

Agenda Item: 10

Report to: Full Council

Date: Wednesday 28th April 2021

Subject: Sports Park Lease.

Summary: To note change in Sports Park Lease to include the planning obligation of the youth recreational facility.

Recommendation

- 1. To note change in Sports Park Lease to include the planning obligation of the youth recreational facility.**
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1. Background

- 1.1 The following email has been received from Liberty Property Trust:-

"Further to our call yesterday I wanted to give you background to the insertion of the new clause 7.4 in the New KHSP lease and to reassure you and the Parish Council on the background of this change and that it does not change the process set out in clauses 8-12 of both the existing and new Sports Park lease for the proposal of new facilities by RKRL to KHPC.

The change is intended to be a clarification for all parties as to what is a new facility and is driven as a consequence to the proposed subletting to TM Active .

As you know the Phase 3 planning consent includes a planning condition that LPTUK via its subsidiary company RKRL (the Landlord of KHSP) provides the following sport and recreational facilities:

10. Schemes for the following shall be submitted for the approval of the Local Planning Authority and implemented broadly in accordance with the timetable approved pursuant to condition 5:

- parks and gardens
- amenity green space
- outdoor sports facilities (which may include trim trail, pitches and courts)
- children's and young persons' play areas
- natural green spaces
- a youth outdoor recreational facility (such as a skate park or similar)
- new allotments

For the purposes of this condition, each scheme shall, where necessary:

- be in broad accordance with the Open Space Schedule (ref OS.V9) as amended by email received 26.08.15 hereby approved
- detail the extent, type and location of the facilities to be provided,
- detail the associated changing rooms, additional/extended pavilion facilities and parking in relation to the outdoor sports pitches/courts (unless these can be demonstrated to be unnecessary)
- ensure the provision of the necessary land and physical facilities and in relation to the allotments shall include appropriate grading, roadways, fencing and water supply
- detail the arrangements for the transfer or management
- detail arrangements for long term maintenance and inspection such that they are available to the public.

Each facility shall be fully implemented in accordance with the relevant approved scheme, plans and timetable.

The youth outdoor recreational facility shall be subject to community consultation.

The extent, type, location and function of outdoor sports facilities and allotments, associated changing rooms, additional/extended pavilion facilities and parking shall be subject to consultation with the community and Kings Hill Parish Council (or an alternative intended operator(s) to be approved by the Local Planning Authority).

Reason: No such details have been approved in full and to ensure the availability of public open space, sports and play areas for the recreational needs of the occupiers of the dwellings.

It is envisaged by RKRL that the Phase 3 planning condition facilities are to be provided within the proposed demised KHSP leased area. This includes the youth outdoor recreational facility.

With the KHPC proposed subletting to TM Active, RKRL needs to have certainty that it can construct and provide the new facilities at KHSP as set out in the planning conditions of the Phase 3 planning consent, including the youth outdoor recreational facility. This is so that Liberty is in compliance with all its Phase 3 planning obligations.

We wish to ensure that all parties are clear that the term new facilities in the Sports Park lease includes a youth outdoor recreational facility, so the new clause 7.4 has been added in the new Sports Park lease so that all parties, including TM Active via the sublease, are clear that the youth outdoor recreational facility is a new facility and therefore shall be treated the same as any other new facility proposed at the Sports Park by RKRL and the process set out in clauses 8-12 shall apply to the youth outdoor recreational facility.

Once the form of the youth outdoor recreational facility has been finalised and planning consent obtained, RKRL may propose the youth outdoor recreational facility to KHPC as per the process set out in clauses 8 -12 of the new and existing lease. This is the same process that RKRL and KHPC recently worked through when the new rugby, tennis, pavilion extension and parking facilities were proposed to KHPC and subsequently accepted.

KHPC will have the option to accept or refuse a new facility as set out in clauses 8-12 of the new proposed lease (same as the existing lease).

I understand that the KHPC has agree to the concept of a skate park at KHSP as a youth outdoor recreational facility. Please could you send Derek and me the minutes of this decision so we can separately add the delivery of facility at the Sports Park to our development work stream and commence the preparation for the submission of planning?

Please do not hesitate to contact me if there are any questions on the above."

Decision Required:

To note change in Sports Park Lease to include the planning obligation of the youth recreational facility.

Contact Officer: Georgina Jackson, Deputy Clerk
Date: 21st April 2021