

**REPORT FROM: HOUSING, HEALTH AND ENGINEERING SERVICES
MANAGER**

TO: NELSON COMMITTEE

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LAND ADJOINING 194 HALIFAX ROAD, NELSON

PURPOSE OF REPORT

To recommend that Members request the Policy and Resources Committee to allow the land shown edged black which is part of a larger surplus development site to be sold for another use.

RECOMMENDATION

That this Committee recommends the Policy and Resources Committee to allow the land to be sold for another use, and that the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale to the owner of the adjoining property.

REASON FOR RECOMMENDATION

A sale of the land would achieve a capital receipt and end all maintenance and other liabilities relating to ownership of the land for the Council. It is recommended that the land be sold on a long leasehold rather than a freehold so that covenants would be easier to enforce in the event of them being breached.

BACKGROUND

1. The land is part of a larger area of naturalised land shown hatched on the plan which was declared surplus for residential use by the Executive on 25th August 2016. An outline planning application was submitted for a development of 36 houses and this was refused on 23rd October 2018, but the land is still being considered by the Council for development.
2. There has been a request from the owner of 194 Halifax Road to purchase the land to create a driveway to the side of the property as it does not have its own parking area and their vehicles are currently parked on the highway. The owner says this is an issue for road safety and security of their vehicles which have been stolen previously.
3. The owner of the property obtained planning permission on 23rd June 2019 for demolition of a detached garage, erection of a garage and creation of a driveway within the grounds of

194 Halifax Road, but says putting in a driveway is not possible within the boundary of her property and that she requires the additional area as shown on the plan to facilitate this.

ISSUE

4. A sale of the land would result in vehicles not being parked on the highway which would give increased safety and security for the property owner, and would assist to improve road safety for other road users. The land is next to the proposed access for a potential residential development site, and the Councils Engineering Manager has indicated that the access to the site could be realigned so that this proposal would not impact on future development potential.

IMPLICATIONS

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

It is proposed that a long leasehold sale of the land on a 125 year term be negotiated to the owner of 194 Halifax Road at a value to reflect use as a driveway and its benefit to the property. A sale would be subject to the owner obtaining Planning and Highways consent for repositioning of the driveway and with a restrictive covenant on the sale that the land be used for a domestic driveway, garage or garden.

Financial: On disposal there would be a capital receipt for the Council and an end to the Councils liabilities

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, and there would be a reduction in risk for road users.

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