

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

**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 1<sup>ST</sup> AUGUST 2022

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## LAND ADJOINING 44 BRUNSWICK STREET, NELSON

### 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 in order for it to be sold.

### RECOMMENDATION

That this Committee recommends the Policy and Resources Committee to declare the land surplus to requirements in order for the land to be marketed for sale, and that the Chief Executive be authorised to negotiate terms.

### REASONS FOR RECOMMENDATION

This Committee previously requested the Policy and Resources Committee to declare the land surplus to requirements following interest from the nearby commercial premises, but the request was declined. The issues with the land have continued, and there has been further interest in buying the land from two other parties.

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 managed by the Councils Engineering and Special Projects and comprises a paved area with planted trees and tarmaced area with four marked car parking spaces. There have been issues with unroadworthy vehicles being parked on the land, fly tipping and littering.
2. In 2021 the owner of the commercial premises to the rear of No's 44 to 48 Brunswick Street and No's 147 to 149 Railway Street requested to purchase the land to use as parking for his tenants businesses. The request was reported to this Committee on 7<sup>th</sup> June 2021, and it

was recommended that the Policy and Resources Committee be requested to declare the land surplus to requirements in order for the land to be marketed for sale, that the Chief Executive be authorised to negotiate terms and the land be marketed for a specific use.

3. The Policy and Resources Committee resolved on 24<sup>th</sup> June 2021 not to declare the land surplus to requirements and for it to be cleared and maintained as open space, and since then there have been further enquiries from two parties to purchase the land. One of the enquiries is from the adjoining owner of 44 Brunswick Street for use as a residential parking area, and the other is from an individual to purchase the land for use as a car sales pitch.

## ISSUES

4. The issues with unroadworthy vehicles being parked on the land, fly tipping and littering have continued since the previous Committee resolution, and the Council is in the process of taking enforcement action against the owner of the vehicles. A sale of the land would result in the Council's liabilities being transferred to the new owner.
5. There is interest in purchasing the land from three parties and a sale would result in a capital receipt for the Council. It is more likely that planning permission would be granted for domestic parking/garden use for the adjoining 44 Brunswick Street which would be a more suitable use for this area.

## 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 the three enquirers be requested to submit offers. The land would be sold on a long leasehold for a 125 year term, subject to the purchaser obtaining planning permission for the proposed use, and there would also be covenants restricting its use and requiring the land to be maintained in good condition.

**Financial:** A capital receipt and no further 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