

# Report

5

Report to:	<b>Estates Committee</b>
Date of Meeting:	<b>3 March 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>Proposed Lease of Land Adjacent to 16 Wellhall Road, Hamilton</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval to grant a 99 year lease of land to S Hogarth, the proprietor of 16 Wellhall Road, Hamilton, in lieu of compensation to allow access to the property and for car parking.

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that a lease of ground at 16 Wellhall Road, Hamilton, be granted to S Hogarth at a rental of £1 per annum.
- (2) that the Executive Director (Enterprise Resources), in consultation with the Head of Legal Services, if appropriate, be authorised to conclude the lease agreement on such terms as are in the best interest of the Council.

## 3. Background

- 3.1. The Executive Committee, on 31 January 2007, approved the construction of the Link Road from Wellhall Road to Burnbank Road to ease traffic congestion at Peacock Cross, Hamilton, to carry out associated traffic management and junction improvements in the area and to provide a park and ride facility for Hamilton West Station. This project is identified in the South Lanarkshire Local Plan as a necessary improvement to the roads network and also to support requirements identified in the Structure Plan for an additional 4,000 houses needed in the Hamilton housing market area through Greenfield release between 2011 and 2025.
- 3.2. On 19 September 2007, approval was given by the Enterprise Resources Committee to acquire the land required for the Peacock Cross Link Road development proposal by means of voluntary acquisition or, failing which, the promotion of a Compulsory Purchase Order (CCPO) under the Town and Country Planning (Scotland) Act 1997.
- 3.3. Following a public enquiry into the CPO during May 2009, the Scottish Ministers accepted the Reporter's findings and recommendation that the Compulsory Purchase Order be confirmed without modification.
- 3.4. The Council acquired the Shell petrol filling station at 14 Wellhall Road as part of the land assembly CPO for the Peacock Cross Link Road development. The retail property at 16 Wellhall Road, Hamilton, was accessed through this filling station (now demolished). This access, along with car parking serving the property, was

leased from Shell UK Ltd. The acquisition through CPO included both the access and car parking for 16 Wellhall Road.

- 3.5 The new link road is not suitable to take vehicular access to 16 Wellhall Road and, in lieu of compensation, the Council has agreed to provide a new access to the property from Wellhall Road. The area previously used by 16 Wellhall Road for car parking is not required for the link road and it is proposed to continue to make this area available to the property for parking.
- 3.6 Negotiations with the owner of 16 Wellhall Road, Mr S Hogarth, have reached agreement in principle. It is proposed that the areas of land required for the access and car parking for 16 Wellhall Road, outlined on the attached plan, will be leased to Mr Hogarth on the terms detailed in section 4 below. The parties agreed that the Council will maintain and repair the new access road for 5 years after the date of entry. This is to maintain the current lease terms of the tenant. After the lease terminates, the maintenance and repairing liability will be the responsibility of Mr S Hogarth.

#### **4. Lease Terms and Condition**

4.1. The key features of the ground lease are proposed to be as follows:-

- (1) Lease will be for 99 years from a date of entry to be agreed.
- (2) The rent will be £1 per annum, if asked.
- (3) The areas of ground to be leased are shown on the attached plan.
- (4) After 5 years from the date of entry, S Hogarth will be responsible for the maintenance and repair of the access road. Until this time, the Council's Roads Department will be responsible for the repair and maintenance. The tenant will be responsible for the repair and maintenance of the area currently used as a car park from the date of entry.
- (5) The leased areas will be used for access and car parking and for no other purpose subject to reasonable consent of the Council and the granting of planning and other statutory consents.
- (6) On the termination of the agreement the area will be reinstated (if required) to the satisfaction of the Council.

#### **5. Employee Implications**

5.1. There are no employee implications for the Council

#### **6. Financial Implications**

6.1. The costs can be met from Enterprise Resources' Capital Programme budget.

#### **7. Other Implications**

7.1. There are no other implications

7.2. The risk of not proceeding with the lease is that the Council would be liable to pay for the extinguishment of the business due to the new road cutting off the present access to the property.

#### **8. Equality Impact Assessment and Consultation Arrangements**

8.1. All necessary consultations have been undertaken with Council Resources.

8.2. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

14 February 2011

**Link(s) to Council Objectives/Improvement Themes/Values**

- Sustainable Development
- Improve road network and public transport
- Improve the quality of the physical environment

**Previous References**

- Estates Committee 16 June 2009
- Executive Committee 31 January 2007
- Enterprise Resources Committee 19 September 2007

**List of Background Papers**

None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Steven Robertson, Property Development, Regeneration Services

Ext: 5156 (Tel: 01698 455156)

E-mail: [steven.robertson@southlanarkshire.gov.uk](mailto:steven.robertson@southlanarkshire.gov.uk)

