

# Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

## Community Asset Transfer - Former Public Convenience, 531 Lanark Road, Juniper Green, EH14 5DJ

Executive/routine	Routine
Wards	2 Pentland Hills
Council Commitments	<a href="#">35</a> <a href="#">46</a>

### 1. Recommendations

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- 1.1 It is recommended that the Committee approves the disposal of the Former Public Conveniences located at 531 Lanark Road, Juniper Green to Pentland Community Space Scottish Charitable Incorporated Organisation (SCIO) on the terms outlined in the report and on such other terms and conditions to be agreed by Executive Director of Resources.

**Stephen S. Moir**

Executive Director of Resources

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Property and Facilities Management Division, Resources Directorate

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# Report

## Former Public Convenience, 531 Lanark Road, Juniper Green, EH14 5DJ – Community Asset Transfer

### 2. Executive Summary

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- 2.1 This report seeks authority to dispose of the Former Public Convenience located at 531 Lanark Road, Juniper Green to Pentland Community Space on the terms outlined in the report. The proposed sale is a Community Asset Transfer under Part Five of the Community Empowerment (Scotland) Act 2015.

### 3. Background

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- 3.1 The public convenience closed in 2015 and has since been the subject of community interest with proposals put forward for use of the site as a post office or bank before settling on the current proposal of a community hub with a residential flat above.
- 3.2 Pentland Community Space (PCS) applied for a Community Asset Transfer in order to establish a community hub (the Space Station) with a one-bedroom flat above. On completion of the transfer, it would allow PCS to demolish the existing toilets and build a new creative community hub for the wider area providing a welcoming space for people to come along either as individuals, part of a family or a community group to explore their creativity.
- 3.3 The property has the benefit of an existing planning permission (16/03972/FUL) allowing for the development as noted above together with a single bedroom flat above the adjacent shop, accessed by a shared staircase on the former toilet site.
- 3.4 Following a public meeting in 2016 a local resident, who is also a house builder, approached the group and offered to meet the labour costs of developing the site, giving PCS the keys to a ground and first floor building in a “move in” condition. He will install internal fixtures and fittings and provide basic decoration, with full services (electricity and water). PCS will be responsible for furnishing the space and raising the funds for the materials to construct the two-storey building. As part of the planning permission a second flat will be created above an existing shop owned by a third party. The development will enhance a corner of this conservation village. The local resident has also agreed to construct the flat above the adjacent shop at terms to be agreed with the existing shop owner.

## 4. Main report

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- 4.1 PCS SCIO is a new organisation, formed by members of Juniper Green and Baberton Mains Community Council. The Community Council has a track record in organising successful community events including the local Farmer's Market, the Pentlands Book Festival and other sporting and cultural events.
- 4.2 PCS submitted a Community Asset Transfer (CAT) request under Part Five of the Community Empowerment (Scotland) Act 2015 to purchase the property. In accordance with Council policy on CAT's, a panel was convened to consider PCS's expression of interest. The panel's recommendation was for PCS to develop their stage 2 (Sustainable Business Case) submission, which involves submitting a business case, valuation, refurbishment plans, and evidencing need thorough community consultation.
- 4.3 The stage 2 application has been received and the proposal assessed by the Operational Estates Team using the CAT policy scoring matrix. The result was a strong to a very strong submission.
- 4.4 The Stage 2 application was due to be considered by the panel on 25 March 2020 but was cancelled due to the current Covid-19 restrictions. Consequently, officers have consulted with the Stage 2 panel (local members) who are keen for the application to proceed so that timescales can be met for submission to the current Scottish Land Fund for acquisition costs.
- 4.5 The terms provisionally agreed for the disposal of the property are as follows:
- |                       |   |
|-----------------------|---|
| Purchaser:            | Pentland Community Space SCIO   |
| Price                 | £23,000   |
| Fees                  | The purchaser is to meet the Council's reasonable legal fees and Property and Facilities Management's administration fee                        |
| Development Agreement | Pentland Community Space SCIO are to enter into a development agreement with the Developer in terms acceptable to The City of Edinburgh Council |

## 5. Next Steps

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- 5.1 Should Committee approve the transfer request, a decision notice will be issued in accordance with the terms of the Community Empowerment (Scotland) Act 2015, setting out the terms noted above and inviting PCS to offer to purchase the property on the agreed terms. The applicant is then afforded a minimum statutory period of at least six months in which to make their offer.

- 5.2 Should Committee be minded to reject the CAT, the applicant has a statutory right to have the decision reviewed by the Council and, should the review be unsuccessful, a subsequent right of appeal to Scottish Ministers.

