



Key Decision: No
Ward: St Nicolas

Disposal of land at The Meads for development by West Sussex County Council (WSCC)

Report by the Executive Head of Planning, Regeneration & Wellbeing

1.0 Summary

1.1 To consider whether or not to give landlord's consent to WSCC to develop 'exclusive' use of recreation space for use by Swiss Gardens Primary School on The Meads.

2.0 Background

2.1 Adur District Council is the freehold owner of The Meads. Map attached as Annex 1 to this report.

2.3 The Council has been in discussions with WSCC with regard to them developing 'exclusive' use of part of The Meads during the school's opening hours. The area in question is shown on Annex 1.

2.4 As Landowner the Council needs to consider whether or not it is willing to dispose of the land by way of a lease for 25 years to WSCC.

2.5 The land is designated as open space and, therefore, the Council has, as required by law, published Section 123 notices under the Local Government Act 1972 detailing its intention to dispose of the land in a local newspaper, on the site and at the Civic Centre, Shoreham-by-Sea.

2.6 The representations received by the Council following the publication of the notices are shown in Annex 2.

2.11 The proposed terms of the lease are set out in Annex 3.

3.0 Proposals

3.1 That the Council, as freehold owner, considers disposal of the land highlighted in Annex 1, by way of a lease. The general public will have access to this land outside of the school's opening hours.

3.2 That WSCC erect and maintain a fence approximately 48m x 30m and 90cm high, location to be agreed on site but should be as broadly set out in Annex 1.

4.0 Legal

4.1 Section 123 of the Local Government Act, 1972 provides that:

a) except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

b) the council may not dispose under (a) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their 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 consider any objections to the proposed disposal which may be made to them.

5.0 Financial implications

5.1 Granting Landlord's consent has no financial implications. There will be costs in developing and commissioning the lease.

6.0 Recommendation

6.1 That the Cabinet Member, on behalf of The Council, as freehold owner, grants landlords consent for the disposal of the land highlighted in Annex 1 by way of a lease to WSCC.

6.2 That WSCC erect and maintain a fence approximately 48m x 30m and 90cm high, location to be agreed on site but should be as broadly set out in Annex 1.

Local Government Act 1972

Background Papers:

Uses of Recreation Spaces by Local Primary Schools, 24th July 2008, Cabinet

Use of Recreation Spaces by Local Primary Schools, 11 March 2008, Community & Leisure Services Committee

Contact Officer:

Mr J Appleton, Executive Head of Planning, Regeneration & Wellbeing, Portland House, 1st Floor - 01903 221333 – james.appleton@worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 Improving partnership working, making more effective use of the Council's assets.

2.0 Specific Action Plans

2.1 Community Strategy Action Plans relating to the improvement in educational standards across the district. The Age of Transfer process aids this.

3.0 Sustainability Issues

3.1 Access/loss of open space is a consideration and should be borne in mind. However, it is proposed that the designation of the land will remain as recreation space.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 The development of enhanced educational facilities with the support of the Council will enhance the Council's reputation, but equally an inappropriate disposal of open space would damage the Council's reputation.

8.0 Consultations

8.1 Statutory consultation with the public, by means of publishing the intention to dispose of the land is referred to within the body of the report.

