AGENDA ITEM NO 5
REPORT NO 417/11

ANGUS COUNCIL
CORPORATE SERVICES COMMITTEE – 9 JUNE 2011

PROPOSED LEASE OF LAND AT MANSFIELD AND NORTH LINKS COTTAGE, BROOMFIELD ROAD, MONTROSE, DD10 8SY.

REPORT BY THE DIRECTOR OF CORPORATE SERVICES

ABSTRACT: This report advises the committee of the proposed lease of land at Mansfield, Broomfield Road, Montrose and at nearby North Links Cottage.

1. RECOMMENDATIONS

The Committee is recommended to:-

(i.) note the position with the land at Broomfield, Montrose in relation to the Local Plan review;

(ii.) agree that the Head of Property enter into negotiations for the lease of the site marked B as shown on the plan at Appendix 1, the indicative reduced site marked A (revised) on the plan at Appendix 2 and the grant of a servitude right of way along the access road leading to the house with the owner of the Mansfield property, Broomfield Road, Montrose;

(iii.) agree that the Head of Property enter into negotiations for the lease of the site made C as shown on the plan at Appendix 1 with the owner of the house at North Links Cottage, Broomfield Road, Montrose and

(iv.) note that the outcomes of the negotiations will be reported back to Committee.

2. BACKGROUND

Angus Council (Montrose Common Good) owns an area of land at Broomfield Road, Montrose as shown outlined in accentuated black on the plan at Appendix 1. The owners of the houses at Mansfield and North Links Cottage, Broomfield, Montrose, have encroached onto part of this ground, utilising it as additional garden ground and at the Mansfield site marked A, an outdoor building has been erected.

3. CURRENT POSITION

The area of encroachment by the owners of Mansfield, extending to 2,236 square metres is shown marked A and B and shown hatched on the attached plan at Appendix 1. The area of encroachment by the owners of North Links Cottage, extending to 628 square metres is shown marked C and hatched on the attached plan at Appendix 1.

Discussions have taken place with the owners of the two houses and both owners have expressed interest in acquiring or leasing the relevant areas of ground.

A site visit by officers has identified that sites A and B are largely mature woodland areas and the trees at site B provide a screen from the adjacent Civic Amenity Centre. Whilst most of site A is mature woodland there is an area to the south west part of site A which has only low level shrubbery and is capable of clearance with the benefit of enhancing the overall site potential development opportunity. The indicative reduction to site A is shown on the attached plan at Appendix 2.

Site C is a grassed garden area.
Currently the ground across the whole site is not zoned for development in the Local Plan however representation has been made to the Head of Planning and Transport with regard to inclusion of the site in the forthcoming Local Development Plan. The inclusion of the whole of site C and the indicative proportion of the land to the south west of site A would assist the potential development opportunities of the overall site.

4. PROPOSALS

With regard to the encroachment of land, it is proposed to regularise the position.

The Mansfield site has restricted development opportunity due to the access road running through the middle of the site and the mature woodland areas concentrated at sites A and B on the plan at Appendix 1. It is therefore proposed that the Head of Property enter into negotiations to lease of the whole of site B, part of site A (as shown revised on the attached plan at Appendix 2) and grant a servitude right of way over the access road to the owner of Mansfield. User access rights to the property at the entry to the access road would require to be preserved.

It is proposed that a lease be entered into for site C at North Links Cottage, until the outcome of the forthcoming Local Development Plan, where the position of the available site as a whole will be reviewed.

5. FINANCIAL IMPLICATIONS

The leases of the sites will result in a rental income for the Montrose Common Good Account. However if the negotiated lease/s are more long term in nature an upfront lump sum payment may form part of the lease negotiation.

6. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights Act Implications specific to this report.

7. EQUALITIES IMPLICATIONS

The issues dealt with in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

8. CONSULTATION

The Chief Executive, the Head of Law and Administration the Head of Finance and the Head of Planning and Transport have been consulted. The Montrose Councillors have been consulted and have not advised any objections.

9. CONCLUSION

It is proposed that the Head of Property negotiate the sale of identified land at Mansfield, Broomfield Road, Montrose and the lease of land at nearby North Links Cottage until the outcome of the forthcoming Local Development Plan.

Appendix 1 – Plan showing Angus Council ownership outlined black with current encroachment shown hatched at Mansfield and North Links Cottage, Broomfield Road, Montrose.

Appendix 2 – Plan showing indicative reduced site A lease proposal
Note: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.
Appendix 1 - Plan showing Angus Council ownership outlined black with encroachment shown hatched at Mansfield and North Links Cottage, Broomfield Road, Montrose.
Appendix 2 - Plan showing indicative reduced site A lease proposal

The area of encroachment by the owners of Mansfield, extending to 1,925 sq m or thereby marked A and B and shown hatched.

The area of encroachment by the owners of Northlinks Cottage, extending to 626 sq m or thereby marked C and shown hatched.

The area marked D and shown lined is the potential development site.

The area marked E and shown crossed is the buffer zone with the Golf Course.