

BABERGH DISTRICT COUNCIL

FROM: Head of Contract and Asset Management

REPORT NUMBER:

H165

TO: STRATEGY COMMITTEE

DATE OF MEETING: 15 January 2009

DISPOSAL OF LAND AT HADLEIGH FOR THE PROPOSED HADLEIGH COMMUNITY FACILITY

1. PURPOSE OF REPORT

- 1.1 To seek authority to lease further parcels of land to South Suffolk Leisure in conjunction with the lease previously agreed by the Committee (at its meeting on 6 November 2008) for the proposed new building.
- 1.2 To note that objections have been received to the proposed disposal of public open space following the public notice under Section 123 of the Local Government Act 1972 of the intention to dispose of open space land.

2. RECOMMENDATIONS

- 2.1 That, subject to (a) the grant of planning consent for the proposed Hadleigh Community Facility (b) the letting of a contract for construction of a building and 2.3 below, the Head of Contract and Asset Management be authorised to grant a lease of the Stonehouse Road car park (shown edged black on the attached plan) to South Suffolk Leisure for a term of up to 25 years at a rent and on terms to be agreed by him and the District Valuer.
- 2.2 That the Head of Contract and Asset Management be authorised, in consultation with the Chairman of the Strategy Committee, to determine the precise boundaries of land to be included within the leases of Hadleigh Swimming Pool and the proposed Hadleigh Community Facility to South Suffolk Leisure (shown edged black in its provisional outline on the attached plan).
- 2.3 That a report be submitted to the next meeting of the Committee on objections that have been received to the proposed disposal of public open space following the public notice under Section 123 of the Local Government Act 1972 of the intention to dispose of open space land.

The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications of constructing and leasing the new Hadleigh Community Facility to South Suffolk Leisure have been considered in previous committee reports.
- 3.2 This report seeks to confirm the exact areas of land to be leased including a new proposal to lease the existing Stonehouse Road car park in Hadleigh. The Council

currently maintain this car park and it is intended to continue to do so under the terms of the proposed lease to South Suffolk Leisure. Therefore this report does not contain any new financial implications to the Council.

4. **RISK MANAGEMENT**

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 9 (management of major programmes and projects).

This report raises no new risks as it seeks to gain authority to lease land and a process to agree the exact boundaries.

5. **KEY INFORMATION**

Introduction

- 5.1 Members have decided to treat the development and delivery of the Hadleigh Community Facility as their highest priority. At the meeting on the 18 September 2008, officers were authorised to continue with the design and tender process to award of contract, subject to the capital cost not exceeding £2M (plus allowable tolerance). The project is also subject to all necessary consents, such as planning permission, being granted.
- 5.2 At the November meeting of Strategy Committee members agreed that the proposed new Hadleigh Community Facility be managed by South Suffolk Leisure subject to the agreement of satisfactory terms. The Director of Corporate Services was authorised to enter into a lease of the facility with South Suffolk Leisure for a term to expire co-terminus with the date of expiration of the proposed lease of the Hadleigh Swimming Pool to South Suffolk Leisure.
- 5.3 The legal issues are complex. In summary the situation is as follows:-
- (a) Hadleigh Swimming Pool and Stonehouse Car Park are leased by the Council to the Hadleigh and District Swimming Pool Trust (of which the Council is sole Trustee). The lease is for a term of 60 years expiring in 2028.
 - (b) Subject to the agreement of the Trust it will wind itself up conditional upon its assets being leased to South Suffolk Leisure. This will be done by way of a new lease for 25 years.
 - (c) A tri-partite agreement is necessary to achieve (b) between the Trust, the Council and South Suffolk Leisure.
 - (d) The proposed new building needs to be leased to South Suffolk Leisure to enable it to manage the facility. This will be done by way of a new lease of 25 years. Part of the land for this building is currently within the lease to the Hadleigh and District Swimming Pool Trust with the balance being owned by the Council (and some of it is open space which cannot be disposed of – even by lease – without public notice being given).