9.0 Risk assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

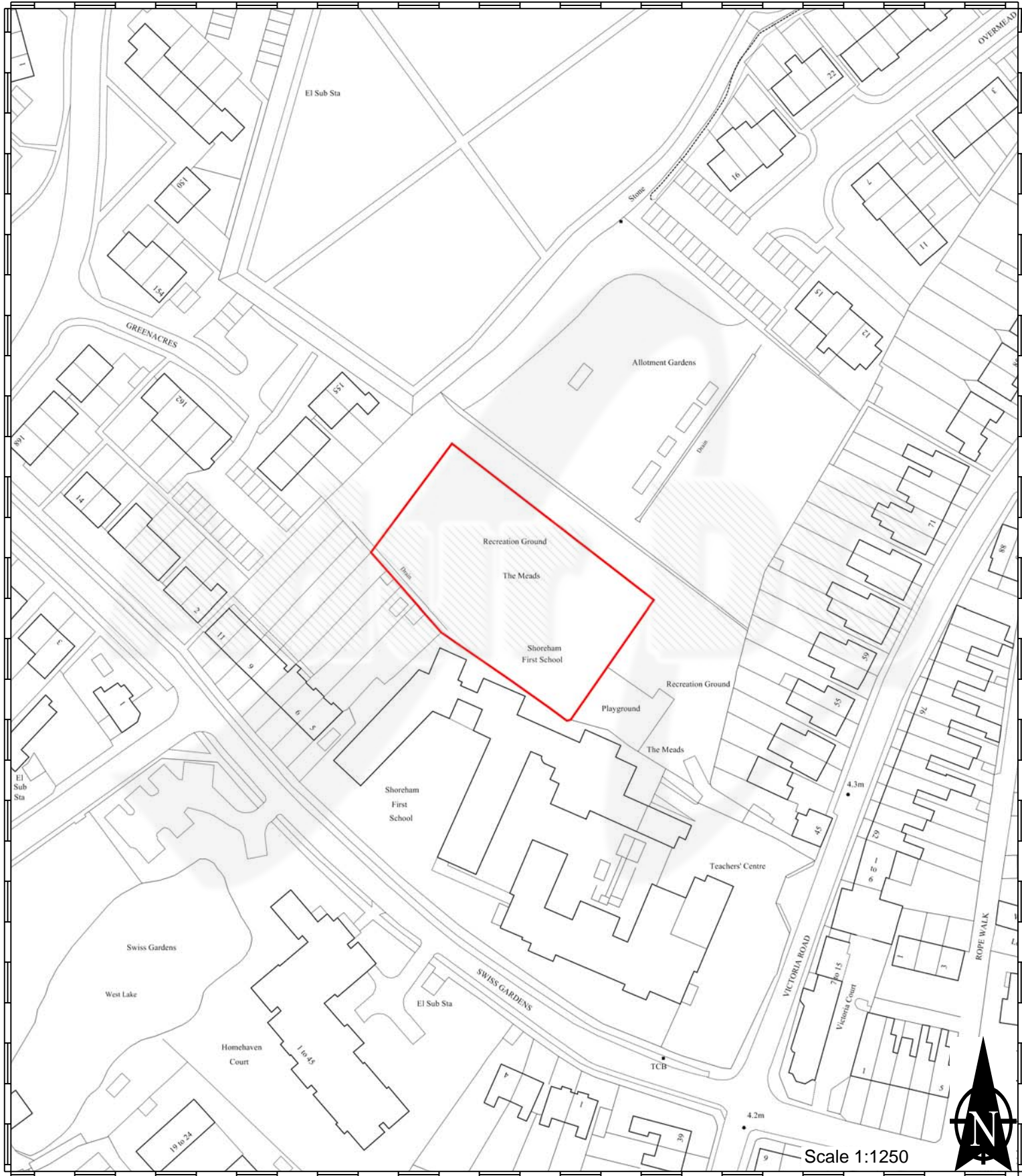
10.1 Use of the site for the proposed activity will be the responsibility of WSCC.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

- 12.1 The report is in respect of the Council's working with WSCC for the development of improved educational facilities within the District.



Drawn by
ESTATES

Drawing No.
EV / 1870

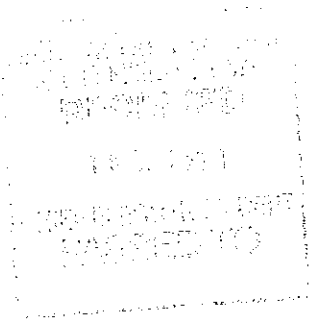
Date
16/03/2009

ADUR DISTRICT COUNCIL

THE MEADS
SWISS GARDENS PRIMARY SCHOOL

C. HARRISON
Executive Head of Technical Services

CIVIC CENTRE
HAM ROAD
SHOREHAM-BY-SEA
BN43 6PR



57 Victoria Road
Shoreham-by-Sea
West Sussex
BN435WR
16th December 2008

Jeremy Cook
Executive Head of Legal and Democratic Services
Civic Centre
Ham Road
Shoreham-by-Sea
BN43 6PR

Dear Mr Cook,

We are writing as concerned residents of Victoria Road with regard the proposed fencing off of areas of The Meads for use by the local Swiss Gardens school.

If the school is to insist on taking over and fencing off some of this valuable community resource, could the council at least rebuild the playground in The Meads that they demolished last year?

The local children used to love playing on it and it was a great resource for local families, which has been sorely missed.

This would in some way make up for our beautiful field being sliced up and restricted.

Many thanks for your consideration.

Yours sincerely,

Kirsten and Tim Wild

Angharad Hughes

From: Suzanne Williams
Sent: 18 November 2008 11:23
To: 'HMS@ccb.ac.uk'
Cc: Angharad Hughes
Subject: FW: Please forward to Suzanne Williams, Surveyors

Mrs Shaw

Thank you for your email regarding the disposal of the land at The Meads

I can answer your questions as follows;

- 1) The existing access to The Meads from the various gardens will remain.
- 2) The Educational Purposes referred to in the notice will primarily be sport. Your assumption for the provision of open space for the children is correct. The intention is to create a fenced marked football pitch for use during school hours and clubs only.
- 3) The disposed land will be fenced with a fence of approximately 1 meter high, although the area will remain open to the public outside of school hours.
- 4) There will be no interference with the drainage pipes feeding into the gully.

