

CHESHIRE EAST COUNCIL

Cabinet Member for Regeneration and Assets Cabinet Member for Communities

Date of Meeting: 11 August 2015
Report of: Executive Director of Economic Growth and Prosperity
Subject/Title: Disposal of area of land at the Carrs (aka Boddington's Play Area), Wilmslow

1.0 Report Summary

- 1.1 The purpose of this report is to consider a request from Wilmslow Town Council to transfer a parcel of Public Open Space land adjacent to the Carrs Country Park Car Park and Play Area (aka Boddington's Play Area), Cheshire SK9 4AA (shown edged red on the attached plan) for the sum of £1, as part of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process.

2.0 Decision Requested

- 2.1 Subject to the public space advertisements, to transfer the land adjacent to the Carrs Country Park Car Park, Wilmslow, Cheshire SK9 4AA (shown edged red on the attached plan) for the sum of £1, to Wilmslow Town Council on the terms stated in 3.2 and other terms to be agreed by the Property Services Manager.
- 2.2 To authorise the advertisement of the public open space advert for the area of land considered for disposal.

3.0 Reasons for Recommendations

- 3.1 On 5th September 2011 it was decided by the Cabinet that a number of properties (Appendix A properties) should be transferred to the Town or Parish Council for the area in which the properties are located as a first phase of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process and that certain other properties (Appendix B properties) be considered for transfer with the decisions as to whether to sell being delegated to the relevant portfolio holder(s).
- 3.2 It was reported to Cabinet that every transfer or lease would be on the following terms namely that:
- The transfer/ lease would protect community use of the asset.
 - The transfer/ lease would take place for a nominal value (£1) and the Town Council will be wholly responsible for the service and the asset save insofar as the Council has residual legal responsibilities under

contracts or legislative provisions.

- If allowing change of use, the agreement would secure an overage payment for the Council if there is a future planning permission which enhances the value of the asset or the Town Council sells the asset within an 15 year period with increase in value/ proceeds of sale returning to Cheshire East on a reducing sliding scale

And Cabinet resolved that delegated authority be given to identified officers to finalise standard terms for all the transfers. Standard heads of terms were subsequently approved by the relevant officers and the Portfolio Holder for Places and Strategic Capacity.

3.3 This land was neither an Appendix A nor an Appendix B property but has since been identified as an appropriate asset to be devolved to the Town Council. The transfer of land to Wilmslow Town Council will be based upon the standard heads of terms.

3.4 The service department are happy to accommodate the request of the Town Council to transfer / dispose of the land to Wilmslow Town Council for the required purpose.

4.0 Wards Affected

4.1 Wilmslow Lacey Green

5.0 Local Ward Members

5.1 Cllr Don Stockton

6.0 Policy Implications

6.1 The transfer / disposal of land for £1 is in line with the Council's policy of transfer and devolution of assets to Town and Parish Councils for a nominal value.

7.0 Financial Implications

7.1 The existing use has an unrestricted value which is less than £500 and therefore the Council proposes to forego the capital receipt in this instance to support the Erection of this toilet / kiosk facility.

7.2 The transfer to Wilmslow Town Council would have a small financial impact on CEC budget in 15-16, in respect of operational cost savings relating to grounds maintenance of the area.

8.0 Legal Implications

8.1 The General Disposal Consent 2003 authorises the disposal of land for 7 years or more at less than best consideration if the undervalue is £2million or less, if the undervalue is higher than £2million consent to

the disposal is required from the Secretary of State. Here the value is less than £500.

8.2 In transferring assets the Council must behave prudently to fulfil its fiduciary duty.

8.3 The land cannot be sold until proper consideration of public opinion has been obtained as the land is public open space. The sale of public open space land procedure will be implemented.

9.0 Risk Management

9.1 There are no risk management implications.

10.0 Background Information

10.1 The Council has received a request is to enable Wilmslow Town Council to erect a modular building on the land adjacent to The Carrs Car Park, Wilmslow for the provision of a toilet facility and refreshment kiosk for the benefit of the Country Park and play area.

10.2 The extent of the land required by Wilmslow Town Council is shown outlined in red on the attached plan for identification purposes. The Client Service is Environment Commissioning, and the Service supports the proposal at this location.

10.3 The land is recorded on the Open Space Survey 2012 (12aWH) as Provision for Children & Teenagers).

10.4 Wilmslow has 4.73ha of children's play space, representing 0.21ha per 1,000 of resident population, leaving a shortfall of 0.39ha per 1,000 - a shortage of 8.8ha. Boddington's Play Area (12aWH) is in a central location in the Carrs and serves the whole of Wilmslow. This play area attracts visitors from across Wilmslow and its hinterland and the Town Council have evidence to show that this additional facility will be well used. The site sits on the Bollin Valley Way so the new toilet facility will also be appreciated by walkers on this recreational route.

10.5 The site is not surplus to requirements but the proposal offers an enhancement to the facility for the benefit of users.

10.6 The land is situated adjacent to the existing Carrs Car Park and play area known as Boddington's Play Area.

10.7 The land is owned freehold by Cheshire East Borough Council and falls within the area known as The Carrs Country Park.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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