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**Report to:** Place Committee

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**Date of Meeting:** 12<sup>th</sup> September 2019

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**Subject:** Wimpy Park Walled Garden Update Report

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**Report by:** Strategic Director (Place)

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## **1.0 Purpose**

- 1.1. This report seeks to provide committee members with an update on the progress made on the lease of the Walled Garden, Pine Grove Alloa. The report also highlights to members future considerations to enable the Wimpy Park Community Group to develop the site to meet their aspirations, in particular with regards to toilet provision.

## **2.0 Recommendations**

- 2.1 It is recommended that Committee notes:
- 2.2 the progress made to date on the lease of the Walled Garden,
- 2.3 the practical steps and indicative costs of works required to meet the ambitions of the Wimpy Park Community Group,
- 2.4 the officer view that General Fund (GF) Council expenditure (up to £143k) on the proposed projects set out in paragraph 3.12 and 3.15 would not represent Best Value for the council and therefore are not recommended for approval;
- 2.5 that officers will continue to engage with Wimpy Park Community Group as it reviews its business plan and seeks to identify alternative sources of funding.

## **3.0 Considerations**

### **3.1. Background**

- 3.2. At the Place Committee meeting on 6<sup>th</sup> June, the committee agreed the lease of the Walled Garden in Pine Grove Alloa, to the Wimpy Park Community Group (WPCG) at a nominal rent of £1.00 per annum. On 27<sup>th</sup> June 2019 at the meeting of Clackmannanshire Council, it was agreed to transfer the Walled Garden site from the Housing Revenue Account (HRA) to the General fund at market value, to enable the lease of the site to WPCG. It was agreed that a further report would be brought to the next Place Committee meeting on the possible lease of additional lock-ups and/or toilet facilities once a full appraisal of options had been completed.
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### 3.3. ***Lease Arrangements***

- 3.4. In May 2019 council officers put in place a License to Occupy for the Walled Garden to WPCG. This License to Occupy enabled access to the site over the summer months to hold community fun days and events. At the time of writing this report, the formal lease for the site had been issued to the group for consideration, and for them to seek their own independent legal advice on the lease provisions.
- 3.5. If agreed the lease will run for a period of 19 years less one day, with break clauses every 5 years so either party can end the agreement. A longer lease could have been offered, however if the lease had been over 20 years the community group would have had to cover the cost of registering the lease with the Land Registry. The annual rent for the site will include the land and the perimeter wall.

### 3.6. ***Business Plan & Funding Opportunities***

- 3.7. Wimpy Park community group are a registered charity and have an appropriately constituted management board. The group has developed a financial business plan, which was last updated in August 2018. The group has sought advice from Clackmannanshire Third Sector Interface (CTSI) regarding potential funders for the development of the site, but has yet to submit any funding bids. As members are aware the group required a long term lease of the site to be in place to enable them to do this. It is planned to encourage the group to seek further advice and submit funding bids over the coming months.
- 3.8. If funding bids are successful then this may allow work on the site to commence during 2020, and enable the group to demonstrate the viability of the site. The group would like additional financial input from the council and access to HRA assets (see below). They are aware though of the council's financial constraints. Council officers are continuing to provide advice and support to the group on funding applications, and would be keen to see a revised business plan from the group at the earliest opportunity.

