

6. NEW COMMUNITY BUILDING – FINCHES FIELD, PEASE POTTAGE, WEST SUSSEX – PROPOSED AGREEMENT FOR LEASE AND LEASE

REPORT OF: Head of Corporate Resources
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Wards Affected: Slaugham
Key Decision No

Purpose of Report

1. To update Members on the progress of the provision of the new community hall and sports pavilion at Finches Field, Pease Pottage (“the Community Building”), the need to re-advertise the District Council’s intention to grant a lease of the Community Building to Slaugham Parish Council (“the Parish Council”) and confirmation of the District Council’s earlier decision to grant a lease of the Community Building, having regard to the outcome of re-advertising the proposed disposal of open space to the Parish Council.

Summary

2. This report outlines proposal for a new community building at Finches Field, Pease Pottage and summarises the decisions previously made by the District Council. Owing to the proximity of overhead power lines the site of the Community Building needs to be moved with the site area enlarged and this requires that the District Council re-advertise its intention to grant a lease of the Community Building to the Parish Council. It reports on the outcome of re-advertising and recommends that the project proceeds on the new site on the same terms as previously agreed with the Parish Council and a new agreement for lease is completed.

Recommendations

3. ***Cabinet is recommended to:***
 - (a) ***note the contents of this report and, in particular, note that the District Council did not receive any objections to the proposed disposal of the land edged in red on the plan marked “Finches Field Community Centre” annexed to this report at Appendix A the new site of the Community Building (“the new site”) by 3^d January 2018; and***
 - (b) ***affirm the District Council’s earlier decisions to grant a lease of the Community Building to Slaugham Parish Council and authorise the Head of Corporate Resources and the Solicitor and Head of Regulatory Services to enter into an agreement for lease for the construction of the Community Building on the new site and following completion of construction of the Community Building on the new site to grant a lease of the Community Building on the terms already agreed by the Cabinet Member for Property on 16th March 2016.***

Background

4. Finches Field is owned by the Council and at the meeting of the Council's Cabinet held on 24th March 2014, Cabinet considered a report on a proposed new community building and sports hall at Finches Field, Pease Pottage ("the Community Building") and resolved: (a) progress the design and specification of the Community Building and seek tenders for the construction of it; (b) to conclude the acquisition of additional land at Finches Field; (c) to authorise the then, Head of Leisure and Sustainability, and the Solicitor to the Council to negotiate heads of terms of agreement for the proposed lease of the Community Building to Slaugham Parish Council, subject to advertising the proposed disposal in accordance with Section 123 of the Local Government Act 1972; and (d) to release £515,171.54 of Section 106 funds towards the costs of constructing the Community Building and acquiring additional land at Finches Field; and (e) recommend to Council a variation to the 2014/15 Capital Programme. The budget for the project was approved by Council on 9th April 2014.
5. During negotiations with the Parish Council it was agreed that the Parish Council would undertake construction of the Community Building and that the District Council would use the allocation of £50,000, in the MCR budget, to resurface the car park when construction was completed. On 21st March 2016 the District Council's Cabinet Grants Panel considered an application for a capital grant from the Parish Council and resolved to award the Parish Council a grant of £472,842 towards the costs of constructing the Community Building.
6. On 25th February and 3rd March 2016 the District Council advertised the proposed lease of the site of proposed the Community Building, edged in red on the drawing marked "Finches Field – Conveyancing Plan" annexed to this report in Appendix B ("the old site"), in the Mid Sussex Times in accordance with the requirements of Section 123 of the Local Government Act 1972 and invited members of the public who might object to the proposed lease to make their views known to the District Council by 24th March 2016, but no objections to the proposed lease were received by that date and the Cabinet's decision of 24th March 2014 to grant a lease of the old site of the Community Building to the Parish Council was subsequently confirmed by the Cabinet Member for Property.
7. On 14th February 2017, the District Council's Cabinet Grants Panel considered a further application for a capital grant from the Parish Council and resolved to award the Parish Council and additional grant of £143,592 towards the constructing of the Community Building, increasing the total grant to £616,434.
8. On 27th March 2017, planning permission was granted for the construction of the Community Building on the old site under planning reference DM/17/0412.
9. On 1st June 2017, the Cabinet Member for Resources and Economic Growth considered a report on the Community Building project that informed that the £50,000 from the District Council's MCR budget had been overlooked and recommended that the capital grant to the Parish Council be increased to £666,434 (inclusive of the £50,000), which the Cabinet Member approved.

10. On the 29th June 2017, the District Council entered into a Grant Agreement with the Parish Council in respect of the various grants awarded and an Agreement for Lease in respect of the construction of the Community Building on the old site. A new agreement for lease is contemplated by this report.
11. On 30th November 2017, planning permission was granted for the construction of the Community Building on the new site, under planning reference DM17/4027, as a re-submission of the approved planning application DM/17/0412 with a new amended location to maintain a safety distance from overhead power lines. It being apparent that the new site is larger than the old site, it has been necessary to re-advertise the District Council's intention to grant a lease of the Community Building to the Parish Council.

District Council's powers of disposal

12. The District Council's powers to grant a lease of the new site of the Community Building are permissive powers and must be exercised strictly in accordance with the provisions of Section 123 of the Local Government Act 1972, which provides that the District Council cannot dispose of land consisting of or forming part of an area of open space unless prior to making the decision to grant the lease the District Council advertises its intention to do so for two consecutive weeks in a local newspaper circulating in the area in which the land is situated and invites members of the public who may oppose or object to such a disposal to make their views known and for the District Council to consider such objections before deciding whether or not to grant the proposed lease.
13. Finches Field Recreation Ground is held as a public park and pleasure ground, which constitutes public open space and the District Council, is therefore, required to comply with Section 123 of the Local Government Act 1972 by advertising the District Council's intention to grant the proposed lease of the new site of the Community Building.
14. On 30th November and 7th December 2017 the District Council advertised the proposed lease of the new site of the Community Building in the Mid Sussex Times in accordance with the requirements of Section 123 of the Local Government Act 1972 and invited members of the public who might object to the proposed lease to make their views known to the District Council by 3rd January 2018, but no objections to the proposed lease were received and the District Council is free to proceed with the disposal if it so wishes.

Policy Context

15. The District Council has had a long standing policy of leasing facilities to sports clubs and community organisations since the early 1990's. This enables communities to provide space for the uses and needs of the local residents. Support of the District Council in delivering this project through funding and the provision of the site is consistent with that long standing policy.

Other Options Considered

16. Characteristics of the site and restrictions due to close proximity of overhead power lines and high pressure gain main prevent a replacement of the
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community building in other locations on the District Council's land. Management of local community buildings by community groups and parish councils is seen as a preferred way forward, rather than direct management by the District Council.

Financial Implications

17. There are no additional financial implications for the District Council over and above those detailed in the reports to Cabinet and Cabinet Grants Panel referred to above.

Risk Management Implications

18. There are no risks to the District Council other than those, if any, identified in earlier reports.

Equality and customer service implications

19. The proposed community building will be managed by the Parish Council for the benefit of the inhabitants of Slaugham and Pease Pottage and will be fully accessible and Equality Act compliant. Additional land at Finches Field has been acquired to compensate for the potential loss of open space arising from the new community building and impact on the local inhabitants will be minimal.

Other Material Implications

20. Timescale for delivery of this project is time critical owing to increasing building costs.

Background Papers

Legal File and earlier reports.