

To: **Executive**
22nd October 2019

**Transfer of Property –
Public Conveniences and Non-strategic open spaces to Parish and Town Councils
Director of Delivery**

1 Purpose of Report

- 1.1 To consider the transfer of two public conveniences and selected open spaces to Parish and Town Councils.

2 Recommendations

- 2.1 **To authorise the Assistant Director: Property to grant the leases of the open spaces in Table 1, to the relevant Parish / Town Council. (Subject to individual agreements).**
- 2.2 **To authorise the Assistant Director: Property accept surrenders and re-grant the existing leases of Table 2 to the relevant Parish / Town Council.**
- 2.3 **To authorise the Assistant Director: Property to grant leases of the two public conveniences in table 3, to the relevant Parish / Town Council.**

3 Reasons for Recommendations

- 3.1 The transfer of land sales is beyond the constitution scheme of the delegation and require the authority of the Executive.
- 3.2 To transfer sites which have no strategic value to the authority.
- 3.3 To extend the duration of existing leases.
- 3.4 To save future maintenance and running costs on public conveniences.

4 Alternative Options Considered

- 4.1 To not transfer the properties.

5 Supporting Information

- 5.1. There is a long-standing and successful history of local Parish and Town Councils managing open spaces on long-leases from the Borough. The proposed grant and re-grant of leases represents the extension of existing successful collaborations and is not breaking new ground.
- 5.2 There is a history of periodic reviews with the Parish and Town Councils, seeking to empower greater involvement and the latest sites proposed for transfer have formed part of periodic discussions spanning approximately 2 years.

- 5.3 There are no significant cost savings directly associated with the land transfers because the land areas represent a very small percentage of the total borough estate. The sites in question are still considered appropriate for transfer because the aspirations of the relevant Parish / Town Council are to bring a greater level of local focus to these sites than is currently achieved within the Borough.
- 5.4 The legal costs for the land transfers will be in the region of £500 - £1,000 per site for each new lease. There are eight new sites proposed for transfer (Table 1 below) giving a total cost of approximately £6,000. A budget has been identified for the Council to pick up these costs.

Table 1 – Sites to be granted under new leases (subject to individual agreements)

Site	Description
Bracknell Town Council	
Beedon Drive	large equipped playarea with open space, approximately 15178m ² (1.52ha)
Deepfield Road	large equipped playarea with open space, approximately 2316m ² (0.23ha)
Hornby Avenue inc. Barry Square Play Area	large equipped playarea with open space, approximately 14678m ² (1.47ha)
Warfield Parish Council	
All Saints Rise	Small equipped playarea with open space, approximately 2164m ² (0.22ha)
Binfield Parish Council	
Farley Copse	Mature woodland with an area of approximately 33498m ² (3.35ha)
Winkfield Parish Council	
Bog Lane	Small equipped playarea and open space and mature mixed woodland with an area of approximately 9808m ² (0.98ha)
Osman's Close Woodland	Mature broadleaf woodland with an area of approximately 15814m ² (1.58ha) This open space is reasonably flat and is made up of mature broadleaf woodland. A circular path runs around the site.
Wentworth Way / Ascot Priory Woodland	The site has an area of approximately 15738m ² (1.57ha) This open space is made up of a portion of land held freehold by the council and an area which is leased from Ascot Priory.

Long Leases

- 5.5 The majority of long leases to the Parish and Town Councils were let in the 1970s for a term of 99 years and therefore have less than 60 years to run. It is proposed to re-grant longer leases on standard terms. The legal cost for each transaction for the Parish and Town Councils will be in the region of £1,000 - £1,500. There are 45 sites proposed for surrender and re-grant of lease (Table 2 below) giving a total in the region of £45,000-£67,500. It is proposed that the offer to grant new leases is on the

basis that each party pay its own legal costs. The Council will use its in-house legal team.

5.6 The terms of the leases for the transfers and the surrender and re-grants will contain the following key elements:

- Duration is standardised at 125 years.
- Usage will restrict any residential or commercial use on the land.
- Maintenance obligations reside with the lessees (Parish and Town Councils)

