

REPORT FROM: CHIEF EXECUTIVE

TO: NELSON BRIERFIELD AND REEDLEY COMMITTEE

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**DISPOSAL OF LAND ON BRADLEY ROAD EAST/JUNCTION OF
LEEDS ROAD, NELSON**

PURPOSE OF REPORT

To inform Members of requests to make commercial use of the above Council owned amenity land, as shown edged black on the attached plan.

RECOMMENDATIONS:

That Members consider which of the following options should be pursued

- i. a disposal or commercial letting of the whole site
- ii. a disposal or commercial letting of the car parking area only, with the paved frontage land being retained by the Council
- iii. retaining control of the whole of the site for continued informal car park use by all nearby residents and businesses

If Members wish to pursue options i. or ii above, a recommendation should be made that the Policy and Resources Committee declare the area(s) of land surplus to requirements and invite offers of interest in writing for further consideration. Members should also recommend whether the existing use should be retained or alternative uses be considered.

REASON FOR RECOMMENDATION

To consider the best long-term use of the site.

BACKGROUND

1. The Council's freehold interest in the subject land was originally acquired by Compulsory Purchase Order to allow for the demolition of numbers 87, 89, 91, 93 and 95 Leeds Road as part of a housing clearance scheme. The land is classed as amenity land, lying over a relatively steep gradient and provides seven car parking spaces for use by surrounding residents and businesses. A paved area with mature trees separates the car parking and pavement fronting onto Leeds Road.

ISSUES

2. The land is not a public car park managed by the Council's Housing, Health & Engineering Services, and the paving is currently in poor repair, mainly caused by tree root damage. The trees on the site are overgrown and require lopping and topping. Waste bags and household items are regularly dumped on the site and a number of untaxed vehicles have also been abandoned on the site in the past. The land appears to be predominantly used by a nearby taxi business. A budget to refurbish the car parking area, paved frontage area and the tree works has not been identified. An estimate of £35,000 has been suggested to refurbish the whole site and deal with the tree issues.
3. Access is only available from Bradley Hall Road East as the junction with Leeds Road is blocked to traffic, therefore existing and future users of the site have to pass and re-pass residential properties. The site is also affected by a right of way reserved for use by the owners of numbers 2-4 Bradley Road East (a.k.a. the Cleaver's building). This access way must be kept clear at all times and would need to be accounted for as part of any disposal or lease.
4. Although the land has not been declared surplus or marketed, interest has recently been received from four different parties proposing the following three commercial uses:
 - Car Sales (or vehicle storage site for vehicles for sale being advertised on the internet with sales carried out elsewhere)
 - Use for the parking of taxis by a nearby taxi operator
 - Use for customer car parking for a nearby businessThe car parking spaces are well used, which demonstrates a demand for off-street parking, however Members may also wish to consider the potential to dispose of the site for other forms of redevelopment.
5. Option (i), set out above, could result in a disposal or a commercial tenant taking on liability to fund improvements and maintenance of the whole site and may also reduce or eliminate the risk of legal action/compensation claims arising from trips and falls. These liabilities may however deter interest from potential purchasers or tenants, and impact upon the consideration level offered, if the Council insists that the current use, layout and trees are to remain. It may also impact upon the rental level that can be achieved. Members may also consider whether to sell the whole of the site or lease it for other forms of development.
6. Members may wish to consider a disposal or commercial lease of the car parking area alone, as per Option (ii) above, and retain the paved frontage area as amenity land, however the Council would still be liable for works required to improve and maintain the frontage land and trees.
7. Members may decide to maintain the status-quo and continue with informal parking for all, however the Council would have to identify a budget to improve and maintain the land.
8. Planning Consent is likely to be required for any alternative use or development and consideration would have to be given to any potential negative impact and inconvenience caused by a commercial use close to the adjacent houses. There may also be highways safety implications arising from a commercial use at this location. The land may also have to be advertised as a potential loss of Open Space
9. If a commercial use is considered acceptable and the land is declared surplus, Members may prefer to openly market the site and ask for informal expressions of interest, so that it may consider all proposed uses and the consideration to be offered, on a non-committal

basis. A further report providing this information would be brought back to this Committee and Policy and Resources Committee for consideration.

IMPLICATIONS

Policy: The Council seeks to identify surplus land property for inclusion within its disposal programme in order to receive income or capital receipts.

Financial: If sold or leased the proposal may remove a potential maintenance burden and generate a capital receipt or income stream which may be ring fenced to fund improvement works to any retained part of the site.

Legal: No legal implications are considered to arise directly from this report other than the right of access to the rear would have to be maintained in favour of the owner of the Cleaver's Building.

Risk Management: Currently there is a risk of harm to users of the land from loose paving stones or falling tree branches. With a disposal or lease of whole of the site, all risks and liabilities will cease for the Council on the area leased. The Council would however still be liable for any retained areas.

Health and Safety: See Risk Management

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