

 <b>Executive – January 2015</b>		<b>Agenda Item No.</b> <b>10</b>
<b>Title</b>	Open Land at Chase Meadow, Warwick	
<b>For further information about this report please contact</b>	Chris Makasis - Estates Manager	
<b>Wards of the District directly affected</b>	Warwick West	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	Relevant Planning Applications & Section 106 Agreements	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19.12.2014	Chris Elliott
Head of Service	12.12.2014	Robert Hoof
CMT	19.12.2014	CMT
Section 151 Officer	12.12.2014	Mike Snow
Monitoring Officer	19.12.2014	Andrew Jones
Finance	12.12.2014	Mike Snow
Portfolio Holder(s)	20.12.2014	John Hammon ; Dave Shilton
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **Summary**

- 1.1 To consider the acquisition of areas of open space land at Chase Meadow, Warwick.

## 2. **Recommendation**

- 2.1 That Executive approves the transfer of open space land at Chase Meadow, Warwick, from Taylor Wimpey Ltd ("TW") to Warwick District Council, as explained in this report, on payment by TW of the appropriate commuted sum for the future maintenance of the land.

## 3. **Reasons for the Recommendation**

- 3.1 In relation to the residential development of land at South West Warwick over the last few years, TW (formerly Bryant Homes) have been granted a number of planning permissions which have resulted in the completion of related Section 106 Agreements.
- 3.2 The Agreements imposed a number of obligations on TW including the provision of open space land (comprising Plots 1, 2, 3, 4, 5, 6, 8 and 9 as shown on Plan 1) within the various phases of residential development. The works associated with the preparation of the various areas of open space land have now been completed to the satisfaction of the District Council and TW are anxious to complete the transfer of ownership to the District Council.
- 3.3 The Agreements prescribe the basis upon which a commuted sum is to be paid by TW to the District Council in relation to the future maintenance of the open space land and the parties have agreed that the aggregate amount payable is £334,295.79.
- 3.4 The District Council is obliged under the majority of the Agreements to acquire the open space land on completion of the necessary works and on payment by TW of the commuted sum. However, the Agreements relating to Plots 1, 2 and 8 do not contain the usual provisions obliging the District Council to take a transfer of the open space land and therefore the formal approval of Executive is required for the transfers to be completed
- 3.5 For Members information, the County Council has advised that it is working with the developers at present, and is hopeful that they can adopt most of the development north of Narrow Hall Meadow early next year. Members will be interested to note at Appendix 1 the extent of the highways currently adopted.

## 4. **Policy Framework**

### 4.1 **Policy Framework –**

The transfer of Plots 1, 2, 3, 4, 5, 6, 8 and 9 was intended by the provisions of the Section 106 Agreements, but due to the inconsistencies in the form of the Agreements, approval is required for the transfers to be completed in relation to Plots 1, 2 and 8. The transfers will assist the District Council in achieving its goal in making the District 'Fit for the Future' by providing open spaces within new residential estates (such as Chase Meadow) for the use of the local community, for health & well-being' purposes, with the encouragement of using such open spaces for activities such as walking &/or resting in outdoor open areas, as a form of exercise and/or fresh air.

- 4.2 This follows, and contributes to, this Council's 'strand' of 'People' by providing the local residents, and the District as a whole, with areas of open space for their use & benefit.

## **5. Budgetary Framework**

- 5.1 The provision of £334, 295.79 to the District Council, as a commuted sum, by TW, is a legal requirement under the Section 106 Agreements, and is required by the District Council in order to carry out all future maintenance works that will be necessary to keep the open spaces in suitable condition for public use, health & enjoyment. The commuted sum is calculated so as to provide maintenance of the open spaces for 13 years. Beyond that 13 year period the cost of maintaining the land will be an additional cost for the District Council.
- 5.2 The community sum of £334,295.79 that is to be provided to the District Council will be held in the open spaces Commuted Sums Reserve and released to the appropriate 'Neighbourhood Services' Budget Account over the 13 year period.

## **6. Risks**

- 6.1 The transfer of the areas is, and was intended to be, a requirement of the Section 106 Agreements and the District Council will receive the community sum to maintain the areas in question as open space and it is believed there to be very little risk of future concerns on, or with, the future maintenance of the areas in question.
- 6.2 However, there is a risk that the open spaces may cost more to maintain than allowed for by the commuted sum. Any additional cost will present an additional financial burden upon the District Council.

## **7. Alternative Option(s) considered**

- 7.1 The retention by TW of ownership of the open space areas is the only alternative option available. This would be in breach of the provisions in the majority of the Agreements and counter to the usual procedures that were adopted in relation to the Agreements at South West Warwick.