

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

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

**DATE:** 30<sup>th</sup> JANUARY 2023

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## **LAND ADJOINING 54 CARLETON 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 it to be sold, and that the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale to the adjoining owner.

### **REASONS FOR RECOMMENDATION**

A report has been considered by this Committee previously on two occasions requesting for the Policy and Resources Committee to declare the land surplus to requirements, and the resolution was that the request be declined.

The adjoining owner has submitted another request to purchase the land and a sale would end all of the Councils maintenance liabilities and achieve a capital receipt.

### **BACKGROUND**

1. The land adjoins the gable of 54 Carleton Street and is a paved area with planted trees and concrete bollards to the perimeter. It is managed by the Councils Engineering and Special Projects.
2. There have been ongoing issues with fly-tipping on the land and the landlord owner of 54 Carleton Street says this is causing problems for his tenants and attracting vermin. In 2021 he requested to purchase the land to enclose it and create a parking area for use by his tenants. This was referred to this Committee on 29<sup>th</sup> November 2021 with the

recommendation that the Policy and Resources Committee declare the land surplus to requirements in order for it to be sold, but the resolution was that the request be declined.

3. In 2022 there was another request from the adjoining owner to purchase the land as there were still issues with fly tipping which had been dealt with by the Councils Environmental Services. The request was referred to this Committee on 1<sup>st</sup> August 2022 with the same recommendation as the previous report, but the Policy and Resources Committee declined the request in order for it to be retained as open space. The adjoining owner is still reporting issues with fly tipping on the land.

## ISSUES

4. The Council are responsible for maintenance of the land which is classed as a problem site and there have been ongoing issues with fly tipping. A sale of the land would result in the Councils liabilities being transferred to the adjoining owner.
5. It is recommended that the land be sold on a long leasehold rather than a freehold so that covenants would be easier to enforce if they were breached. If a private treaty sale is negotiated to the adjoining owner it is more likely to be maintained than if offered to the open market and sold to a non-adjoining owner.

## 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 be negotiated to the owner of 54 Carleton Street with a restrictive covenant that the land be used for domestic parking or garden use for the property.

**Financial:** A capital receipt for the Council and an end to all 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

**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