

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 October 2015
Subject:	Tewkesbury Rugby Club Lease
Report of:	Simon Dix, Finance and Asset Management Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters, Lead Member for Finance and Asset Management
Number of Appendices:	One

Executive Summary:

The purpose of this report is to ask Members to agree to the granting of a lease to Tewkesbury Rugby Club for an additional parcel of land off Despenser Road, as hatched on the appended plan. The purpose of this addition will be to provide a pitch for the Under 12 section of the Rugby Club.

Recommendation:

The Committee RESOLVES that:

- A. the parcel of land, hatched on the appended plan, is included within an additional lease to Tewkesbury Rugby Club, at market rent and for a term expiring no later than the expiry date of the Club's existing lease;**
- B. the Finance and Asset Management Group Manager be authorised, in consultation with the Lead Member for Finance and Asset Management, to negotiate the remainder of the heads of terms at market rent; and**
- C. the Borough Solicitor be authorised to complete the lease upon the heads of terms set out in this report, and additionally negotiated by the Finance and Asset Management Group Manager, and on such other terms as she considers necessary or advisable in consultation with the Finance and Asset Management Group Manager.**

Reasons for Recommendation:

The Rugby Club has to date invested substantially in improving the land and property included within the terms of the existing lease, and the grant of the new lease of the additional area would bring the land into use and facilitate additional sporting activities for the youth of Tewkesbury.

Resource Implications:

As landowner the Council has the financial responsibility for maintaining this area of land, and possible liability in the event of any incidents occurring on the land. If the land is included within a new lease then the general liabilities, including the responsibility for maintenance will pass to the Rugby Club. The Club has met the advertising costs incurred in order for the Council to comply with the statutory requirements of the Local Government Act 1972, Section 123 (2A). The Club has also met the costs of a full valuation to ensure that the Council has obtained the best open market rental value for the site in order to satisfy its statutory obligations.

Legal Implications:

The Council has a general obligation under S123 of the Local Government Act 1972 to ensure that it obtains best rent for any land it lets for a term of more than 7 years.

The Council has a further obligation under S123 (2A) of the Act to advertise any proposed disposal of public open space (as described in the report) and to consider objections to the proposed disposal. Whilst the Council's duty under this Section is to consider objections insofar as they relate to the loss of land used for public open space purposes (i.e. public recreation), the Council has a general duty to act reasonably so should bear in mind representations which do not directly relate to loss of public open space provision.

Risk Management Implications:

As landowner the Borough Council has a duty of care for activities carried out on it.

Performance Management Follow-up:

Should the report actions be approved then Asset Management will act as client on behalf of the Council by instructing One Legal to draft the new lease documents.

Environmental Implications:

Should the disposal be approved then the land would benefit from a greatly improved layout and enhanced maintenance by the Rugby Club.

1.0 TEWKESBURY RUGBY CLUB LEASE

- 1.1** The Club has recently approached the Council to request the lease of an additional adjacent land parcel, as shown hatched on the attached Appended Plan. The land occupies 0.34 hectares of public open space bordering Despenser Road. The Rugby Club's intention is to utilise this as a rugby pitch for their Under 12 players as presently there are not enough pitch facilities to accommodate their playing needs.
- 1.2** The land is large enough to accommodate one full-size rugby pitch, running parallel with Despenser Road, between the road and the dead ball line of the Club's first team pitch. It would allow two junior games to be played at the same time within the safe confines of the Club grounds. Youth rugby games involve no kicking and offer the opportunity for young players to develop their passing, catching and handling skills.

- 1.3** The Rugby Club has advised that pedestrian access to the pitch will be either from Despenser Road or from within the site, and any additional parking created would be accommodated within the Club's main car park. These access arrangements could be controlled by the terms of the lease to avoid any local concerns during times of flooding around Gander Lane.
- 1.4** The Junior Rugby section of Tewkesbury Rugby Club has grown from 60 young players in 2008 to 250 young players who have currently registered during 2015. This figure and interest in the sport is expected to rise significantly as part of the legacy of England and Wales hosting the Rugby World Cup 2015. This growth in participation has already seen development of the Club's ladies and girl's rugby section with the provision of four teams (senior, under 18's, under 15's and under 13's). The Club has is also represented by seven players in the South West squad and one in the England development squad.
- 1.5** The Council has recently invested £70,000, as part of a wider Capital Grant Project Application, to support the provision of a new self-contained changing facility. This has allowed the Club to extend its activities and use of facilities for its own range of sports and ages groups, in addition to supporting other local community events and sports clubs. Tewkesbury Running Club which is based at the site, and football teams using the Vineyards pitch, will all benefit from this new facility. The Rugby Club, with its team of volunteers, also host and support the annual Tewkesbury Half Marathon and the newly established Tewkesbury Parkrun each Saturday.
- 1.6** The Council is currently responsible for the maintenance of this public open space and two grass cuts are carried out each year. The open space is used for outdoor recreational purposes by the local community. There have been no recently reported incidents of anti-social behaviour on this land.

