

ANGUS COUNCIL

HOUSING COMMITTEE – 30 JANUARY 2025

LEASE OF LOCHSIDE ROAD, FORFAR GARAGE AND LOCK UP SITE TO FORFAR OPEN GARDEN COMMUNITY GROUP

REPORT BY ALISON SMITH, DIRECTOR OF VIBRANT COMMUNITIES AND SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report seeks the approval to lease Lochside Road, Forfar garage and lock up site to Forfar Open Garden (FOG).

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 Caring for our people.

- Reduce inequalities in all our communities.
- Provide the best start in life for children.
- Create more opportunities for people to live well and achieve their personal goals.
- Improve physical, mental health and wellbeing.

- 2.2 Caring for our place.

- Protect and enhance our natural and built environment.
- Enable inclusive, empowered, resilient and safe communities across Angus.

3. RECOMMENDATIONS

- 3.1 It is recommended the committee:

- (i) approves the lease of the Lochside Road, Forfar garage and lock-up site to Forfar Open Garden for an initial period of 15 years and annually thereafter;
- (ii) agrees that the lease will have a break clause of 18 months on Forfar Open Garden's side and five years on the council's side to allow both sides to end the agreement early;
- (iii) approves a nominal rent of £1 per annum;
- (iv) notes the ongoing arrangements for existing tenants of the lock ups and garages;
- (v) notes that Forfar Horticultural Society can continue to be accommodated on the site; and
- (vi) consider if the proposal meets the statutory requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

4. BACKGROUND

- 4.1 FOG have successfully operated a community garden in Lochside Road, Forfar for several years. However, they have been given notice by their landlord to vacate the site and this is effective from June 2025. FOG approached Angus Council with a proposal to move their community initiative to the Lochside Road garage and lock up site which would allow them to remain operating in the area.
- 4.2 FOG is a charity providing the Forfar and surrounding area in Angus with a community garden. Their aim is to positively impact socially isolated individuals, those with a physical, mental health disability or conditions such as neurodiversity and dementia, through involvement in the

therapeutic benefits of gardening. This includes increasing the opportunity for the referral to the garden for health purposes and strengthening links to schools, nurseries, and care homes.

- 4.3 The garden is a valuable resource, which without a new site is at risk of being lost. The garden is a focal point for many support groups which regularly visit including mental health and adult autism groups. In total the garden attracted over 2000 visitors during 2023/24. The group have estimated this will increase to over 4000 in the next two years.
- 4.4 The Lochside Road site, which sits on the Housing Revenue Account (HRA) comprises 20 brick-built lock ups and 13 garage sites. Appendix 1 provides a plan of the site. The site is unpopular and only seven brick-built lockups and two garage sites are currently occupied. The site has been subject to high levels of vandalism and recently there have been two serious fires at the site. Several garages are in a serious state of disrepair, due to vandalism, making the site potentially dangerous and although security measures have been put in place, including erecting Heras fencing and fitting a bollard to stop unauthorised vehicles entering the site, it remains a target for vandalism and is difficult to let. Housing officers spend a disproportionate amount of their time inspecting the site and taking measures to protect the site from vandalism and fly-tipping.

5. CURRENT POSITION

- 5.1 Given the condition of the site in Lochside Road, Forfar which is unpopular and underutilised, officers have explored with current tenant's options which would allow continued access to a garage/lock up in Forfar and also accommodate FOG.
- 5.2 To illustrate the concerns around demand the average time each lockup and garage site was unlet during 2022/23 was 4.8 years and 5.8 years during 2023/24. This has risen to 6.4 years during 2024/25.
- 5.3 At the time of writing this report officers are engaging with the remaining tenants. Tenants have been advised of the proposal and have been given information about FOG, who they are and what they do along with FOG's aims and objectives.
- 5.4 Officers have also discussed options open to the remaining tenants which include giving up their tenancy if they no longer require the lockup or garage site or relocating to an area nearer their home address.
- 5.5 Officers have consulted with tenants registered on the interested tenants list and the registered tenant groups in Forfar. The outcome of this is included as appendix 4.
- 5.6 Officers have worked with FOG to develop a proposal for them to lease the site which would give them a new site. Draft Heads of Terms have been drawn up on this basis.
- 5.7 The Forfar Horticultural Society (FHS) currently occupy a shed on the site at an annual rent of £1 per annum and if FOG were to relocate to the site, both organisations could be accommodated.
- 5.8 FOG have provisionally secured lottery funding of around £150,000 to undertake ground works and demolition which is subject to them securing the lease.
- 5.9 FOG have also secured funding of £35,000 from the Community Asset Capital Grant Fund. This funding will be essential to fund activities to transform the new site into a garden, and specifically will provide the necessary security for the site, which will include fencing and pathways for disability access. Again, this funding is subject to FOG securing the lease of the site and them spending the funding no later than 31 March 2025.
- 5.10 In anticipation of securing the lease and given the tight funding timescales, FOG have been granted a building warrant to demolish 12 brick-built lockups and have submitted a planning application to change the use of the site to allow them to create the community garden and are awaiting a decision on that application.
- 5.11 Attached as appendix 2 is FOG's vision for the site.

