



Report to the Executive for Decision 7 January 2013

Portfolio: Policy, Strategy and Finance
Subject: **Disposal of Land Adjoining 268 Brook Lane, Sarisbury Green**
Report of: Director of Finance and Resources
Strategy/Policy: Asset Management
Corporate Objective: A dynamic, prudent, progressive and best practice Council

Purpose:

To request the Executive to consider the options regarding a strip of land adjoining 268 Brook Lane, Sarisbury Green.

Executive summary:

A strip of land originally acquired for a greenway route is no longer required for that purpose. The land has been licensed on a temporary basis to the owners of 268 Brook Lane but options exist for a longer term agreement for the occupation of the land or for the disposal of the land on the open market.

Recommendation:

It is recommended that the land is declared surplus and is disposed of (Option 2), subject to the Council successfully obtaining the release of the planning condition.

Reason:

Option 2 would produce a one-off consideration and relieve the Council of any ongoing management issues

Cost of proposals:

Legal costs for the transfer would be the responsibility of the purchaser(s).

Appendix A: [Plan](#)

Background papers: None



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Executive Briefing Paper

Date: 7 January 2013

Subject: Disposal of Land Adjoining 268 Brook Lane , Sarisbury Green

Briefing by: Director of Finance and Resources

Portfolio: Policy, Strategy and Finance

INTRODUCTION

1. In 2001 planning permission was granted for the construction of a single dwelling to the side of 270 Brook Lane, Sarisbury Green (the new house became 268 Brook Lane). The permission was subject to a Section 106 Agreement part of which contained a condition that the Borough Council acquire a strip of land at the edge of the development plot. The strip is shown outlined in black on the attached plan. The original intention was that, subject to funding becoming available this strip would join up with a section of footpath to the rear of the development at Battle Close and become part of the greenway network from the District Centre to the Cold East Development.
2. The development plot was subsequently sold and in 2003 the strip of land was transferred to the Borough Council. At that stage no funding was available to complete the greenway and rather than leave the strip of land vacant with a risk of dumping etc it was agreed that until such time as it was required for the greenway it would be licensed back to the purchaser of the development plot on a peppercorn basis.
3. The house was subsequently sold in 2006 to the current occupiers and a new licence was set up in their names. The licence was renewed in April 2011 for 3 years and it can be terminated by the Council on the giving of six months notice in writing. In 2009 the owner of 266 Brook Lane approached the Borough Council to register his interest in purchasing part of the land should it become available in the future and has more recently confirmed his continuing interest.
4. Hampshire County Council have confirmed that they have no aspirations or funding to complete the footpath link and when resources allow will look to stop-up and dispose of the Battle Close section of greenway. An alternative footway exists via Highnam Gardens.

PROPOSAL

5. Given that the County Council do not intend to progress the greenway link there is no reason for the Borough Council to continue to licence the land on a short term basis. Under the terms of the Transfer and the Section 106 Agreement there is no guidance as to disposal in the event of the land not being required for the intended purpose, but clearly if the purpose is no longer relevant then the Borough Council should consider disposal.

DETAILED OPTIONS

Option 1

6. The Council could licence (or alternatively lease) the strip of land to an interested party (subject to a review of the fee or rental) on a longer term basis or could consider inviting bids from both interested parties for a licence or lease. Whilst the costs of preparing the documentation would be passed to the licensee/lessee there would still be an ongoing administration role for the Council.

Option 2

7. The land could be declared surplus to requirement and disposed of. If this approach was pursued the owners of 266 & 268 Brook Lane have expressed an interest in buying some/all of the land. It could also be of interest to the residents of 1 & 3 Highnam Gardens. Given the level of potential interest in the land officers suggest that the disposal is advertised locally and competitive bids sought. It is also proposed that the land is packaged in 2 parts - a road frontage section and a rear section (the road frontage section is shown cross hatched black on the inset plan). Any ongoing administration role would cease on the disposal of the land.
8. Whichever option is pursued an application to remove the original planning condition would need to be made and it is recommended that this is applied for once a decision has been reached by the Executive. This will take approx 8 weeks as it follows the same process as a full planning application but once achieved will mean that the land is no longer constrained by the condition.
9. If the Executive were to declare the land surplus then six months' Notice will need to be served to bring the licence to an end.

RISK ASSESSMENT

10. If the application for removal of the condition were unsuccessful any proposed disposal could not then be progressed.

FINANCIAL IMPLICATIONS

11. If the land were to be licensed or leased an ongoing fee or rental would be received. If the land were disposed of the Borough Council would receive a one-off consideration from one or more purchasers.

CONCLUSION

12. The strip of land adjoining 268 Brook Lane is no longer required for greenway purposes and so a longer term arrangement could be considered or the land could be declared surplus to requirement and disposed of.

Reference Papers: None



Record of Executive Decision

7 January 2013 – [xps-130107-r05-kbo](#)

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Options Considered:

The Executive received a deputation from Mr Nigel Worwood in relation to this item. At the invitation of the Executive Leader, Councillor Mrs M E Ellerton addressed the Executive on this item.

Following a debate on the matter, an amended recommendation was proposed and duly seconded to leave the current licence arrangements in place and therefore not dispose of the land. Upon being put to the vote, the motion was declared CARRIED (5 Executive Members voting for, 1 against).

Decision:

That the land is not disposed of, allowing the current licence arrangements to continue.

Reason:

Following a debate on the matter, an amended recommendation was proposed and duly seconded to leave the current licence arrangements in place and therefore not dispose of the land. Upon being put to the vote, the motion was declared CARRIED (5 Executive Members voting for, 1 against).