

Wiltshire Council

Warminster Area Board

11 November 2010

COMMUNITY ASSET TRANSFER
Land to the rear of the Warminster Community Radio building

Executive Summary

This report deals with an application for the transfer of the piece of derelict land adjacent to the Assembly Rooms, to Warminster Community Radio (WCR) in accordance with Wiltshire Council's Community Asset Transfer Policy.

Proposal

The Area Board is asked to consider an application submitted by Barry Mole, of WCR, for the transfer of land located adjacent to the Assembly Rooms, BA12 8LB (see map attached at Appendix 1). The applicants' proposal is set out at Appendix 2.

Reasons For Proposal

This proposal supports and implements Wiltshire Council's Community Asset Transfer Policy.

Recommendation

It is recommended that the area board;

- 1) Approves the transfer subject to the following conditions:
 - a. That no Council use for the land is identified.
 - b. That there are no rights in favour of adjacent or neighbouring land that would prevent development of the land
 - c. That WCR obtains planning permission for the proposed development before the transfer takes place.

Katharine Dew
Warminster Community Area Manager

Wiltshire Council

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Purpose of Report

1. The Area Board is asked to consider an application submitted by Barry Mole of WCR, for the transfer of land adjacent to the Assembly Rooms, BA12 8LB (see map attached at Appendix 1). The applicants' proposal is set out at Appendix 2.

Background

2. Wiltshire Council is supporting the principle of the transfer of community assets in order to empower and strengthen local communities. The Council believes that transferring appropriate public assets to communities leads to more responsive services that better meet local people's priorities.
3. Transfer of an asset can also provide the opportunity to lever more resources into a community and provide a more accessible and responsive base from which to deliver local services.
4. A community group or organisation can benefit from greater financial stability and build confidence through having ownership (or long term security through a lease) of a physical asset. This financial sustainability can help the organisation become less dependent on grants, provide security for further borrowing and opportunities for further growth.
5. Typically, organisations that would be considered appropriate are Voluntary and Community Groups/Associations, Town or Parish Councils, Trusts or Charities, or Social Enterprise Groups.

The application before the Area Board

6. The application from WCR is attached at Appendix 2 and relates to the transfer of land to the side of the WCR building.
7. The application was submitted in accordance with the Council's application process and meets the requirements for consideration by the Area Board.
8. The Community Areas Manager has consulted with Strategic Property Services, who have undertaken appropriate consultation with service departments across the Council. Local consultation has been undertaken by the applicant in accordance with the application checklist and the outcome of the consultation is included within the application.

The views of Council officers

9. On behalf of the Council, Strategic Property Services (who have overall responsibility for the Council's estates and property) has provided the following observations to the Area Board.
10. Service Directors are being consulted to establish whether there is a need for the Council to retain the land. The consultation period ends on Monday 15th November.
11. The area contains a number of mature trees which are subject to a tree preservation order (TPO). Subject to this and confirmation that the rights granted in transfers of former council houses do not prevent development of the land, there are no other legal impediments to a transfer.
12. The land is only suitable for amenity purposes due to the existence of the TPO. Therefore, it is of nominal value and the only financial implication of the transfer is that the Council would no longer have to bear the cost of maintaining it.

Main issues for consideration by the Area Board

13. Short summary of the key points, structured as follows:
 - 13.1 WCR is a well respected local organisation, which is well supported by a diverse range of volunteers.
 - 13.2 WCR provides a valuable service to the area board, by developing the Warminster Voices project.
 - 13.3 The TPO in its current form will make development of the land impossible.
 - 13.4 WCR should obtain planning permission for the proposed development before the land is transferred. Any amendment to the TPO which may be necessary will have to be included as part of this process. This will prevent WCR from being left with the liability of maintaining the land if the planning application is refused.

Recommendation

14. Having carefully considered the application and the views of Council officers, the Area Board is invited to approve the transfer subject to the following conditions:
 - a. That no Council use for the land is identified.
 - b. That there are no rights in favour of adjacent or neighbouring land that would prevent development of the land
 - c. That WCR obtains planning permission for the proposed development before the transfer takes place.

Katharine Dew, Warminster Community Area Manager