

AGENDA ITEM: 11 Page nos. 35 – 38

Meeting	Cabinet Resources Committee
Date	10 February 2005
Subject	Disposal of Land Fronting 1105/1111 High Road, Whetstone, N20
Report of	Cabinet Members for <ul style="list-style-type: none"> • Resources • Performance, Partnerships and Best Value, • Environment & Transport
Summary	To seek approval to the freehold sale of this land subject to the purchaser obtaining a public highway Stopping-up Order first being obtained.

Officer Contributors	George Church, Principal Valuer, Property Services and Valuation Group
Status (public or exempt)	Public (with a separate exempt section)
Wards affected	Totteridge
Enclosures	Plan 1
For decision by	Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: George Church, Principal Valuer, Property Services and Valuation Group Tel 020 8359 7353

1. RECOMMENDATIONS

- 1.1 That, subject to a Stopping-Up Order first being obtained, the freehold sale of the land shown edged black on the accompanying plan (being land fronting 1105/1111 High Road, Whetstone N20) to Knightfair Limited be approved on the basis of the terms set out in the report.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan commits the Council to “plan and manage land use and development in Barnet to enhance the quality of life and provide tangible benefits for the community”. The proposals in this report will do this by achieving a capital receipt from the sale of the land which can be used to assist in funding the council’s approved capital programme.

4. RISK MANAGEMENT ISSUES

- 4.1 This land forms part of a 12 metre wide pavement where there is little footfall. After its sale the depth of pavement remaining for public pedestrian use will still be approximately 5 metres wide.
- 4.2 The land has been in use for in excess of 12 months by the prospective purchasers for the purpose of their adjoining restaurant business, which trades as N20. This use has been without formal consent. and there have been no complaints from the public during this time.
- 4.3 Currently the surface of the land in question is adopted public highway. It will be necessary for the purchaser to first apply to the Council in its role as highway authority for a Stopping-up Order. The Council will then apply to the Court for the Order. If this is not forthcoming then the sale will not proceed and the use of the land by the restaurant will have to cease.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The capital payment negotiated and the fees to be paid are set out in the exempt report. The purchaser will be responsible for bearing all the costs in connection with an application for a Stopping-up Order.
- 5.2 There are no staffing or ICT issues. The property issues are set out below.

6. LEGAL ISSUES

- 6.1 None

7.0 CONSTITUTIONAL POWERS

- 7.1 Constitution – Part 3 Responsibility for Functions – Section 3.6 Functions delegated to the Cabinet Resources Committee – All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

8. BACKGROUND INFORMATION

- 8.1 This parcel of land (the approximate position of which is shown edged black on Plan 1) has an area of approximately 0.025 hectare, (0.06 acre). It was acquired in 1935 by a predecessor Council as part of a larger land transaction for road widening purposes. The surface is adopted highway and forms part of the pavement which is approximately 12 metres wide in this location.
- 8.2 The owner of the adjoining premises at 1105-1111 High Road, Knightfair Limited, obtained planning permission for change of use of the building in January 2002 to various leisure related uses, including that of a restaurant. Permission was granted for the erection of canopies to the front of the building to incorporate outdoor seating on the pavement i.e. the subject land. The building has been used for these purposes, including outdoor seating, since completion of its refurbishment in 2003. This use has been carried on without any form of consent from the Council as Highway Authority or as landowner.
- 8.3 Discussions have been held with Knightfair Limited regarding the unauthorised use and they have asked if they can purchase the land.
- 8.4 If the land shown on the plan was taken out of pavement use (which it effectively already has been consequent upon the restaurant al fresco seating use) and sold there would still be a pavement width of approximately 5 metres. The Head of Highways and Design has confirmed that the current pavement width is far in excess of what is needed by pedestrians and there is no prospect of road widening being needed in the area within the foreseeable future. He has confirmed that he has no objection to the land being sold subject to it first ceasing to be adopted public highway. Consequently, provisional agreement has been reached to sell the freehold interest in the land upon the basis of the terms set out in the exempt report.
- 8.5 As the land is currently designated public highway before it can be legally used for non-highway purposes it will be necessary for a Stopping-up Order to be obtained. It has been agreed that the prospective purchaser will apply to the Council in its role as Highway Authority for a Stopping-Up Order. The Council will then make application to the Court for the Order. The purchaser is to bear the cost of this process, together with the cost of removing any public utility services from the land.
- 8.6 Knightfair Limited is in the position of a special purchaser i.e. there is a very limited market for this land. Nevertheless, allowing for the costs of obtaining a Stopping-up Order and moving public utility services, I am satisfied that the terms set out in the exempt report will meet the Council's obligation under Section 123 of the Local Government Act 1972 to obtain the best consideration reasonably achievable.