2.0 OTHER OPTIONS CONSIDERED

- 2.1** The Council has considered whether the land might be suitable for future development. However the land is located within Flood Zone 2 of the Environment Agency's Flood Map for Planning (Rivers and Sea). This restricts any potential development opportunities available to the Council. By agreeing to include the additional land parcel within a lease to the Rugby Club, the Council is increasing the benefit of outdoor sporting activities to the young community.
- 2.2** Tewkesbury Rugby Club has considered if land at the Vineyards could provide a suitable alternative for their youth rugby needs. However this has raised a safeguarding issue for the Club regarding the safety of children accessing these 'off-site' facilities. If the land off Despenser Road was leased to the Club then it would allow young players to access and use the Club facilities within the safe confines of the grounds and under the guidance of two coaches.
- 2.3** Tewkesbury Rugby Club has considered retaining and continuing with the land available under the terms of the current lease. However the Club considers that this is now insufficient to meet the development needs and aspirations of its junior rugby section.

3.0 CONSULTATION

- 3.1** The land that Tewkesbury Rugby Club has requested a lease on is categorised as Public Open Space. In this respect the Council has complied with its statutory duty (under the Local Government Act 1972) by advertising its intention to dispose of land consisting or forming part of an open space in the local press on two occasions for two consecutive weeks. Tewkesbury Town Council has also received a copy of the intention notice.

3.2 There is a statutory obligation under the same Act to consider any objections received. Following the advertisement the Council has received a written letter of objection from a Despenser Road resident accompanied by 37 signatures and an email of reservations and suggestions from a Despenser Road resident. The objections can be summarised as follows:

- Financial effect on property and road.
- Damage to cars from flying balls.
- Possible unsightly fencing.
- Excessive noise on training days and match days.
- When the Vineyards entrance is flooded a volume of Club cars park on Despenser Road.
- The Club already has an accessible pitch on the Vineyards.
- The Council is trying to dispose of land to avoid the upkeep of grass cutting.
- Lack of publicity on Club's entrance gates.
- When parking occurs in residents spaces and on this land, individuals (who the objection writer believes to be Club members) have been seen urinating there.
- Consideration requested for the parking needs of the 13 Despenser Road houses facing the land e.g. painting house numbers on permanently allocated spaces or a drop down bollard system.
- Request for suitable and safe fencing which is not an eye-sore.
- Request for a meeting with residents as no notices of the proposed disposal have been displayed at the Rugby Club.

3.3 The Council's response can be summarised as follows:

- The use of the land would be for junior rugby games only which involves no ball kicking, only passing and handling skills. This would negate any concerns regarding damage to cars from flying balls.
- If, in the event it was considered that fencing would be required, the terms of the lease would stipulate that the correct planning, design and safety processes are followed.
- It should be noted that the Council does not own the existing parking spaces on Despenser Road, so has no control over their marking or the placing of bollards on them.
- As stated in this report, any additional parking created would be accommodated within the Club's main car park and access arrangements would be controlled by the terms of the lease to avoid any local concerns during times of flooding around Gander Lane.
- The use of the pitches at the Vineyards has already been considered by the Club and has raised a safeguarding issue for its young players.
- Tewkesbury Rugby Club will arrange a meeting to listen to any concerns from local residents.

4.0 RELEVANT COUNCIL POLICIES/STRATEGIES

4.1 The Tewkesbury Local Plan to 2011 Policy Number EVT5 specifies that, within areas of High Flood Risk and Low Medium Flood Risk, proposals for development must be accompanied by a Flood Risk Assessment.

5.0 RELEVANT GOVERNMENT POLICIES

5.1 As stated the land is located within Flood Zone 2. (Environment Agency's Flood Map for Planning (Rivers and Sea). The Environment Agency assesses this zone as having a one in 1000 chance of flooding each year (Medium to Low Risk).

The government's National Planning Policy Framework (NPPF) specifies that inappropriate development in areas at risk of flooding should be avoided.

6.0 RESOURCE IMPLICATIONS (Human/Property)

6.1 The lease of this land parcel will eliminate the need for Council resources to be spent on the future management and maintenance of the land.

7.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

7.1 The lease of the land to the Rugby Club will help to provide for an improved environment and facilitate more sustainable outdoor rugby playing facilities. The larger land parcel will be used to increase youth playing opportunities, supporting England's World Cup Legacy, while promoting social interaction and outdoor activity for the young people of Tewkesbury. The Council would work with the Rugby Club to support increased participation to reduce anti-social behaviour within the wider community and this would be referenced within the lease.

8.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

8.1 The Council has a statutory obligation under Section 123 of the Local Government Act 1972 to ensure that it obtains best price (value for money) for any land it sells or leases for periods of longer than seven years. A full valuation of the open market value of the additional land parcel has therefore been carried out to determine this.

9.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

9.1 None.

Background Papers: None.

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Appendices: 1. Plan - Tewkesbury Rugby Club and adjoining land parcel.