6. PROPOSALS

- 6.1 It is proposed to lease the site in Lochside Road to FOG at an annual rent of £1 per annum to the HRA subject to all relevant statutory and landlord permissions being sought and granted. FOG pay no rent for their current site and the council want to support FOG and their objectives. This will allow all citizens and groups to enjoy viewing the gardens and take part in gardening activities. Forfar Horticultural Society pay a rent of £1 a year and it would fair to charge FOG the same.
- 6.2 Provision will be made in the lease between FOG and Angus Council to continue the arrangement with Forfar Horticultural Society.
- 6.3 The proposal will allow FOG to continue to operate a community garden and meet their aims and objectives.
- 6.4 The proposal will also reduce housing officer involvement in the site freeing them up to spend more time assisting customers with housing tenancy matters.
- 6.5 The Disposal of Land by Local Authorities (Scotland) Regulations 2010 state that a local authority may dispose of land for a consideration less than the best that can reasonably be obtained if the local authority is satisfied that the disposal for that consideration is reasonable; and is likely to contribute to the promotion or improvement of:
- (a) economic development or regeneration;
 - (b) health;
 - (c) social well-being; or
 - (d) environmental well-being.

In considering whether to grant the lease, Members should consider the statutory duty to secure best value in accordance with these regulations.

7. FINANCIAL IMPLICATIONS

- 7.1 As indicated the current brick-built lockups are in poor condition and it is estimated would cost £7,500 per unit to refurbish or £150,000 in total. Even with refurbishments, there is concern the lockups would still be difficult to let because of the history of previous vandalism and fly-tipping. Leasing the site to the FOG would relieve the HRA of the burden of funding refurbishment.
- 7.2 The cost of demolishing the lockups is estimated to be £37,000. FOG have agreed to demolish several garages and repurpose the others to meet their aims and objectives using the lottery funding they have provisionally secured.
- 7.3 The total potential revenue generated by the 20 lockups is £6,457 per annum (2023/24). However, only £2,260 was collected, due to void lockups. The figure of £4,197 rent was not collected, and this equates to around 65% rental income loss. The rent loss so far for 2024/25 is 66% and this is predicted to increase as more lockups become void.
- 7.4 The total potential revenue generated by the 13 garage sites is approx. £1,950 per annum (2023/24). However, only £209 was collected, due to vacant garage sites. £1,741 rent was not collected, and this equates to around 87% rental income loss. This is the same for 2024/25.
- 7.5 Leasing the site would remove the ongoing financial burden to the HRA of maintaining the site and repairs.

8. RISK MANAGEMENT

- 8.1 There are no direct risks arising from the recommendations of this report.

9. ENVIRONMENTAL IMPLICATIONS

9.1 There are no direct environmental implications arising from the recommendations of this report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

10.1 An Equality Impact Assessment has been carried out and is attached.

11. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

11.1 A Children's Rights and Wellbeing Impact Assessment has been carried out within the EIA.

12. CONSULTATION

12.1 The Director of Finance and the Director of Legal, Governance & Change have been consulted on the contents of this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Appendix 1 - Site plan of Lochside Road, Forfar garage and lock-up site.

Appendix 2 - plan outlining FOG's vision for the Lochside Road, Forfar garage and lock-up site.

Appendix 3 – EIA

Appendix 4 – Tenant Consultation Summary