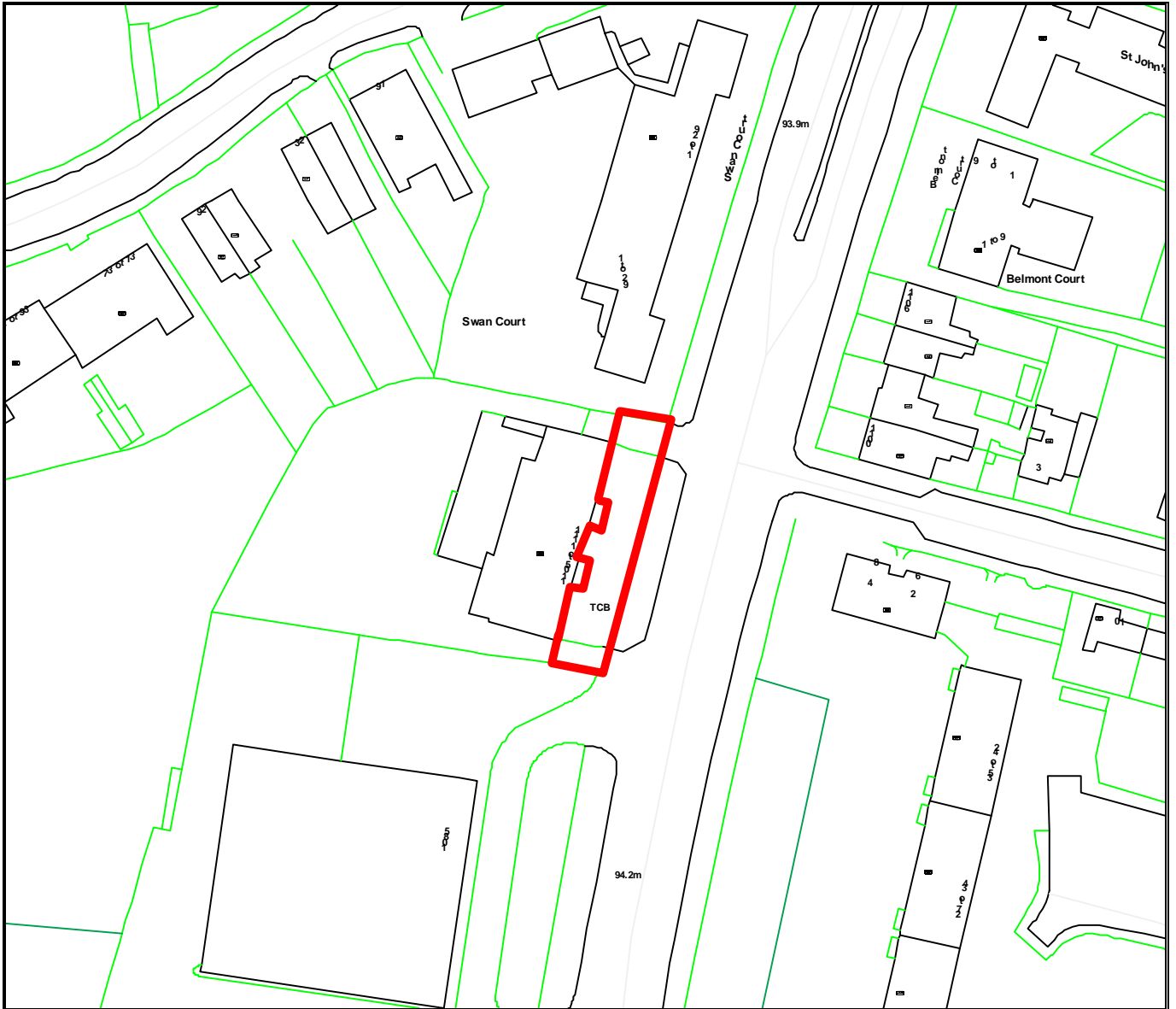
9. LIST OF BACKGROUND PAPERS

- 9.1 None

MO:SS
BT: CM

Plan 1

Part highway fronting 1105–1111 High Road Whetstone N20



NOT TO SCALE

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