

BRECKLAND DISTRICT COUNCIL

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

To: Cabinet – 07 January 2014

(Author: Sue Bloomfield, Land Management Officer)

Subject: Transfer of Thetford Play Areas

Purpose: Agree a further commuted sum payment for Thetford Town Council in respect of the transfer of play areas for remedial works and to authorise the transfer of two further open spaces to Thetford Town Council.

Recommendations:

To authorise the payment of £20,000 to Thetford Town Council and to authorise the transfer of two further open spaces/play areas which will be transferred with a commuted maintenance sum to be paid by the developer for each area.

1. BACKGROUND

1.1 This matter was originally reported to members of the Cabinet in 2007 and 2008 where it was agreed at the time that 8 play areas as listed below would be transferred to Thetford Town Council for the sum of £175,000.

- Fairfields
- Harriet Martineau Close
- Edinburgh Way
- Guildford Way
- Canons Walk
- Pine Close
- Elm Road
- York Way
- Bergamot Close

1.2 This proposal was put to Thetford Town Council and subsequently rejected. Negotiations continued and agreement was finally reached to pay Thetford Town Council a commuted sum of £174,270.

1.3 Further representations were made by Thetford Town Council relating to the overall condition of the play areas and costings were carried out for repairs to the areas in accordance with a “wish list” put together by Thetford Town Council which equated to circa £70,000.

1.4 In June of 2013 the Executive Member (after consultation with Executive Board) rejected the request of £70,000 recognising that a consistent approach had to be applied to all of the towns where sums of up to £2,500 per play area had been spent carrying out remedial works to the play areas in the other 4 towns before transfers were executed.

1.5 A revised maximum offer of £20,000 (8 x £2,500) was put forward to the Town Council as final offer for remedial works (along with the original £174,270). Therefore a total sum of £194,270 would be paid upon completion to the Town Council to enable them to carry out the works themselves rather than requiring Breckland Council to carry out the works.

1.6 Additional Two Sites

1.7 Two further sites which did not form part of the original report have also been identified for transfer to the Town Council, these being:

- Matthew Homes development at Croxton Road (Richard Eastern Way) – this area will be transferred to the Town Council with a commuted maintenance sum of £38,510 which equates to the monies given to Breckland Council by Matthew Homes. Given that this play area is relatively new there will be no additional monies for remedial works. A plan of the areas is shown at Appendix A.
- Kier Homes, Brandon Road, Thetford – this area is to be offered for adoption in the near future and under the obligations within the Section 106 Agreement Breckland Council are required to adopt it. There will be a commuted sum equal to £5.21 per square metre transferrable with the area which is monies to be paid by Kier Homes for the future maintenance of the open space/play area to Breckland Council under the terms of the Section 106 Agreement.

2. OPTIONS

2.1 **Option 1:** To authorise the release of £20,000 for the remedial works required to bring the play areas up to a certain standard, and

2.2 **Option 2:** To authorise the transfer of the two play areas at Croxton and Brandon Road, Thetford to the Town Council along with the commuted maintenance sum received from the developers for these areas, or

2.3 **Option 3:** Do nothing.

3. REASONS FOR RECOMMENDATION

3.1 Authorising the release of the additional monies to Thetford Town Council will assist the Town Council in bringing the play areas up to what can be considered to be a reasonable standard. Furthermore, remedial works have been carried out by Breckland Council to play areas within the other four towns which equates to the additional sum being offered to Thetford Town Council.

3.2 Authorising the transfer of the two further areas will be in accordance with the Councils policy not to take on liability of open spaces and wherever possible to transfer them out to the Town Council.

3.3 To do nothing would be contrary to the decision made by Council Members that the play areas and open spaces be transferred to the Town Council.

4. EXPECTED BENEFITS

4.1 Authorising the release of the monies for the remedial works will enable the transfer of the play areas to complete thus removing Breckland Councils existing liability to maintain/repair the play areas.

4.2 Authorising the transfers of the two additional open spaces/play areas will remove the Councils liability to maintain these areas and whilst the land forming part of the development at Brandon Road will have to initially be adopted by the Council under the requirements of the Section 106 Agreement it is envisaged that the land will be part of a simultaneous

transfer thereby upholding the Councils policy not to adopt open spaces/play areas wherever possible.

5. IMPLICATIONS

- 5.1 **Legal** - There are no specific legal issues that require special comment here.
- 5.2 **Risks** – not applicable.
- 5.3 **Financial** – pro-forma B attached.
- 5.4 **Timescales** - once approved, the Council’s solicitors will be instructed to proceed with the legal formalities of the Transfer.
- 5.5 **Equality and Diversity** - implicit within process.
- 5.6 **Stakeholders/Consultation** –
- 5.7 **Contracts** – not applicable.
- 5.8 **Section 17, Crime & Disorder Act 1988** – not applicable.
- 5.9 **Other** – not applicable

6. WARDS/COMMUNITIES AFFECTED - Thetford

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Director/Officer who will be attending the Meeting

Sue Bloomfield – Land Management Officer

Key Decision – Yes/No

Appendices attached to this report:

Appendix A – Site Plan – Play Area, Matthew Homes, Croxton Road, Thetford

Appendix B – Site Plan – Play Area, Kier Homes, Brandon Road, Thetford