
Cabinet

3rd January 2017

Name of Cabinet Member:

Cabinet Member for Jobs and Regeneration – Councillor J O’Boyle
Cabinet Member for Public Health and Sport – Councillor K Caan

Executive Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Woodlands

Title:

Acquisition of Land at Bannerbrook Park for Public Open Space – Phase 2

Is this a key decision?

No

Executive Summary:

Following a long running issue in the Bannerbrook Park Development on the future provision of street cleaning and grounds maintenance between the developer Persimmon Homes South Midlands Limited (“Persimmons”) and the residents, the Council have been approached by Persimmons with a view to transferring ownership to the Council to be managed and maintained as an area of land as public open space.

The Streetpride team have estimated the future maintenance costs on this land, and have agreed the values set out below with Persimmons.

This report seeks approval to acquire approximately 3 acres of open space land from Persimmons to Streetscene and Regulatory Services Portfolio, Place Directorate. The land is shown edged red on the attached plan (“the Land”) (Appendix A)

The cost of acquiring the land will be nil consideration, however, the freehold transfer will include a maintenance bond of £54,602 payment to the Council to cover a 10 year period together with a one-off payment of £70,000 to the Council for replacing the impact play surface, replacing trees and land drainage works.

Approximately 2 acres of land will still be retained by Persimmons, this will be maintained by the Council’s, Streetscene and Regulatory Services at a charge. This area is shown in Appendix B.

Recommendations:

The Cabinet are recommend to:-

1. Approve the acquisition of the land shown edged red on the attached plan (Appendix A) to this report for nil value.
2. Accept the said land to be held within the portfolio of Streetscene and Regulatory Services and maintained by the Council as Public Open Space on the basis set out in this report.

List of Appendices included:

Appendix A. Site Plan showing the land to be acquired and appropriated to Streetscene and Regulatory Services portfolio edged red.

Appendix B. Site Plan showing the land to be retained by Persimmons but maintained by Streetpride.

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Acquisition of land at Bannerbrook Park as Public Open Space – Phase 2.

1. Context (or background)

- 1.1 Bannerbrook Park is a large housing development in the west of Coventry. Planning permission was granted in January 2006, and development started after February 2007.
- 1.2 The developer for this site is Persimmon Homes South Midlands Limited (“Persimmons”). The maintenance of this site was originally envisaged to be managed by the developer and then handed over to a specific management company and not dedicated back to the Council as public open space as is usual practice in the case of a new development. For a number of reasons, this process hasn’t been successful, and has led to a drop off in maintenance standards and disagreements between the developer and residents.
- 1.3 In order to resolve this problem, Persimmons asked the Council to take over the Land and hold the same as public open space and take over the maintenance responsibility in perpetuity.
- 1.4 Negotiations have taken place between Persimmons and the Council to facilitate a freehold transfer of the Land to the Council, along with a contribution towards its future maintenance.
- 1.5 This report seeks approval for the Council to accept a freehold transfer of the Land together with the payment to the Council a 10 year maintenance bond of £54,602 and a one off contribution of £70,000 to cover the cost of tree works, replacement of play surface and drainage works.

2. Options considered and recommended proposal

- 2.1 Option 1 - Acquire the Land from Persimmons at nil consideration and include as part of the Councils land held public open space and accept future maintenance responsibilities. Whilst also accepting the maintenance bond (£54,602) and one off contribution to provide resources to support the future maintenance requirement (£70,000). It should be noted that this bond does not include the future replacement of play equipment in the park and this will therefore be considered along with other requests at an appropriate time in the future.
- 2.2 Option 2 – Retain status-quo. If the Land is not acquired by the Council and managed by Streetscene and Regulatory Services, the responsibility to maintain the open green space will remain as the responsibility of Persimmons, at the developers own cost. Should the current issues between the developer and residents not reach an amicable solution prior to the completion of the development, it is likely to lead to the future and further detrition of the maintenance standards for the area.

2.3 Recommendation

Option 1

Proceed with Option 1 and the Council acquire the Land. Streetscene and Regulatory Services are already maintaining areas of public open space to Council Standards and can include this open space as part of the same programme.

3. Results of consultation undertaken

- 3.1 This proposal has been extensively discussed with the Bannerbrook Park Associations and is favoured by them.

4. Timetable for implementing this decision

- 4.1 Subject to the decisions of the, the acquisition and appropriation to Streetscene and Regulatory Services will take immediate effect. Streetscene and Regulatory Services will include the land as part of the maintenance programme immediately after the Land is transferred to the Council.

5. Comments from Executive Director of Resources

5.1 Financial implications

The costs associated with maintaining the land to current City Council standards have been assessed and will be funded by a contribution of £124,602 from Persimmon Homes. This will be drawn down over the agreed 10 year period (£5,460.20 pa). The one-off costs for replacement of the impact play surface, trees and installation of drainage for the play area will be funded by a one-off contribution of £70,000.

5.2 Legal implications

Officers within Legal Services will complete the necessary legal documentation to transfer the freehold of the Land from Persimmons to the Council at nil consideration and will collect the agreed maintenance bond (£54,602) together with the one-off contribution (£70,000) from Persimmons upon completion of the transfer.

After the maintenance bond paid by Persimmons has been utilised by the Council for the maintenance of the Land the future costs will need to be resourced from Council budgets.

Upon completion of the freehold transfer the Land will become the full responsibility of the Council which will include associated insurance and public liability responsibility.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Local authorities have a statutory duty to keep community areas clean and safe, by including the Land into the Council's grounds maintenance programme it will ensure legal responsibility sits with the Council.

6.2 How is risk being managed?

If the land is not incorporated by the Council, there is a possibility the land would be unkempt and not maintained to the standards set out by the Council.

6.3 What is the impact on the organisation?

The impact on the organisation will be minimal. However it will generate additional work for Resources Directorate (Legal Services) in order to prepare transfer documents.

6.4 Equalities / EIA

An Equality Impact Assessment has not been undertaken as no other group will be impacted.

6.5 Implications for (or impact on) the environment

Addition of grounds maintenance to open space areas will benefit the community, residents and surrounding wildlife.

6.6 Implications for partner organisations?

There are no implications for partner organisations.

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Members: Cllr K Caan	Cabinet Member for Public Health and Sport		29.11.16	29.11.16

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Appendix B. Bannerbrook Linear Park Land to be retained by Persimmon Homes and maintained by Streetpride



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