

Report of:	Corporate Director
Contact Officer:	Tony McGovern
Telephone No:	01543 464347
Portfolio Leader:	Culture and Sport
Key Decision:	No
Report Track:	Cabinet 17/04/14

**CABINET
17 APRIL 2014
FEASTY LANE**

1 Purpose of Report

- 1.1 To provide options for consideration in relation to a request from Friends of Cannock Park to recognise Feasty Lane, off Stafford Road, Cannock.

2 Recommendations

- 2.1 That Cabinet determine the preferred option from the options set out at 5.6 to 5.10 inclusive.
- 2.2 If Cabinet approve Option 2, then Cabinet recommend to Council a supplementary estimate of £45,000 for this new capital scheme and its inclusion in the General Fund Capital Programme for 2014/15 – 2016/17 plus £2,900 revenue per annum to be added to the streets maintenance service.
- 2.3 If Cabinet approve Option 3 or 4 or 5, Cabinet are asked to delegate all authority to the Corporate Director to implement this within existing approved budgets.

3 Key Issues and Reasons for Recommendation

- 3.1 The strip of land formerly known as Feasty Lane comes off Stafford Rd between the new Tesco Express / Sue Ryder furniture shop and a private dwelling (145 Stafford Road). It has been overgrown and disused and entrance to the land has been blocked for at least fifteen years by metal, or more recently, wooden barriers to prevent access by the public due to safety issues.

- 3.2 Due to its historical significance from medieval times onwards, Friends of Cannock Park has requested that the Council consider re-opening the entrance to Feasty Lane and allowing this route to be used by the public. Staffordshire County Council has confirmed that there are no public rights of way over this section of land.
- 3.3 The land is owned by Cannock Chase Council but the Council's title showing ownership does grant a private right of way over the land known as Feasty Lane to land owned by Cannock Recreation and Pleasure Ground Charity for which this Council acts as Trustee.
- 3.4 There are five options set out in the report in relation to this matter. The first is Do Nothing, the second is Establish Pedestrian Walkway with estimated cost implications, the third is Install Information Board about Feasty Lane and the fourth and fifth is to consider disposal of the asset using existing legislation explained below. Staffordshire Police has provided a view on the second option. Staffordshire Highways authority has provided costs for option two.
- 3.5 Cabinet need to determine which of the five options is the preferred one.

4 Relationship to Corporate Priorities

- 4.1 This issue does not directly link with the Council's corporate priorities.

5 Report Detail

- 5.1 The land known as Feasty Lane is owned by Cannock Chase District Council and is registered with the Land Registry under Title No. SF579291. This strip of land which adjoins the Tesco Express / Sue Ryder retail units on the Stafford Rd has been overgrown and not used for pedestrian access for at least fifteen years or longer. Part of the land known as Feasty Lane was included in the sale of 145 Stafford Rd in December 1993 by this Council.
- 5.2 As a result of the Tesco Express development that occurred during 2013, the contractor working on behalf of Tesco cleared the ditch on the land known as Feasty Lane at the request of Severn Trent. The boundary between this development and Feasty Lane has been delineated with a new trip rail fence approximately 600mm high. The contractor also installed a trip rail at the front of the land known as Feasty Lane in the interests of health and safety and at the request of Cannock Chase Council.

- 5.3 There is a right of way described in historical plans and conveyances dated 1 March 1928 and 18 October 1937 and when the Council acquired this land, it did so subject to that private right of way. Separate to the existence of the private right of way, Staffordshire County Council as highways authority confirmed to the Council's Legal Services in 2012 that there are no registered public rights of way over this land.
- 5.4 There are currently three pedestrian entrances and one vehicular access point from Stafford Road into the Chase Leisure Centre / Cannock Park site. This is in addition to the other access points elsewhere onto this site e.g. Park Road.
- 5.5 In considering the request from the Friends of Cannock Park, five options have been identified for Cabinet together with all relevant information that is available to officers. Staffordshire Police has been contacted for their views and Staffordshire Highways has provided estimated costs to convert the strip of land into a safe pedestrian walkway.
- 5.6 Option 1 – Do Nothing: This option maintains the status quo on the basis that the Friends of Cannock Park are not offering to fund the re-opening of Feasty Lane and therefore, the financial consequences of doing so falls upon Cannock Chase Council in a period when public funds are reducing for local government. This option fully recognises the concerns that have been put in writing from Staffordshire Police about this proposal. This option recognises that there is no functional reason to re-open the strip of land known as Feasty Lane as a pedestrian walkway as there are already numerous entrances into this site. In this option, the request from Friends of Cannock Park is declined.
- 5.7 Option 2 – Establish Pedestrian Walkway: This option fully recognises the historical significance of the strip of land known as Feasty Lane and that it is part of the social history of Cannock. Staffordshire Highways has provided estimated costings for the installation of a kerbed pedestrian walkway with lighting based on an estimated length of 45m to 48m. £20,000 to provide drainage piping, cover over ditch to create level ground plus fencing on both sides of boundary; £13,000 for construction of pedestrian footway with kerbs either side plus two lamp columns; £7,000 to cover planning fee, site clearance, safety barriers and making good; £5,000 to ensure safe pedestrian path around leisure centre car park which could include re-routing existing traffic flows, remarking of car park and designation of a pedestrian path. The estimated total cost of the pedestrian footway is therefore approximately £45,000. Once constructed, the pedestrian footway and lighting columns would need to be maintained and it is estimated that this would cost a minimum of £2,900 per annum. There are no existing capital or revenue budgets or S106 funds available to fund this scheme. Staffordshire Police Crime Prevention Design Advisor has

been consulted on this option and the response is attached as Appendix 1.