### 3.9. ***Toilet Provision***

- 3.10. The Walled Garden site currently has no toilet facilities on or close to the site. The group has requested assistance from the council to obtain facilities for the site. As noted in the previous committee report the group had requested access to the street cleansing storage facility in Pine Grove. This had been investigated but discounted as an option due to the condition of the unit and also because the facility continues to be required by the Council's Cleansing Services. Re-location of one of the moveable portaloos in either Tullibody or Tillicoultry has been considered, however, the group has advised they would be unwilling to accept this as a solution. This option therefore, has also been discounted.
- 3.11. Other potential options for the provision of toilets were;
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- 3.12. ***Lease or Purchase of a Portable Modular Toilet Building to be Placed Within the Site of the Walled Garden***
- 3.13. An initial quote for this option has been obtained, with an estimated monthly rental of £265, or £8,100 including VAT to purchase outright. Additional siting costs (a crane for example would be required for installation), upkeep and planning regulations would need to be considered for this option. The group has expressed that this would be an option they would be willing to consider. Should a permanent electrical and sewer connection be required costs would increase by approximately £25,000 as highlighted at paragraph 3.24 below.
- Although detailed costings have not yet been calculated a guide price of £40,000 would be considered reasonable for this option.
- 3.14. Officers do not consider that this option represents value for money.
- 3.15. ***Conversion and Refurbishment of the 15 Lock Up Garages in Pine Grove***
- 3.16. This is WPCG's preferred option, as they would like to acquire access to the row of lock ups to install toilet facilities and to further develop the lock ups in the longer term. Three are currently tenanted by council tenants, and the group were previously given access to a further 3 at a nil rental charge by the service. Following an inspection of the lock-ups in May 2019 it was found that the roofs in particular are in very poor condition, and in the short term will require upgrade works estimated at £8,419. Further upgrading works to the wall fabric condition, doors and timber facings are also required in the short to medium term at an estimated cost of £14,735.
- In addition, to be used as toilet facilities the monies identified at paragraph 3.24, below would also require to be spent.
- 3.17. It should be noted that Council agreed in December 2014 to the demolition of the lock-ups at Pine Grove owing to lack of demand and/or the cost of maintenance. Given this, and the proposed use of the lock-ups by a community group, it would be extremely difficult to justify the use of HRA resources to refurbish the garage units. Members have been kept up to date with developments regarding the lock up strategy via update papers to Committees.
- 3.18. Moving forward with this option would, therefore, require the transfer of the asset from the HRA to the General Fund. Officers have valued each unit at £1,000 giving a total value of £15,000.
- 3.19. Although detailed costings have not yet been calculated a guide price of £63,000 would be considered reasonable to transfer ownership and bring the block to a position where it could, further, be converted to toilet facilities.
- 3.20. Officers do not consider that this option represents value for money.
- 3.21. The group has advised they would like the council to provide them with full access to all 15 lock ups once short to medium term repairs have been completed. They would like all utilities including electricity and water installed in the lock ups along with toilet facilities. Their plan is to redevelop the lock ups into useable space, to include office space and space to develop social
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enterprises. They have requested input into any decision making process on upgrades and refurbishment, as they would like internal walls removed and doors bricked up and windows installed. The nature, and extent, of such works are likely to require planning approval for the change of use, and a building warrant ensuring that the unit meets all current applicable building standards. The costs associated with this are likely to be very significant (officers have conservatively estimated an additional £80,000 for this additional work) and it is, therefore, the view of officers that this approach will fail to demonstrate value for money.

3.22. As the site would need to be transferred from the HRA to the General Fund all associated costs within the site would need to be met from the General Fund. At present the HRA has retained the 15 lock ups. Options for the group obtaining funding for this work outwith the councils GF revenue budget will be explored in the coming months.

### 3.23. ***Water & Electrical Connections***

3.24. The lockups currently have no electricity supply and are not connected to mains water supply. The community group has requested these facilities be in place should they take over use of the lock ups. Initial investigations suggest this could be costly to achieve, as significant work would be required to redirect current supplies which do not go into the site. Estimates have put this cost at approximately £25,000. Officers can work to continue to establish the exact location of current services, costs and work which would be required should this be seen as a viable option, however, it is the view of officers, again, that the costs are such that this option will struggle to demonstrate value for money.

### 3.25. ***Planning Consent & Change In Use***

3.26. Any development on the site, including a modular toilet block, would require full planning consent as it is likely there are no permitted development rights. Applications would also be required for appropriate building warrants. WPCG will need to obtain independent advice on the planning process.

3.27. It is likely that any change in use of the lock ups would also require full planning consent. Consideration would also need to be given to the lock ups and any change in use, for example any social enterprise business may then become subject to non domestic rates. The rateable value of the developed premises would then need to be determined by the assessor. WPCG may be able to apply for rates relief however, as they are a registered charity. Going forward WPCG will need to explore all available funding options to progress development of the site.

## 4.0 **Sustainability Implications**

None

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## 5.0 Resource Implications

### 5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

The options considered in the paper range in cost from an estimated £40,000 to £143,000. Officers do not consider that these options represent best value and are unable to recommend them.

### 5.4. *Staffing*

5.5. No Staffing implications

## 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please click on the check box )

Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all

Our families, children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

## 8.0 Equalities Impact

8.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes

No

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## 9.0 Legality

- 9.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

- 10.1. Please list any appendices attached to this report. If there are no appendices, please state "none".

None

## 11.0 Background Papers

- 11.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered).

Yes  No

(please list the documents below)

### Author(s)

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