

## BRECKLAND DISTRICT COUNCIL

### Report of Mark Kiddle-Morris, Executive Member for Assets & Strategic Development

To: Cabinet - 7 January 2014

(Author: Sue Bloomfield, Land Management Officer)

**Subject:** Improvement works to land on Barnham Cross Estate in Thetford.

**Purpose:** Following on from a report presented to Cabinet on 12 February 2013 to decide whether to transfer an area of land to Flagship Housing Group at nil consideration, whether or not to accept responsibility for the future maintenance of the areas that are to remain with Breckland Councils ownership which will be licensed to Flagship Housing Group to carry out the improvement works and to transfer the footpath within Area 17 to Norfolk County Council when the works proposed by Flagship are complete.

#### **Recommendation(s):**

1. To transfer the land within area 15 which is under Breckland Councils control to Flagship Housing Group at nil consideration, subject to Flagship Housing Group paying all Breckland Council's legal and District Valuer fees in respect of these matters;
2. To accept responsibility for the future maintenance for those areas which will remain within Breckland Councils ownership.

#### **1. BACKGROUND**

A report was presented to Cabinet on 12 February 2013 by the then Land Management Officer setting out a schedule of improvement works to the car parks and communal areas on the Barnham Cross Estate which Flagship Housing Group were intending to carry out and which will be achieved through funding from the Moving Thetford Forward project.

At this meeting it was determined that all of the proposals put forward in the report which are shown below be approved as well as the recommendation of the Land Management Officer not to accept the proposal put forward by Flagship Housing Group that the part of Area 15 owned by Flagship Housing Group be transferred to Breckland Council as this would be contrary to Breckland Councils policy not to take on future liabilities, although Members agreed that the proposed improvement works should still be undertaken on this area.

Project Area	Location	Proposed Improvement Works
<b>1</b>	Ash Close	Dropped kerb to allow in curtilage parking for No. 32 – 36 Ash Close.
<b>2</b>	Ash Close	Landscaping improvements to area between Nos. 40 – 44 and 45 – 50.
<b>3</b>	Ash Close	Extend lay-by to provide minimum 1 additional parking space.
<b>11</b>	Ash Close	Re-plant green space in front of Nos. 9 – 11. Clear surrounding paths of moss and vegetation.
<b>14</b>	Ash Close	Remove fly-tipping and improve turf under trees. Fencing to be erected.
<b>15</b>	Elm Road	Replace existing bollards with 175x175mm timber bollards. Tidying and extension of grasscrete surface. Seeding of damaged grass areas.

<b>16</b>	Elm Road	Remove existing hardstanding and replace with surface to match hardstanding on opposite side of the road.
<b>17</b>	Elm Road	Extension of existing footpath from Ash Close and along Elm Road to link paths. Provide 9 No. parking spaces and associated dropped kerbs. Knee rail fencing to extend around parking spaces. Re-turf/re-seed damaged areas.
<b>19</b>	Almond Grove	Provide 15 No. in-curtilage parking for Nos. 1 – 10 Almond Grove along Elm Road. Enhance green areas between groups of parking spaces and re-seed where necessary. Provide 500mm tall x 150mm diameter concrete bollards.
<b>20</b>	Elm Road/Fir Road	Offer 9 No. 9 parking spaces off Elm Road. Dropped kerb at entrance to parking court. Provide landscaping in leftover open spaces and knee rail fencing on sides nearest trees.

The decision of Cabinet not to take ownership of Area 15 was referred back to Flagship Housing Group who have now proposed that the part of area 15 (part of this area is already owned by Flagship) owned by Breckland Council be transferred to them at nil cost (see attached plan). We are currently awaiting the response from the District Valuer as to the value of this land. The Land Management Officer will advise the Members of the District Valuers findings verbally.

Area 17 is owned by Breckland Council and a licence is to be granted to Flagship Housing Group to enable them amongst other things to extend the footpath. This footpath will be constructed to Norfolk County Council standards. Flagship Housing Group have requested that Breckland Council put forward the footpath works to Norfolk County Council for adoption. Flagship Housing Group have been advised that when the works are complete Norfolk County Council will as a matter of course send to the Council a Deed of Dedication which the Council will sign and return. This has allayed any fears that Flagship Housing Group may have had in relation to future responsibility for the footpath and Flagship Housing Group have been in further discussions with the Highways Department for confirmation that this is the case.

