

REPORT FROM: DIRECTOR OF RESOURCES

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

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LAND AT KINGS CAUSEWAY (HALIFAX ROAD), BRIERFIELD

PURPOSE OF REPORT

To bring forward for discussion a Council asset which is currently underused, so that this Committee can discuss possible future uses, subject to a further report, should it be decided that the appropriate action is to declare the site surplus. Planning permission and the loss of Open Space will also need to be advertised and obtained for any alternative use.

This report is at the request of a Councillor, who asked that it be brought to Committee for discussion following the approach by a resident looking to extend their existing rear garden onto a small area of the Council's larger unused site.

RECOMMENDATIONS

- (1) That this Committee discusses and considers the beneficial future use of the whole site.
- (2) That Officers be authorised to further discuss options regarding the site and any requirements relating to the proposed adjacent Cemetery site.
- (3) That if once the future use/s of the larger site is/are determined if any acceptable future use/s do not require the area required to allow garden extension/s to properties on Kings Causeway, that subject to any Statutory requirements delegated authority is given to the Director of Resources to negotiate an acceptable premium.

REASONS FOR RECOMMENDATIONS

- (1) To assist with the review of a Council owned assets which currently does not provide a benefit and is held on the Asset Register as Naturalised Land.
- (2) To ensure that non income generating assets are reviewed in order that the Director of Resources and Head of Finance are happy with the content of the Asset Register and are beneficial to the Council continuing to hold or dispose of assets to obtain Capital Receipts to support Services.

BACKGROUND

1. The subject site, as shown edged black on the attached asset plan (Appendix A), is situated on a relatively steep slope rising from Halifax Road to the rear of the houses on Kings Causeway. The Council has the site in the Asset Register as Former Garden Centre Land, off Halifax Road and the whole site measures 1.90ha. (4.69 Acres). See plan attached.
2. Part of the site, to the rear of the Town Council owned allotments is believed to have been a garden centre/landscape gardening business, a use long since discontinued.
3. It is understood that a planning application for residential development was submitted in 2018 but withdrawn at the request of Council members. The application received a number of objections particularly relating to highway safety.
4. Access to the larger site is believed to be feasible from adjacent to 194 Halifax Road. This is also being considered as the access to the proposed Cemetery.
5. The request for a garden extension to a property on Kings Causeway has brought the larger sites future use into question. Any Change of Use would require Planning Permission. Part of the site could be made available for sale to the residents on Kings Causeway that back onto the site, to enable them to create garden extensions. However, it would be detrimental to the Council's longer-term interests to sell such land piecemeal. Good estate management would require all properties adjoining the site to be offered the opportunity to create garden extensions so that a straight-line boundary is maintained in this visible location. Irregular boundaries would make the retained Council land more difficult and costly to maintain with possible issues for any disposal in the future.
6. The whole site is currently designated in the Replacement Pendle Local Plan (2006) as Policy 12 – Maintaining Settlement Character. The purpose of this policy is to protect green spaces within the settlement boundary which contribute to the openness, character and local amenity of a settlement from inappropriate development. Any development, including the creation of a domestic garden will, if above the minimum threshold of 25 square metres, require a minimum 10% contribution to Biodiversity Net Gain (BNG). Any BNG that is provided must be maintained for a minimum period of 30 years. The applicant would enter into a legal agreement to secure this.

IMPLICATIONS

Policy: No policy implications are considered to arise directly from this report.

Financial: Should the decision be to sell the land for garden extensions, the Council would negotiate the best consideration reasonably obtainable.

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

Risk Management: No risk management implications are considered to arise directly from this report.

Health and Safety: No implications are considered to arise directly from this report. The site is open to the Public is Naturalised and may contain hazards.

Sustainability: No implications are considered to arise directly from this report.

Community Safety: No implications are considered to arise directly from this report.

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

APPENDICES:

Appendix A - Asset Plan

LIST OF BACKGROUND PAPERS: None.