to approve the disposal of Mayfield Lodge.

REASONS FOR REPORT RECOMMENDATIONS

1. Cabinet is required to consider the objection to the proposed disposal before any decision to sell can be finalised.
2. The lodge is in a poor state of repair and its sale will provide the opportunity for refurbishment to provide a family house and realise a capital receipt.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Not to sell the property – this is not recommended as it is not feasible to meet the cost of repair or to use for Council purposes.

DETAIL (Including consultation carried out)

4. Mayfield Lodge is a single storey Grade II Listed property located at the entrance to Mayfield Park. The property is currently vacant and in a poor condition throughout rendering it uninhabitable. In the absence of feasible and economic alternative use by the Council, it is proposed to sell the Lodge to provide the opportunity for refurbishment to provide a family house and realise a capital receipt.
5. Prior to seeking authority to advertise the intention to dispose, informal consultation was carried out with SCAPPS, Friends of Mayfield Park, Mayfield Park nursery and Mayfield Park bowling club in 2010. While understandably regretting that it was not possible for a use to be made directly with the park, there were no objections in principle to the proposed disposal.

6. Following the Cabinet decision on 20th December 2010 to authorise the advertising of the intention to dispose, an advert was duly placed in the Daily Echo on the 10th and 17th January 2011 in accordance with statutory requirements. One objection has been made, which now needs to be considered by Cabinet.
7. The objection received is from Councillor Richard Williams and was received by the Solicitor to the Council by e-mail on 7 February 2011. The lodged objection stated: 'I would like to object to the sell off plans because of the loss of public open-space and uses given to the community by the land in terms of well-being and community use.'
8. In response to this objection it should be noted that the Lodge was privately occupied as a residence by a service tenant of the Council for many years until 2005 when the tenant moved out. The lodge has therefore not been in community use, nor has the public had any access. Because of the poor condition of the property, it was concluded that the property was uninhabitable and it was not relet. A survey at the time estimated the cost of carrying out necessary structural repairs and of bringing the property up to a habitable standard at £136,000.
9. Further, the proposed sale as indicated on the attached plan is only of the Lodge building its associated garden together with such rights of way in common with other users as will be necessary to provide access from Weston Lane to the Lodge. No other property is included in the proposed sale and public access over the park will be unaffected. It might also be noted the extent of the area that would be sold is slightly less than that practically included with the Lodge to date; the proposed new boundaries would be inside of and exclude the landscaped shrubbery and borders that formerly effectively formed the Lodge boundaries and which will remain within the park.

RESOURCE IMPLICATIONS

Capital/Revenue

10. The disposal will generate a 100% usable capital receipt.
11. The Lodge is currently vacant and uninhabitable and does not therefore produce any income.

Property/Other

12. The property is currently vacant and surplus to Council use and can be disposed of on a vacant possession basis.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

13. The property is held under the Public Health Act 1875 and is therefore deemed to be "open space" by virtue of the holding power, notwithstanding its actual use. Section 123(1) of the Local Government Act 1972 allows local authorities to dispose of land but Section 123(2A) prevents the sale of open space land unless the Council advertises the intention to dispose in a local newspaper for 2 consecutive weeks and considers any objections made.

Other Legal Implications:

14. None

POLICY FRAMEWORK IMPLICATIONS

15. The proposal is not contrary to the Policy Framework.

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KEY DECISION? No **WARDS/COMMUNITIES AFFECTED:** Woolston

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Plan
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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