

REPORT FROM: CHIEF EXECUTIVE

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 9TH SEPTEMBER 2020

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LAND AT BOWLAND VIEW, BRIERFIELD

PURPOSE OF REPORT

To recommend that Members request the Policy and Resources Committee to declare the land shown edged black on the plan surplus to requirements.

RECOMMENDATIONS

That this Committee recommends the Policy and Resources Committee to declare the land surplus to requirements, and that the Chief Executive be authorized to negotiate terms of a sale to the developer of the adjoining land.

REASONS FOR RECOMMENDATION

A sale of the land would allow for development to be carried out, achieve a capital receipt and end all maintenance and other liabilities relating to ownership of the land for the Council.

BACKGROUND

1. The land is part of a strip of land transferred to the Council in 2000 as part of a Section 106 agreement in relation to the adjoining development. An amount was paid to the Council for future maintenance of the land, and since it was transferred the land has been maintained as open space.
2. On 21st May 2020, Outline Planning Permission was granted for 19 houses on the adjoining land with access proposed to be taken over the Councils land edged black on the attached plan. The developer of the land has recently made an approach with a request to purchase the land from the Council which he says is the only way to gain access into the development site.

ISSUE

3. Whilst Outline Planning Permission has been granted for residential development the developer has to negotiate the acquisition of the land from the Council to facilitate access.

4. A disposal of the site will allow the development to proceed which will generate a capital receipt for the Council and end maintenance liability, but as it is designated as open space the Council is required to locally advertise the proposal for two consecutive weeks in accordance with S123 of the Local Government Act 1973. This allows local residents an opportunity to object to the disposal, and any objections are to be reported back to Policy and Resources Committee where Members can consider whether to accept or reject such objections.

IMPLICATIONS

Policy: The Council seeks to identify surplus property for inclusion in its disposal programme in order to achieve capital receipts.

Financial: A sale of the land would result in a capital receipt and no further maintenance liabilities for the Council.

Legal: No legal implications are considered to arise directly from this report.

Risk Management: On disposal of the property all risks and liabilities will cease for the Council

Health and Safety: No implications are considered to arise directly from this report.

Climate Change: No implications are considered to arise directly from this report

Community Safety: See risk management

Equality and Diversity: No implications are considered to arise directly from this report

APPENDICES

Location plan

LIST OF BACKGROUND PAPERS

None