I hope this answers your queries please do not hesitate to contact me if you require any further information

Regards

Suzanne

Suzanne Williams
Estates Surveyor
Adur District Council

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suzanne.williams@adur.gov.uk

Technical services / Estates

Room 242 Civic Centre, Ham Road Shoreham-by-Sea BN43 6PR You can visit Adur DC's website at : <http://www.adur.gov.uk>

Please consider the environment, only print out this e-mail if absolutely necessary.
-----Original Message-----

From: HelpPoint
Sent: 18 November 2008 09:49
To: Suzanne Williams
Subject: FW: Please forward to Suzanne Williams, Surveyors

Please can you reply to this customer on HMS@ccb.ac.uk Thank you Adur Help Point

-----Original Message-----
From: HEATHER SHAW [mailto:HMS@ccb.ac.uk]
Sent: 18 November 2008 09:23
To: HelpPoint
Subject: Please forward to Suzanne Williams, Surveyors

Disposal of Land at The Meads

Hi Suzanne. Your name has been given to us by the Help Point as someone who might be able to provide more information regarding Disposal of Land at The Meads.

On visiting the Help Point yesterday there was insufficient information available to enable us to make an informed judgement as to whether we would want to object to this disposal. As residents of Swiss Gardens with direct access into The Meads from the back of our property we would like to know the following:-

1. Will there still be access available from the gardens of the residents backing on to The Meads?
2. What are the 'educational purposes' that the Notices refer to? We are assuming it is to provide open space for the children of Swiss Gardens Primary School to use?
3. Will there be fencing around the disposed area and if so, how high would it be?
4. Will the somewhat delicate drainage pipes be interfered with in any way (we refer to the ones feeding into the gully from The Meads and from the back gardens - this area is already subject to flooding)?

Many thanks in advance for any information you are able to give us.

Mr & Mrs Shaw
9 Swiss Gardens
Shoreham-by-Sea
BN43 5WH

Heather Shaw
Adult & Community Learning Manager
City College Brighton and Hove
Connaught Centre
Connaught Road
Hove BN3 3WB
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Fax. 01273 224533



Head of Division
Jeremy Cook

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Suzanne.williams@adur.gov.uk
DX 59765, Shoreham-by-Sea

Civic Centre
Ham Road
Shoreham-by-Sea
West Sussex BN43 6PR

Jacqui Cook

Contact: S Williams
Our ref: 1871/SVW
Your ref: March 2009
Date:

Land Adjacent to Shoreham First School (The Meads)

Please find below the heads of terms for the proposed lease date yet to be confirmed

Full Property Address: Lease for the use of land adjacent to Shoreham first School (The Meads)

Property Reference:	1870
Proposed Lessee:	West Sussex County Council
Lessee's Solicitors:	to be confirmed
Cabinet decision:	Awaiting decision
Term:	25 years from date yet to be confirmed
Rent:	peppercorn
Rent Reviews:	Not applicable
Repairing Obligations:	Full repairing and specifically to maintain the fenced area of land to the same standard as the remaining area of the Meads including being solely responsible for the security, safety and maintenance of any sports or other appropriate equipment placed on the site for the purposes of the defined use.
Alienation:	None, the land will be available for public use when not required by the school. The school's additional responsibility will include: The exclusion of persons and dogs as necessary. The removal of any Litter, dog excrement or obstructions.

The movement, erection, installation and use of any equipment used to support the defined use.

The opening of the area to the general public at the end of the periods of exclusive use as defined in this licence.

The removal from the site of any equipment placed by the school to support the defined use, unless permanent fixtures have been specifically agreed by the executive Head of Leisure and Cultural Services, provided as appropriate / required.

Not to restrict public access at any time other than that covered by this agreement.

Rates:	Payable by the Tenant.
Insurance:	Council to insure the land tenant to reimburse the premiums. Lessee to maintain public liability insurance with cover of not less than £10,000,000
Break provisions:	None.
Permitted Use:	School playing fields during the hours 9:00 to 16:30 term time only (approximately 38 weeks) reverting to public use after this time, during weekends and school holidays
Statutory Protection:	None to exclude from the Landlord and Tenant Act
Building Works:	To erect a fence approx 50mx 32m and 90cms fence the land and cut the pitch at no cost to Adur District Council to reimburse ADC any additional costs of maintenance due to fence
Legal Fees:	£100 + VAT to be paid by the Tenant.
Timing:	To be confirmed.
Attachments:	A plan showing the demise.