

ITEM NO. 9

REPORT TO THE EXECUTIVE MEETING OF 21st September 2010

Status: Decision
Title: Vehicular Right of Access to the Lutterworth Town Estates Charity in Station Road Car Park, Lutterworth.
Originator: Kamal Mehta, Deputy Chief Executive
Where from: Corporate Property Officer
Where to next: Implementation

1 Purpose Report

1.1 To present for consideration to the Executive a request by the Lutterworth Town Estates Charity (the Charity) for a right of way through the Council's car park in Station Road, Lutterworth.

2 Recommendations:

2.1 **The Executive considers a request from the Lutterworth Town Estates Charity for the grant of a licence for vehicular access to land owned by the Charity through the Council's Station Road car park in Lutterworth in return for land (hatched orange) owned by the Charity adjacent to the car park as detailed in Plan B attached at Appendix A.**

2.2 **The Charity to meet the Council's valuation and legal costs that the necessary and appropriate legal protections for the Council be included in the licence by way of but not limited to conditions and covenants.**

3 Summary of Reasons for the Recommendations

3.1 The Charity owns land that only be accessed via the council's car park in Station Road, Lutterworth.

3.2 The Charity owns land adjacent to the car park which it has offered to transfer to the Council in return for the Council granting to it a licence for vehicular access through the car park to its land.

4 Impact on Communities

4.1 None arising from this report.

5 Key Facts

- 5.1 The Lutterworth Town Estates Charity through their commercial agents Wells McFarlane has requested the Council for a licence for a vehicular access through the Council's Station Road car park in Lutterworth. The Deputy Chief Executive and the Public Spaces Manager met with Mr. Wells of Wells McFarlane on site to discuss the matter at which the offer to convey the land owned by the Charity in return for the granting to the Charity of a vehicular access through the car park was put forward.
- 5.2 The land owned by the Charity to which it is seeking to have access is currently open and forms the back of the Charity's property on Station Road. The Charity wishes to create parking spaces for its tenants on a chargeable basis to create a revenue stream to the Charity. The land would accommodate a very limited number of spaces and so would not impact on the Council's car park in terms of displacement. Indeed there may be a reduction in on-street parking in Station Road.
- 5.3 The Charity has proposed that there will be a mutual benefit to the Council in that in return it would transfer the land hatched orange on Plan B of Appendix A to the Council thereby tidying up the boundary and ownership of land of the car park. As part of the refurbishment of the car park the recycling banks are now sited adjacent to the land owned by the Charity. The transfer of the Charity's land to the Council in return for the grant of a vehicular access would allow the council to better manage the recycling bank area in the car park.

6 Legal Issues

- 6.1 It is suggested the necessary and appropriate protections for the Council be included in the licence.
- 6.2 The council will need to account for the value of the land that the Charity propose to transfer to the Council in return for the grant of a vehicular access across the car park. It is suggested that the cost of this is met by the Charity in addition to the legal costs. This is the normal business practice of the Council in respect of Council land and property transactions where the other party has come to the Council.

7 Resource Issues

- 7.1 The proposal from the Charity would mean that the Council would not receive any monetary receipt from the granting of the licence but instead in return would receive land owned by the Charity which would tidy up the ownership of the land in the car park and thus its boundary.

8 Equality Implications

- 8.1 None arising directly from this report.

9 Impact on the Organisation

9.1 There will be no impact on the organisation.

10 Community Safety Implications

10.1 None arising from this report.

11 Consultation

11.1 None undertaken.

12 Options Considered

12.1 Not to grant a licence for a vehicular access to the Charity. It would seem unreasonable as there are other access rights in existence through the car park.

13 Background Papers

13.1 None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: No

Ward Members Notified: Yes