



REPORT FROM: DIRECTOR OF PLACE

TO: EXECUTIVE

DATE: 16th November, 2023

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SPRING MILL, BAILEY STREET, EARBY

PURPOSE OF REPORT

To seek approval to:

- the temporary use of Council land on Bailey Street, Earby for contractor car parking/compound use by PEARL Together,
- the transfer of a landscaped area (to be created) fronting onto Spring Mill/Chapel Street, Earby from PEARL Together to the Council,
- delegate authority to the Director of Place to agree the terms and conditions of the car parking/compound licence and the amount of commuted sum to be payable to the Council upon the transfer of the landscaped area.

RECOMMENDATIONS

- (1) That the Executive approves the grant of a Licence to PEARL Together for temporary use of land on Bailey Street, Earby as set out above.
- (2) That the Executive considers taking a transfer of a landscaped area, to be created as part of the development scheme, fronting onto Chapel Street, Earby, subject to terms and conditions to be agreed by the Director of Place and payment of a commuted sum.

REASONS FOR RECOMMENDATIONS

- (1) To assist PEARL Together with their development of the Spring Mill Site, to reduce the risk to pedestrians passing the development work and to provide betterment for the benefit of the community, post development.

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| <p>(2) To take ownership and control of a future landscaped public area, to ensure it is maintained to a good standard, subject to the receipt of a commuted sum payable to the Council to cover ongoing costs.</p> |
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BACKGROUND

1. PEARL Together has purchased the former Spring Mill site in Earby, and intends to redevelop the site for residential use, to construct 53 units, of which 13 units will be “affordable”.
2. Due to site constraints PEARL Together has asked if the Council would allow temporary use of grassed land on Bailey Street, area marked “A” on the attached plan, for the parking of contractors’ vehicles and a compound.
3. An area of land marked “B” on the attached plan is to be landscaped for public use and PEARL Together has asked if the Council would take a future transfer of the land, and maintain it thereafter as such, subject to the payment of a commuted sum to the Council to cover future maintenance costs.

ISSUE

4. The land marked “A” is classed as public open space with a designated public footpath and unofficial footpath crossing it, which connects Bailey Street to Bawhead Road.
5. Allowing PEARL Together to use the land would assist it in developing the site but would also provide off street parking for contractors’ vehicles which would otherwise have to park on Bailey Street, close to Springfield Primary School. There are therefore safety benefits in allowing the temporary use and conditions could be agreed with PEARL Together to manage and prevent contractor parking on Bailey Street itself.
6. Two Ward Councillors have responded to requests for comments on the proposal, advising that the use may be acceptable subject to the footpath(s) remaining open with local residents not being inconvenienced. The land will be fully reinstated to the Council’s satisfaction, when no longer required.
7. The matter was reported to West Craven Committee on the 3rd October, 2023 whereby Members resolved to recommend that the Executive:
 - (a) Approve the grant of a licence to PEARL Together for temporary use of the land on Bailey Street Earby to use for a car park/compound during construction work at Spring Mill in Earby on condition of the proposed drainage works being undertaken when the development had completed and the public right of way over part of this land remaining open.
 - (2) Agree for the transfer of a landscaped area to be created as part of the

development scheme fronting onto Chapel Street, Earby provided the commuted sum was sufficient to allow the Council to look after the land in the future for many years.

8. In lieu of financial payment, PEARL Together has offered betterment works to the area in question, to benefit the community, after the development has been completed. These betterment works include repair of the French Drain along the edge of the public open space and accentuating the existing low and often damp dip in the topography to form a swale to assist with ground water attenuation during periods of heavy rainfall. Members are asked to delegate approval to the Director of Place to agree the extent of these improvements and the terms and conditions for the use of the land. Planning Consent may be required for the temporary use and for any new feature to be created on the land.
9. PEARL Together has also asked if the Council would consider taking a transfer of the land marked "B" on the attached plan, after it creates a landscaped area for public use. This is to avoid the requirement to set up a management company to maintain the land in the future, but also to ensure that the land is kept in good order for the benefit of local residents.
10. It is standard practice where the Council accepts a transfer with such requests, for the developer to agree the payment of a commuted sum to cover the cost of future maintenance. If the proposal is acceptable, Members are asked to delegate approval to the Director of Place to agree terms and conditions and the amount of commuted sum to be paid to the Council. PEARL Together will bear the Council's costs in completing the transfer.

IMPLICATIONS

Policy: The Council as partner of PEARL Together works to provide new mixed housing development to the benefit of local residents.

Financial: The Council would normally agree a Licence fee for use of its land, however in this case an environmental benefit would be created. Taking a transfer of land, to be maintained by the Council going forward, has cost implications which must be covered by the payment of a commuted sum by the developer.

Legal: The Council would have to agree a Licence to use the site for temporary parking, which would also have terms to protect the Council and ensure that the land is fully reinstated. The Terms and Conditions would also provide for PEARL Together to create the environmental benefit to the Council's satisfaction. PEARL Together would bear the Council's legal fees.

Risk Management: Risks associated with the temporary parking use lie with PEARL Together, of which the Council is a partner. Allowing use of the Council's land on a temporary basis will reduce risks associated with contractors' vehicles being parked

on the highway and interaction with members of the public/parents and school children.

Health and Safety: The development is being carried out by PEARL Together and all Health and Safety issues relating to the use of the land and creation of the environmental benefit during the construction phase would lie with the Joint Venture Company. Liability would revert to the Council for both the land on which the environmental feature is created and the land to be transferred to it following completion of the development.

Climate Change: Repair of the existing French Drain and the creation of a swale may assist the existing streetscape and landscape cope with periods of heavy rainfall and increasingly frequent deluge events.

Community Safety: See Health and Safety above.

Equality and Diversity: Affordable housing will be provided for local residents; new public open space will be created, and existing public open space will be enhanced.

APPENDICES – Location plan as marked.

LIST OF BACKGROUND PAPERS

None