

Report to Portfolio Holder for Resources and Reputation

Subject: Transfer of the freehold interest in the open space land at Hollinwood Lane, Calverton

Date: 4 December 2018

Author: Property Surveyor

Wards Affected

Calverton

Purpose

To seek approval for the transfer of the freehold interest in the open space which is to be used as play area, at the Hollinwood Lane Development, Calverton (the Play Area), as shown edged red in the plan at Appendix 1, from Taylor Wimpey (the Developer) to the Council.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT:

- 1) Approval is granted to accept the transfer of the freehold of the Play Area for the Council to maintain going forward.**

1 Background

- 1.1** In 2012, planning permission was granted to build up to 126 dwellings at Hollinwood Lane. 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 Play Area. Part of the S.106 required the provision of open space in the form of a Play Area, to be provided in accordance with a Council approved Open Spaces Scheme. Such open space has now been

provided and, in accordance with the S.106 the Developer has offered to transfer the freehold in the open space to the Council.

1.2 The S.106 also provides that the Developer can retain the freehold interest in the Play Area or transfer it to a management company.

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

- The transfer to the Council would be for nil consideration on the part of the Council.
- 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.
- The Council will be granted a right of way at all times over any estate roads and paths within the Development until any such roads are adopted as public highways.
- The boundary structures separating the open space from any dwelling will be maintained by the owner of the dwelling.
- The Council will receive an Open Space Maintenance Contribution on completion of transfer of the Play Area in the amount of £102,971.08.
- The Council will use the Open Space Maintenance Contribution towards future costs of management and maintenance of the Play Area only.
- The Developer will be permitted to use existing services and lay new services on the Play Area.

2 Proposal

2.1 That the Council accepts the freehold transfer of the Play Area and becomes responsible for its future maintenance as per the S.106 Agreement.

3 Alternative Options

3.1 An alternative option could be not to adopt the Play Area so that the Developer would either have to retain the ownership of the Play Area or transfer it to a management company. However, under this scenario the

Council would have no future control of the design, layout, repair and maintenance of the Play Area.

- 3.2 Another option would be to transfer the Play Area to the local community however no such requests for transfer have been made at this time.

4 Financial Implications

- 4.1 On transfer of the freehold, the council will receive a sum of £102,971.08 to be spent on the repair and maintenance of the Play Area. This will cover the Council's costs for 10 years. Following this 10 year period the ongoing maintenance costs will need to be accommodated within the approved base budget and replacement of play equipment will be considered as part of the normal budget process.

- 4.2 Each party will bear their own professional costs of transfer.

5 Appendices

- 5.1 Appendix 1 Transfer plan showing the Play Area to be transferred edged red.

6 Background Papers

- 6.1 None identified.

7 Reasons for Recommendations

- 7.1 Transfer of the open space to the Council will ensure that the land is managed in accordance with the Council's policies.