

**REPORT FROM:** DIRECTOR OF PLACE

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

**DATE:** 30<sup>TH</sup> OCTOBER 2023

**Report Author:** Hywel Lebbon  
**Tel No:** 01282 878939  
**E-mail:** [Hywel.lebbon@liberata.com](mailto:Hywel.lebbon@liberata.com)

## **LAND ADJOINING 67 VERNON STREET, NELSON**

### **PURPOSE OF REPORT**

To recommend that Members request the Executive to grant a lease of the land shown edged black on the plan.

### **RECOMMENDATIONS**

- (1) There have been two requests to purchase the land, but this Committee is recommended to request the Executive to agree to grant a lease to one of the parties.
- (2) That if Committee agree with the recommendation the Director of Place be authorised to negotiate terms.

### **REASONS FOR RECOMMENDATIONS**

The requests to purchase are from an individual to build a residential property and from the Tuition Centre at 149 Railway Street opposite the land to create a parking area for parents and staff, and they would also be prepared to enter into a lease.

Planning permission would be required for residential use, but there may be issues with parking and privacy distances with surrounding properties so permission may not be granted. The Tuition Centre does not have its own parking and there are issues with parking during their opening hours, and a sale or lease would alleviate such issues. A sale would result in a capital receipt but would result in a loss of control for the Council, and the granting of a lease would allow the Council to retain some control through the lease covenants.

### **BACKGROUND**

1. The land adjoins the gable of 67 Vernon Street and is a paved area with planted trees and concrete bollards to the perimeter. It is managed and maintained by the Council's Operational Services and classed as a problem site due to issues with fly-tipping and the trees.
2. There have been two requests to purchase the land, one from an individual to purchase the land

to build a residential property and the other from the Tuition Centre at 149 Railway Street opposite the land as parking for parents and staff, and they would also be prepared to enter into a lease as an alternative. The Tuition Centre is operated by a charity NAIK Trust which provides after school classes and tuition to the community.

## **ISSUES**

4. If the land was declared surplus to requirements or a lease of 7 years or more granted there would be a legal requirement for the Council to advertise the loss of open space for two consecutive weeks in the local press setting out the proposed use and allowing the public to object to the proposal. The proposed use would also require Planning Permission, and permission is more likely to be granted for the proposed use by the Tuition Centre.
5. The Council's Operational Services have confirmed that the land is a problem site and that they do not have any objection to it being sold. A lease of the land would result in the Council's maintenance liabilities being transferred to the Tuition Centre whilst maintaining some control through lease covenants in relation to use and maintenance which could be enforced in the event of them being breached. This would also assist in them delivering their services to the Community by providing parking for parents and staff.

## **IMPLICATIONS**

**Policy:** The Council seeks to identify surplus property for inclusion in its disposal programme to achieve capital receipts, but it is proposed that a lease be negotiated.

**Financial:** A lease being granted would result in the Council's liabilities being transferred to the Tuition Centre.

**Legal:** No legal implications are considered to arise directly from this report.

**Risk Management:** There will be a reduction in risks and liabilities for the Council on a lease being granted.

**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:**

Appendix 1 - Location Plan

**LIST OF BACKGROUND PAPERS:** None.