Table 2 – Sites currently leased which are to be surrendered and re-granted

Site	Description
Anneforde Place Allotments	Allotments to rear and side of garage block
Anneforde Place Recreation Area	Recreation/open space
Bennetfield Road	Hall and recreation ground
Birch Hill Recreation Area	Recreation area / play area forming the Hockey Club
Calfridus Way Recreation Area	Recreation/playing fields behind The Wayz
Carnation Hall	Village Hall and recreation ground
Crown Row Play Area	Recreation/open space between Leaves Green and Keepers Combe
Crowthorne Road Allotments	Allotments on Crowthorne Road opposite Pickering
Cumnor Way Play Area	Recreation/open space to the rear of Harmans Water shops
Dryden Play Area	Recreation area and woodland to the rear of The Pines Primary School
Ennerdale Play Area	Recreation area and playing fields between Ennerdale and Lauradale
Freeborn Way Play Area	Recreation area near Millers Thumb
Garswood	Recreation area and Woodland between Garswood and Lightwood
Glenwood Allotments	Allotments to rear of garage block
Great Hollands Recreation Ground	Recreation area/playing fields/woodland/pavillion at South Road
Harmans Water Recreation Ground	Recreation area/playing fields/woodland at Harmans Water Road
Hedgehog Park	Recreation/open space to the rear of Birch Hill shops
Helicopter Park / Home Farm Play Area	Recreation area and playing fields next to Carnoustie
Jameston Play Area	Recreation area and playing fields next to Jameston
Jurassic Park	Recreation area/playing fields and woodland on Great Hollands Road
Land to the west of South Hill Park	Linked with Hedgehog Park ?
Latimer/Lydney Play Area	Recreation area/playing fields/woodland in between Lydney / Latimer / Melrose
Limerick Close Allotments	Allotments at Limerick Close
Ludlow Play Area	Recreation area and woodland to the rear of Ludlow
Mill Park	Recreation area/playing fields/woodland/pavillion at Mill Pond
Nettlecombe Play Area	Recreation area and playing fields at the end of Nettlecombe
Oareborough Play Area	To check on site (BFC land?)
Opladen Way Play Area	Play area next to school playing fields
Opladen Way Play Area	Play area /playing fields and woodland between Nuthurst and Kimmeridge
Pollardrow Avenue	Play area/playing fields next to Pollardrow Avenue
Quintilis play area	Play area/woodland at Quintilis
Radnor road	Recreation area
Ringmead Playing Field	Playing fields/pavillion on land north of Ring Mead, Great Hollands
South Road Allotments	Allotments at South Road
Stevenson Drive	Recreation area
Stoney Road Play Area	Recreation area/playing fields at Stoney Road
The Green Play Area	Recreation area at The Green
Threshfield Play Area	Recreation area and playing fields next to Threshfield and Rosedale Gardens
Ullswater	Recreation area/playing fields between Ullswater and Holland Pines
Wilders Close Allotments	Allotments at Wilders Close
Wildridings Playing Field	Playing fields between Mill Lane and Wildridings Road
Windlesham Road Allotments	Allotments at Windlesham Road
Winscombe Play Area	Recreation area/playing fields between Winscombe and Great Hollands Primary School
Yardley Play Area	Recreation area/playing fields between Yardley and Wordsworth
Bullbrook Drive	Recreation area/playing fields north of Bullbrook Drive

Public Conveniences

5.7 When Bracknell Forest first became a new town, the Council owned a number of public conveniences across the Borough. Over the years they have gradually been closed down and only three public conveniences remain.

- 5.8 It is now proposed that the two properties listed in table 3 will be transferred to Bracknell Town Council and Crowthorne Parish Council on leases, with detailed terms to be agreed. The last public convenience at the bus station will be retained.

Site	Description
Bracknell Town Council	
Birch Hill	Stand alone public conveniences located to the rear of Birch Hill shops
Crowthorne Parish Council	
Napier Road	Stand alone public conveniences located to the rear of The Crowthorne Inn public house

6 Consultation and Other Considerations

Legal Advice

Section 123 (2) of the Local Government Act 1972 provides that except with the consent of the Secretary of State, a Council shall not dispose of land under Section 123, otherwise than by way of short tenancy, for a consideration less than the best that can be reasonably obtained. By virtue of ODPM Circular 06/2003, the Secretary of State has given consent generally to a disposal for a consideration less than the best that can reasonably be obtained where the disposal contributes to the promotion or improvement of one or more of economic, social and environmental wellbeing in the Council's area and where the difference in value is less than £2million.

The proposals comply with State Aid, as services are to be provided for the local community and as such are not the subject of competition across Europe.

As the Land is open space, under the provisions of S123 (2)(A) Local Government Act 1972 the proposal to dispose of these sites must be advertised and any representations considered

Financial Advice

- 6.1 The financial implications are set out in the main body of the report and are not significant.

Equalities Impact Assessment

- 6.2 Not applicable.

Strategic Risk Management Issues

- 6.3 The borough has significant statutory and strategic obligations, particularly linked to biodiversity and the control of land use through the planning process. This includes the delivery of housing through the mitigation of impact to important wildlife sites, including the Thames Basin Heaths Special Protection Area (the SPA) and the provision of suitable alternative sites (SANGS). There are no sites proposed for transfer which would affect the ability of the borough to deliver on its statutory or strategic obligations.

Background Papers

Contact for further information

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