

Report of:	Head of Economic Development
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Portfolio Leader:	Corporate Improvement
Key Decision:	No
Report Track:	Cabinet: 13/04/17

CABINET
13 APRIL 2017
LAND AT CORNER OF NORTON GREEN LANE / BUTTS LANE
NORTON CANES

1 Purpose of Report

- 1.1 To consider a request by Norton Canes Parish Council to lease the land at the corner of Norton Green Lane / Butts Lane, Norton Canes.

2 Recommendations

- 2.1 That Cabinet approves the request for a lease on favourable terms to Norton Canes Parish Council to enable the Parish Council to maintain the land as a garden area.

3 Key Issues and Reasons for Recommendation

- 3.1 The land shown hatched black on plan no. 4270 occupies a prominent position on the corner of Norton Green Lane and Butts Lane, Norton Canes. The land currently comprises an area of grass, part of which is surrounded by a hedge, containing a number of mature trees. There is a bus stop positioned on the site at the back of the pavement on Norton Green Lane. The land is subject to a covenant restricting its use to that of public open space.
- 3.2 Norton Canes Parish Council wishes to take over responsibility for maintenance of the land and create a garden area to possibly include an information board and a BT phone box. It is proposed that the land would contribute towards the Parish Council's entry in best kept village competitions.
- 3.3 The proposal has the support of the Council's Landscape Section which currently has responsibility for maintaining the land.
- 3.4 The Council has previously granted leases to the Parish Council for a similar purpose: in 2002 land at the corner of Burntwood Road/Walsall Road (now

known as Jubilee Gardens) and in 2012 land at Burntwood Road/Brownhills Road (now known as Millennium Gardens). Both existing leases are for a term of 10 years at a peppercorn rental with the Parish Council being responsible for the maintenance of the land and payment of the District Council's reasonable legal costs. In light of the improvements that the Parish Council intends to make to the aesthetic value of this open space to the local community, it is proposed that the land at the corner of Norton Green Lane/Butts Lane be leased on similar terms.

4 Relationship to Corporate Priorities

- 4.1 In accordance with the Council's Asset Management and Energy Management Strategy 2013 – 2018 the Council will use its non-operational assets to support community wellbeing.

5 Report Detail

- 5.1 The land shown hatched black on plan no. 4270 occupies a prominent position on the corner of Norton Green Lane and Butts Lane, Norton Canes. The land currently comprises an area of grass, part of which is surrounded by a hedge, containing three trees. There is a bus stop positioned on the site at the back of the pavement on Norton Green Lane. The land is subject to a covenant restricting its use to that of public open space. The restriction on use affects the value of the land which, as public open space, has an annual rental value in the region of £250.
- 5.2 Norton Canes Parish Council wishes to take over responsibility for maintenance of the land and develop it with gardens to possibly include an information board and a BT phone box. It is proposed that the land would contribute towards the Parish Council's entry in best kept village competitions.
- 5.3 There are a number of mature trees on the site that the Council's Landscape Section considers to be worthy of protection. The Parish Council's proposal therefore has the support of the Landscape Section, subject to the Parish Council being obliged to obtain the District Council's prior consent to any tree works on the site.
- 5.4 The Council has previously granted leases to the Parish Council for a similar purpose: in 2002 land at the corner of Burntwood Road/Walsall Road (now known as Jubilee Gardens) and in 2012 land at Burntwood Road/Brownhills Road (now known as Millennium Gardens). Both existing leases are for a term of 10 years at a peppercorn rental with the Parish Council being responsible for the maintenance of the land and payment of the District Council's reasonable legal costs. It is proposed that the land at the corner of Norton Green Lane/Butts Lane be leased on similar terms.
- 5.5 The grant of a lease to the Parish Council would enable the District Council to make a minor saving in its annual costs of maintaining public open space by passing liability for maintenance to the Parish Council.

6 Implications**6.1 Financial**

As referred to in para 5.1 the estimated full commercial rent of the land would be in the region of £250 per annum. Cabinet will need to consider if the granting of a ten year lease on a peppercorn rent will contribute to the promotion or improvement of economic, social or environmental well-being of the area or its inhabitants.

Should Cabinet agree to the request the Council will be foregoing potential income per annum for the 10 year period of the lease, however as referred to in para 5.5, some savings will be made in maintenance costs.

The Parish Council will also need to reimburse the Council for the cost of advertising the Council's intention to lease the land; with each party meeting their own legal costs in respect of the grant of the lease.

6.2 Legal

The Council is authorised to dispose of land by leasehold interest over 7 years at an undervalue if the disposal improves the social, economic or environmental well-being of the area of its inhabitants.

Prior to disposing of open space land, the Council is required to advertise its intentions for 2 weeks in a local newspaper.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

None

6.8 Equality & Diversity

None

6.9 Best Value

See above

7 Appendices to the Report

Appendix 1 Site Plan no. 4270

Previous Consideration

None

Background Papers

None



Land at Norton Green Lane/Butts Lane Norton Canes

ITEM NO. 9.5



PLAN NO:4270

SCALE: 1:1250

DATE: 07.02.2017

AREA: 1000 sqm