In her report in 2012 the Land Management Officer advised that Flagship Housing Group would be responsible for the future maintenance of areas 3, 11, 14 and 20 which were due to be transferred to Flagship Housing Group from Breckland Council thus creating a saving for Breckland in terms of future maintenance costs.

It was initially hoped and expected that Flagship Housing Group would also take responsibility for those areas which will be improved and enhanced by Flagship Housing Group but which will remain in the ownership of Breckland Council (Areas 1, 2, 16, 17 and 19), but Flagship have now indicated that whilst they are prepared to maintain these areas for a period of 12 months following completion of the works they are not prepared to continue to do so after this time.

The majority of area 15 is already owned by Flagship Housing Group. To enable the proposed scheme to be carried out Flagship Housing Group require the small slither of land currently owned by Breckland Council, edged in red on the plan, to be transferred across to them. Therefore, this report seeks authority to transfer the additional land to Flagship Housing Group. Upon completion of the transfer Flagship Housing Group will be the freehold owners of the land and responsible for the future ongoing maintenance of the area.

## **2. OPTIONS**

2.1 To transfer area 15 to Flagship Housing Group at nil consideration, subject to Flagship paying all Breckland Council's legal fees in respect of this matter.

To retain the land within Breckland Councils ownership and grant a licence for Flagship to undertake improvement works to this area.

- 2.2 To accept responsibility for the maintenance of areas 1, 2, 16, 17 and 19 after Flagship Housing Group have completed 12 months maintenance.

### **3. REASONS FOR RECOMMENDATION**

- 3.1 To work in partnership with Flagship to improve car parking and landscaping on the Barnham Cross Estate in Thetford and to enable the project to move forward.
- 3.2 Whilst it is contrary to accept responsibility for new areas Breckland Council are already responsible for maintaining these areas and with the exception of 5 new trees to be planted in Area 2 and the erection of bollards in Area 19 it is the view of the officer that in the interests of the future appearance of the development and to continue to encourage community involvement that Breckland continue to maintain these areas.
- 3.3 Finally if the monies from Moving Thetford Forward are not spent on these improvements then there is a possibility that the monies may be used on an alternative project which would be to the detriment of the Barnham Cross Estate and to its residents.

### **4. EXPECTED BENEFITS**

- 4.1 Improvements to land on Barnham Cross Estate in Thetford for the benefit of the Barnham Cross Estate residents.

### **5. IMPLICATIONS**

- 5.1 **Legal** - there are no specific legal issues that require special comment here.
- 5.2 **Risks** – If Breckland Council choose not to transfer its interest in Area 15 to Flagship Housing Group that there could be future issues with the differing standards of maintenance carried out by the two organisations (Breckland Council and Flagship Housing Group). Furthermore, as can be seen from the site plan attached to this report should the Council not transfer the land to Flagship Housing Group they would be left with an insignificant area of land which has no long term benefits.

In terms of the future maintenance of the areas currently owned and maintained by Breckland Council. Should they decline to accept responsibility for the areas, it is likely that Flagship Group will only carry out improvement/enhancement works on the areas they own leaving a disjointed overall appearance.

- 5.3 **Financial** - proforma B.
- 5.4 **Timescales** – a planning application has been submitted and subject to planning permission being secured for change of use, a licence will be drafted in-house to grant Flagship permission to use Breckland's land to undertake improvement works and Breckland's solicitors will be instructed to draft the Transfer(s).
- 5.5 **Equality and Diversity** - implicit within process.
- 5.6 **Stakeholders / Consultation** – it is understood that Flagship has undertaken consultation with Barnham Cross residents regarding the proposed improvement works.
- 5.7 **Contracts** – there will be a Transfer for Area 15 proposed to be transferred to Flagship.
- 5.8 **Section 17, Crime & Disorder Act 1998** - implicit with process.

## **6 WARDS/COMMUNITIES AFFECTED**

Thetford – Saxon.

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### **Lead Contact Officer**

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### **Director/Officer who will be attending the Meeting**

Name/Post: Sue Bloomfield, Land Management Officer

### **Key Decision – Yes/No**

### **Appendices attached to this report:**

Site plan

Plan Area 15

Proforma B