

REPORT FROM: CHIEF EXECUTIVE

TO: NELSON AREA COMMITTEE

DATE: 2nd September 2019

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ARCADE BETWEEN SCOTLAND ROAD AND LEEDS ROAD, NELSON.

PURPOSE OF REPORT

To seek Committee authorisation that the Council would support the request to close the passageway which will enable the owner, subject to planning permission to carry out redevelopment of the frontage. The intention is to marry up the new development with the glass frame structure next door and create a better kerb side appeal.

RECOMMENDATIONS

That this Committee authorise the Council to enter in to negotiations and formal agreement with the owner to enable the removal of the Note registered against the owners title at the Land Registry.

REASONS FOR RECOMMENDATION

The passageway is no longer required and provides no benefits to the Council.

BACKGROUND

There is an agreement dated the 1st June 1915 between James Thomas Landless, The Nelson Central Property Company Limited and The Mayor Aldermen and Burgesses of the Borough of Nelson.

This Agreement relates to a passageway (shown hatched on the attached plan), the exact line of which is unclear as there is no plan referred to or attached to the Agreement. It is believed to be the passageway shown hatched on the attached plan. This passageway is part of the premises known as 6-12 Scotland Road and 7/9 Leeds Road, Nelson, registered at the Land Registry in the name of Myan Partnership Limited who acquired it on 14th March 2014.

There is a Note of the Agreement registered against this title.

The basis of this agreement is that the passageway was dedicated as a public footway, the Council accepted the dedication and took on responsibility for the proper lighting, cleansing and maintenance of the same (with the exception of the roof).

In recent years the use of the passageway has been limited and alternative routes are used.

If the Council is agreeable to this passageway being closed some form of agreement will need to be entered into to enable the above mentioned Note to be removed from the Register.

ISSUE

There is currently a Note on the Land Registration document regarding an Agreement that the Council would accept the passageway as a dedicated public footpath. In order for the owner to carry out the redevelopment of the site the Council would need to agree for the Note to be removed.

IMPLICATIONS

Policy:

Financial: Agreement would remove any council liabilities for maintenance of the Passageway.

Legal: No Legal implications other than the requirement to agree to the removal of the Note.

Risk Management: N/a

Health and Safety: No implications other than maintenance.

Climate Change: N/a

Community Safety: See Health and Safety comment.

Equality and Diversity: No implications are considered to arise directly from this report.

APPENDICES

Location Plan

LIST OF BACKGROUND PAPERS