- 5.8 Option 3 – Install Information Board: A third option for consideration is the installation of an information board denoting information about Feasty Lane in its vicinity. The Council has previously erected such information boards as part of the Chase Heritage Trail and at Castle Ring heritage site. This option recognises the historical significance of the strip of land known as Feasty Lane and that it is part of the social history of Cannock. However, it does so without the need to open up this strip of land as a pedestrian footway. The approximate cost to manufacture and install one information board is £1,500. It is possible that this can be funded from the Town Centre Improvement Fund already allocated.
- 5.9 Option 4 - Community Right to Bid: Assets of Community Value: Part 5 Chapter 3 of the Localism Act 2011 provides for a scheme called 'assets of community value'. This provides for District Councils to maintain a list of assets of community value which have been nominated by the local community (Parish Councils and community organisations). Nominations cannot be made by individuals nor District / County Councils. These can be either land or buildings. When these assets come up for sale, the local community is provided with time to make a bid. In practice, what this means is that Friends of Cannock Park could nominate Feasty Lane as an asset of community value, this would be considered by Cabinet and if accepted, then Friends of Cannock Park would have a right to bid for this piece of land were it ever to be placed on the open market by the Council.
- 5.10 Option 5 - Community Asset Transfer: Section 123(2) of the Local Government Act 1972 provides a general consent for local authorities to dispose of land to community organisations at below market value as long as the local authority considers that in doing so, it contributes to the promotion or improvement of the economic, social or environmental wellbeing in the District. The Council would need evidence that the asset would be managed properly. If the Cabinet wished to exercise these powers, the strip of land could be disposed of for a peppercorn to the Friends of Cannock Park who would then assume all legal obligations and liabilities for this asset. It is likely that a legal entity would need to be established by Friends of Cannock Park for this option to proceed.
- 5.11 Cabinet are asked to determine the preferred option from the five options set out above so that officers can advise Friends of Cannock Park.

6 Implications**6.1 Financial**

No provision exists within the Capital Programme for the pedestrian footway which is estimated to cost approximately £45,000. Once constructed, the pedestrian footway and lighting columns would need to be maintained and it is estimated that this would cost a minimum of £2,900 per annum for the Revenue Budget for which again no provision exists.

The current Capital Programme contains only £106,000 of uncommitted capital resources as at 31 March 2006 and although this is likely to increase to £695,000 by 2017 this is dependant upon the generation of capital receipts in relation to land owned by the County council.

Cabinet will need to evaluate the scheme against other priorities since borrowing will be required with a direct impact on the revenue budget once capital resources are exhausted.

6.2 Legal

Taking each suggested course of action in turn:

Option 1 (Item 5.6) – None.

Option 2 (Item 5.7) – The legal implications of the suggestion are already set out in the report.

Option 3 (Item 5.8) – None.

Option 4 – (Item 5.9) – The legal implications are already set out in the report.

Option 5 (Item 5.10) – The legal implications are already set out in the report. However, please also note that it is usual for the Council to dispose of its land in any manner it wishes provided that it obtains the best consideration reasonably obtainable and the terms should be negotiated accordingly. We must therefore ensure that this option does not contravene that obligation.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

Please refer to the comments of Staffordshire Police.

6.5 **Human Rights Act**

None

6.6 **Data Protection**

None

6.7 **Risk Management**

Please refer to the comments of Staffordshire Police.

6.8 **Equality & Diversity**

None

6.9 **Best Value**

None

7 Appendices to the Report

Appendix 1 – Correspondence with PC Gordon Scott re: Feasty Lane, Cannock.

Previous Consideration

None.

Background Papers



APPENDIX 1

Mr T McGovern
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Cannock
Staffordshire
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gordon.scott@staffordshire.pnn.police.uk

09/04/2014
Our Ref: CA/247/13

Dear Mr T McGovern

Re: Feasty Lane, Cannock.

Thank you for consulting Staffordshire Police at this early stage, I ask that Cannock Chase District Council consider my comments, which are site specific, and made in accordance with the National Planning Policy Framework that states in Requiring Good Design, Para 7.58

“Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”, that when creating healthy, inclusive communities, planning decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion and Section 17 of the Crime and Disorder Act 1998 that clearly states;

“It shall be the duty of each authority to which this section applies, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area”. The Human Rights Act Article & Protocol 1 and Safer Places: The Planning System and Crime Prevention 2004.

Cannock Leisure Centre and the park land beyond has suffered from numerous crimes; complaints of drug misuse, anti-social behaviour (ASB) impacting on the lives of residents with bordering properties, the Golf Shop is a repeat victim of burglary and the car-park has suffered numerous thefts from vehicles.

The proposed opening of Feasty lane raises a number of crime and disorder concerns;

- The space behind the shops will become readily accessible which could generate anti-social behaviour for the premises and increase the chances of burglary
- Provides an additional escape routes for offenders to enter/exit via the back of the car-park
- The lane has the capacity to generate ASB for residents of houses backing onto the lane impacting negatively on their lives.

Should you wish to discuss any of the comments made please do not hesitate to contact me.

Yours faithfully

Gordon Scott

Crime Prevention Design Advisor
Staffordshire Police

The recommendations contained within this report are the professional statements of the author. As such, they represent what we believe to be the best advice in terms of 'doing all that is reasonable to prevent crime and disorder' under the terms of Section 17 of the Crime and Disorder Act 1998. All comments and recommendations are 'Site Specific'. Crime prevention advice is given free without the intention of creating a contract. Neither do the Home Office or the police service take any other legal responsibility for the advice given.