- (e) Although all of the land involved is open space it is actually held by the Council under Housing Act 1985 powers. The former Hadleigh Urban District Council acquired East House and the land that now forms the park under housing powers in 1963. In 1976 Babergh appropriated East House from housing to physical training and recreation powers but not the surrounding land. There is no risk to the Council in a disposal under this power provided that the land is disposed of for the best consideration.

5.4 Members will see from paragraph 5.11 and 5.12 below that objections have been received to the proposed disposal of open space land. It is proposed to report further on this to the next meeting, in the meantime it is important for negotiations to continue with regard to other land issues.

Lease of Land for Car Parking

5.5 During the course of the detailed design by the architects it became apparent that locating the new car parking for the proposed Hadleigh Community Facility would be more appropriate within the land shown hatched in black on the plan attached. Originally it was intended to construct car parking on the other side of the swimming pool including the use of what is currently a fenced in grassed area at the rear of the swimming pool. However this area of land (edged in a dotted black line on the attached plan) will now revert to public open space and form part of the park to partly compensate for the proposed loss of land shown hatched in black on the plan attached.

5.6 The issue of sufficient car parking for the proposed new building was raised by Suffolk County Council as highway authority during the planning application process. The County Council's requirements for further spaces can be met by altering the layout of the car park at Stonehouse Road, to create some additional spaces, and by ensuring that this car park is leased to South Suffolk Leisure together with the swimming pool and the new community facility.

5.7 Leasing the Stonehouse Road car park to South Suffolk Leisure should also satisfy the Solicitors acting for the Hadleigh and District Swimming Pool Trust (of which the current Trustee is the Council). The Solicitors for the Trust seek a lease of the Stonehouse Road car park to be granted to South Suffolk Leisure as it is currently included within the lease to the Hadleigh and District Swimming Pool Trust.

5.8 Additionally, Hadleigh and District Swimming Pool Trust has received objections to the proposed surrender of the lease of the swimming pool and the car park by the Trust to enable it to be leased to South Suffolk Leisure. These objections are understood to be on the grounds that not all the land included within the current lease to the Hadleigh and District Swimming Pool Trust will be included in the lease to South Suffolk Leisure and, in particular, the Stonehouse Road car park. Leasing the car park to South Suffolk Leisure for up to 25 years should satisfy both the Solicitors for the Hadleigh and District Swimming Pool Trust and objectors.

5.9 The attached plan shows the proposed boundaries of areas of land to be leased to South Suffolk Leisure. However, detailed negotiations are still continuing with the Hadleigh and District Swimming Pool Trust Solicitors and Solicitors acting for South Suffolk Leisure. As a result there may be some minor variations in the exact areas of land to be leased. It is suggested therefore that the Head of Contract and Asset Management be delegated authority, in consultation with the Chairman of Strategy

Committee, to determine the precise areas to be leased when all issues have been resolved.

- 5.10 The Council's application for planning permission to construct the proposed Hadleigh Community Facility is due to be considered by the Development Committee on Wednesday 14 January 2009 and details of the outcome will be reported to Strategy Committee.

Disposal of Open Space

- 5.11 With regard to the open space land (shown hatched black on the attached plan) pursuant to Section 123 of the Local Government Act 1972 the Council may not dispose of open space land unless before disposing of it the Council causes notice of its intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and considers any objections to the proposed disposal.
- 5.12 A public notice of the intention to dispose of the open space land appeared in the local press advising that any person who wishes to object to the disposal should write to the Director of Corporate Services by 5 January. Letters of objection have been received but it has not yet been possible to fully assess them.


6 APPENDICES

A – Plan

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Location Stonehouse Road, Hadleigh.	Drawn SJ	Job No	 Babergh District Council Contract & Asset Management Division Corks Lane, Hadleigh, Suffolk IP7 6SJ Ryan Jones BSc CEng MICE Head of Contract & Asset Management
Project Title Hadleigh Community Facility.	Date Jan 2009	Drg No	
Drawing Title Attachment to Report.	Checked	Scale 1:1250	

DRAWN	DATE	DESCRIPTION	REV
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KEY

- Approximate outline of land to be leased to SSL
- ▨ Open Space to be disposed of
- Land to revert to Open Space

