

## **Report to Portfolio Holder for Resources and Reputation**

**Subject:** Transfer of the freehold interest in the open space land at Spring Lane, Mapperley

**Date:** 7 November 2017

**Author:** Property Surveyor

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### **Wards Affected**

1 Plains

### **Purpose**

2 To seek approval for the transfer of the freehold interest in the open space at the Spring Lane Development (Lime Tree Gardens), Mapperley, as shown edged red in the plan at Appendix 1, from Taylor Wimpey (the Developer) to the Council.

### **Key Decision**

3 This is not a Key Decision.

### **Background**

4 In 2010, planning permission was granted to build a minimum of 140 dwellings at Lime Tree Gardens. The Developer is bound by the terms of an agreement under S.106 of the Town and Country Planning Act 1990 ("S.106") which relate to the Site. Part of the S.106 required the provision of open space on site, to be provided in accordance with the Council's Open Spaces Scheme and to the satisfaction of the Council. Such open space was provided and, in accordance with the S.106 the Developer can now offer to transfer the freehold in the open space to the Council or another approved body.

5 In relation to the transfer of the freehold of the open space, the S.106 provides that:

- a) The Council would covenant to accept the Developer's offer to transfer the freehold.
- b) The Developer would build the open space, which includes a balancing pond, to a specification which was to an adoptable standard to the Council.
- c) The Developer would also have to pay the Council a sum equivalent to 10 years of the maintenance cost for the open space in full in advance of the transfer.
- d) The transfer to the Council would be for nil consideration on the part of the

Council.

- e) The Council would hold the land as public open space pursuant to the Provisions of the Open Spaces Act 1906 and would not use the land or permit the land to be used for any purpose other than public open space or public recreation.

### **Proposal**

6 It is proposed:

- (a) That the Council accept the freehold transfer and maintain the open space at Lime Tree Gardens as per the S.106.

### **Alternative Options**

- 7 An alternative option could be not to adopt the open space. However, as the Council has already contracted to accept transfer there is no guarantee that any renegotiation would be possible. It also unlikely that the terms of any new agreement would be any more favourable than the current agreement.

### **Financial Implications**

- 8 On transfer of the freehold, the council will receive a sum of £110,575.39 which is equivalent to the maintenance costs of the open space for a 10 year period
- 9 Each party will bear their own professional costs of transfer.

### **Appendices**

- 10 Appendix 1 Transfer plan showing the open space to be transferred edged red.

### **Background Papers**

- 11 None identified.

### **Recommendation**

- 12 **THAT:**

Approval is granted to accept the transfer of the freehold in the open space at the Lime Tree Gardens as shown outline in red at Appendix 1 for the Council to maintain going forward.

## **Reasons for Recommendations**

13 The reasons for these recommendations are as follows:

- (a) Transfer of the open space to the Council will ensure that the land is managed in accordance with the Council's policies.
- (b) The Council is contractually obliged to accept transfer of the open space.