
PREMISES AT BROOK TERRACE, DARLINGTON

**Responsible Cabinet Member(s) - Councillor Don Bristow,
Resource Management Portfolio**

**Responsible Director(s) - Cliff Brown, Director of Community Services
John Buxton, Director of Development and Environment**

Purpose of Report

1. To seek authority to declare the above mentioned asset surplus to the Council's requirement and to dispose of the Council's freehold interest.

Information and Analysis

Background

2. The land shown highlighted on the **attached plan** is owned by the Council. It was used until July 2004 as a storage and workshop facility by the Environmental Services section of Community Services. It is now empty and Community Services have confirmed they no longer have an operational use for it.
3. All Council Departments have been made aware of the availability of this vacant property, to ascertain if they may have a need to occupy it but no such operational need has been identified.
4. The property was purchased under the provisions of Section 164 of the Public Health Act 1875, indicating that it was originally purchased for the purpose of using same as public walks or pleasure grounds. The Council may dispose of the land provided that the provisions of the Local Government Act 1972 Section 123 2(A) are met, ie the proposal to dispose is to be advertised in two consecutive weeks in a local newspaper, and consider any objections to the proposed disposal which may be made.

Asset Management

5. As no operational use for the subject property has been identified, it is proposed that it be considered surplus to the Council's requirements and duly offered to the market for residential redevelopment, subject to planning permission being first obtained and the relevant open space disposal procedures being completed.

Planning Comment

6. The Planning Services Manager has indicated that the principle of residential redevelopment accords with the Local Plan, although design will need to have regard to the limited dimensions of the site.

Outcome of Consultation

7. The internal Council consultation process has raised no objections in principle to the proposal other than those comments detailed in this report.

Legal Implications

8. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

10. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

11. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Recommendation

12. It is recommended that the premises referred to in the report be declared surplus to the Council's requirements and the Director of Development and Environment be authorised to dispose of the premises as outlined in the report.

Reasons

13. The recommendations are supported by the following reasons :-
 - (a) There are no operational needs to merit retention of the premises.
 - (b) To remove a potential maintenance liability from the Council's Asset Register.

(c) To generate a capital receipt from the disposal of the asset.

John Buxton
Director of Development and Environment

Cliff Brown
Director of Community Services

Background Papers

No Background papers were used in the preparation of this report.

Robert Young: Extension 2738

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