

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

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LAND ADJOINING NEW SCOTLAND ROAD, NELSON

PURPOSE OF REPORT

To request that Members request the Policy and Resources Committee to declare the land shown cross hatched on the plan surplus to requirements.

RECOMMENDATION

That this Committee recommends the Policy and Resources Committee to declare the land surplus to requirements, 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 area shown cross hatched on the plan is within a larger area of Council land shown edged black, and the whole area is managed by the Councils Engineering and Special Projects section. The cross hatched area is a tarmaced strip which is open on to surfaced land owned by the prospective purchaser, and the remainder of the area within Council ownership comprises a hedge behind a steel barrier adjoining New Scotland Road.
2. There is a roller shutter entrance door to the privately owned building shown as 201 and 101 New Scotland Road which is close to the cross hatched area, but no formal right of access has been granted over the Councils land. The adjoining owner has requested to buy the freehold of the Councils land edged black to continue maintaining the land and to keep it as an access to the property.

3. The Councils Engineering and Special Projects wish to retain control of the hedge and there are proposals to replace or improve the planting, but they do not have any objection to the tarmaced strip being sold.

ISSUE

4. The Council is responsible for maintenance of the land and a sale of the tarmaced strip would result in the removal of a liability.

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 the adjoining building at a value to reflect its benefit to the property, and with the owner to pay the Councils legal and surveyors fees.

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

Legal: If the land is sold it is proposed that there be a restrictive covenant on the sale limiting its use as access to the adjoining building.

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