## **6. Financial impact**

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- 6.1 A capital receipt of £23,000 will be received and the Council will be relieved of future maintenance costs. The receipt will be received in financial year 2020/2021.
- 6.2 The applicant obtained an opinion on market value of the property in the amount of £30,000. The market value figure has been verified by a Council registered valuer. It is considered that a sale price of £23,000 is justified in this instance, given the proposed scheme's alignment to Coalition Commitments, particularly:
35. Improve access to library services and community centres making them more digital, and delivering them in partnership with local communities;
  46. Continue to support the city's major festivals which generate jobs and boost local businesses and increase the funding for local festivals and events. Support the creation of further work spaces for artists and craftspeople.
- 6.3 An asset transfer at less than market value is justified when additional benefits empower communities and align with local and national priorities to enable the delivery of Best Value across the public sector as a whole. The benefits should also contribute to the Authority's policy objectives and local priorities. The PCS Business Case evidences the range of Council Commitments that will be met, and these are noted above.
- 6.4 The proposed sale price has also been considered in relation to The Disposal of Land by Local Authorities (Scotland) Regulations 2010, which provides that where the disposal (or lease) is for a consideration less than the best that can reasonably be obtained, a Local Authority can dispose of the asset, provided it follows certain steps:
- It appraises and compares the costs and dis-benefits of the proposal with the benefits;
  - It satisfies itself the proposed consideration for the disposal in question is reasonable; and
  - It determines that the disposal is likely to contribute to the promotion or improvement of any one of: economic development or regeneration, health, social well-being, or environmental well-being, of the whole or any part of the area of the local authority or any person in the local authority area.
- 6.5 The proposals align with Council commitments and contributes to these criteria therefore the proposed sale price is considered justifiable.

## **7. Stakeholder/Community Impact**

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- 7.1 Consultation was undertaken through the CAT advisory panel. The panel consisted of various stakeholders, councillors and community groups which ensured broad analysis and guidance and eventual approval of the application.
- 7.2 As part of the CAT Stage 2 Business Case Submission, PCS have consulted widely in the community with regards to the future use of the former public convenience. Detail on the consultations undertaken can be found in the PCS Business Case which is available for reading using the link at 8.1 below.
- 7.3 The ward members have been informed of the recommendations contained within this report.
- 7.4 The impact on sustainability has been considered. There is no negative impact on the environment as the result of the proposed sale.

## **8. Background reading/external references**

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- 8.1 CAT Stage 2 Submission:  
<https://www.edinburgh.gov.uk/downloads/download/14414/531-lanark-road-juniper-green>
- 8.2 Community Asset Transfer Policy:  
<https://www.edinburgh.gov.uk/downloads/download/14374/community-asset-policy>

## **9. Appendices**

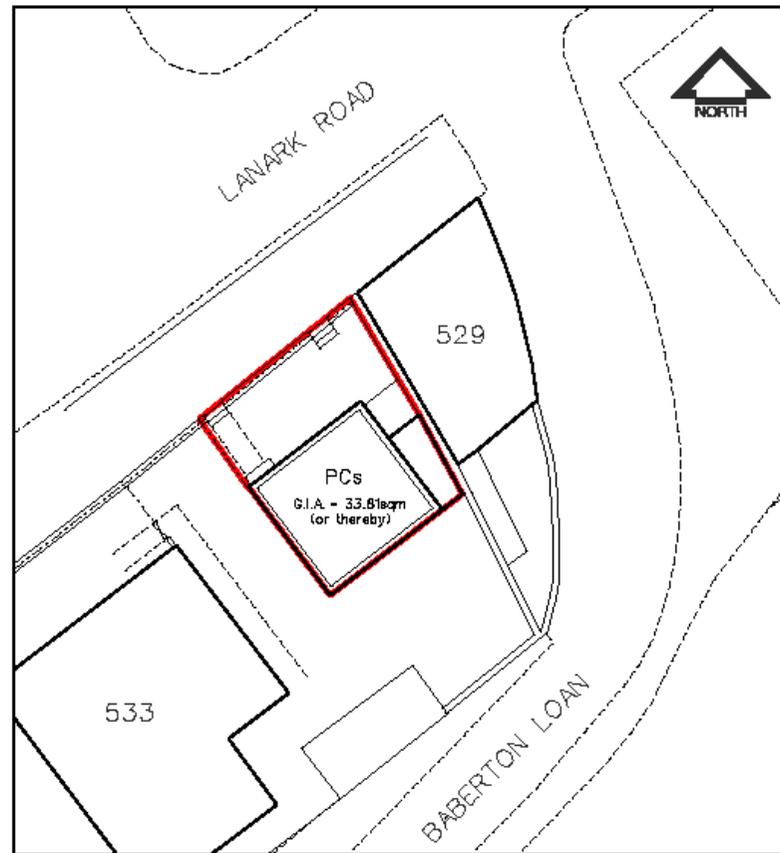
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- 9.1 Location Plan



LOCATION PLAN

SCALE 1:1250



SITE PLAN

SCALE 1:200

**•EDINBURGH•**  
 THE CITY OF EDINBURGH COUNCIL  
 PROPERTY AND FACILITIES MANAGEMENT  
 RESOURCE

PUBLIC CONVENIENCE AT  
 571 LANARK ROAD  
 EDINBURGH  
 AREA = 66.29sqm (or thereby)

DATE	26/3/20
SURVEYED BY	MB,NR
DRAWN BY	Mark Ballantyne
SCALE	1:200 A3 SIZE
NEG. NO.	A3/1818 LANARK ROAD

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