

<b>Committee(s):</b> Policy Resources and Economic Development	<b>Date:</b> 12 <sup>th</sup> February 2020
<b>Subject:</b> Fields in Trust	<b>Wards Affected:</b> All
<b>Report of:</b> Kim Anderson, Partnership, Leisure and Funding Manager	<b>Public</b>
<b>Report Author/s:</b> Name: Kim Anderson, Partnership, Leisure and Funding Manager Telephone: 01277 312500 E-mail: kim.anderson@brentwood.gov.uk	<b>For Decision</b>

### Summary

On 30<sup>th</sup> January 2020 Planning & Licensing Committee Members approved the planning application for the proposed development of new facilities in King George's Playing Fields.

King George's Playing Fields has a deed of dedication which was agreed on 2nd November 1951 with Fields in Trust. Within the new development proposals, the new pavilion footprint is larger than the existing pavilion. It is proposed to remove the footprint of the new pavilion building from the demise of the existing deed of dedication with Fields in Trust and to allocate this space within another open space in the Borough.

### Recommendation(s)

**Members are asked to: -**

- R1. Approve the removal of the footprint of the proposed pavilion (Indicated on Appendix A), within King Georges Playing Fields (KGPF), from the current deed of dedication (Appendix B);**
- R2. Approve to allocate Warley Playing Fields as indicated on the site plan (Appendix C) as a new Fields in Trust site within the borough to offset the removal of space at KGPF and to delegate to the Director of Environment, in consultation with the Director of Legal and Governance and the Chair of Policy, Resources and Economic Development, to negotiate and finalise all agreements with Fields in Trust to remove the deed of dedication at KGPF and to make all arrangements to gain a deed of dedication on the Warley Playing Fields.**

## Main Report

### Introduction and Background

1. In 1951 a Deed of Dedication was agreed between the Trustees of King George's Playing Fields Foundation (now Fields in Trust) and The Council for the Urban District of Brentwood (now Brentwood Borough Council) as a public playing field to be preserved in perpetuity as a Memorial to King George V under the style of King George's Field. The site plan for the current Deed of Dedication is attached in **Appendix B**.
2. At the 12<sup>th</sup> March 2018 Policy, Projects and Resources Committee the budget was agreed, and delegated authority was given to the Chief Executive in consultation with the Chair of Community Health and Housing Committee and the Leader of the Council to appoint a Leisure Development Partner to develop a sustainable business plan for the improvements to King George's Playing Fields. Alliance Leisure Services (ALS) were appointed through the UK Leisure Framework.
3. At the 27<sup>th</sup> February 2019 Ordinary Council (min.ref.339) Members agreed for the inclusion of £7m for the development of King George's Playing Fields within the Capital Programme.
4. At the 30 July 2019 Extraordinary Council (min.ref. 153) Members approved the Business Case for the proposed development of new facilities in King George's Playing Fields and Members approved the drawdown of finance to deliver the project.
5. The Council submitted a planning application in September 2019 and on 30<sup>th</sup> January 2020 at Brentwood Borough Councils, Planning & Licencing Committee, Members approved the planning application.
6. Further to consultation with Fields in Trust in November/December 2019 regarding the planned proposals for the site it was agreed that Brentwood Borough Council would submit a Heads of Terms form and a Change Application form to Fields in Trust for them to consider the King George's Playing Fields proposals and to also look at options that were available to the Council. These forms were submitted in January 2020.

7. As set out in the Fields of Trust guidance, any consent granted by Fields in Trust is conditional upon the Council obtaining the necessary planning permission through the Local Planning Authority.
8. Following the planning approval of 30<sup>th</sup> January 2020, officers contacted Fields in Trust regarding the Deed of Dedication and the Change application form to determine the next steps and to understand any relevant timescales. Officers have been informed that the Fields in Trusts next Committee is due to meet on 25<sup>th</sup> February 2020 and will consider the change application form in relation to King George's Playing Fields now that planning has been granted.
9. To enable Fields in Trust to fully consider the council's position the Policy Resources and Economic Development Committee are asked to approve the removal of the new pavilion footprint from the current Deed of Dedication in King George's Playing Fields and that this area is then re-allocated within another site within the borough, Warley Playing Fields.
10. Fields in Trust have advised that the removal of the pavilion footprint will assist in the longer term operational management of the site in respect of ongoing lease arrangements and the requirement to come back to Fields in Trust each time in respect of a change of lease.
11. Officers are proposing Warley Playing Fields as the preferred site as it is located close to King George's Playing Fields, it already provides football and rugby pitches, and the Council has recently invested in the new play area and outdoor gym on that site. The proposed area of dedication for Warley Playing Fields is set out in **Appendix C**.

### **Issue, Options and Analysis of Options**

12. The Fields in Trust guidance sets out that *"Any consent granted by Fields in Trust is conditional upon you obtaining the necessary planning permission through the Local Planning Authority. It is possible to apply for planning permission before contact Fields in Trust, or after obtaining our consent, or for both applications to run concurrently. In certain cases, we may ask you to obtain planning permission before we assess your proposal. We would also like to know about the outcomes of any consultation you have undertaken about your proposal. Even if there have been objections it will not necessarily mean we will withhold our consent."*

13. After discussion with Fields in Trust, it was decided to run both the planning application and the Fields in Trust application concurrently and the Heads of terms and the Change Application were submitted to Fields in Trust in January 2020.
14. If the Council were to grant a lease on a site with a Deed of Dedication then Fields in Trust will require a copy of Heads of Terms of lease or draft lease which would include who would be responsible for the costs, insurance, maintenance and access. When granting a lease, they advise consideration to alternative solutions which might be most effective, such as a license, management agreement or letting.
15. In England and Wales, the security of tenure in the Landlord and Tenant Act 1954 means the leaseholder has the right to seek a new tenancy when the current one ends. However where land is for community-use it is not always appropriate for the method of management to stay the same, therefore Fields in Trust recommend that all leases have no provision for automatic renewal and the lease is contracted out of the security of tenure provisions.
16. In respect of any new lease arrangements Fields in Trust have advised that an option would be to remove the whole demise of the new pavilion building to save coming back to Fields in Trust with every change of lease arrangement going forward.
17. To offset the removal of the demise of the footprint of the new pavilion building in King George's Playing Fields, then replacement land would be expected to be put forward to Fields in Trust. **Appendix A** sets out the proposed area that will be removed from the existing Deed of Dedication.
18. The Council would need to enter into a new Deed of Dedication with Fields in Trust for re-allocation of the demise in an alternative site. It is proposed that Warley Playing Fields is considered. The rationale is set out in paragraph 11. of this report.

19. The total footprint of the existing pavilion building is 951sqm and the proposed new pavilion building will be 1598sqm, which is an increase of 647sqm and 0.28% 'loss' of space on the overall site. The approximate sqm of the proposed Deed of Dedication in Warley Playing Fields is 23982sqm.

### **Reasons for Recommendation**

20. The negotiation for the removal of the Deed of Dedication for the new pavilion will assist in the development of the facilities and will also enable the future management of the building in respect of any relevant lease arrangements, following on from planning approval on 30 January 2020.
21. Comments from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan.
22. The KGPF improvements support all six workstreams of the Leisure Strategy Built Facilities, Play Areas, Sport. Open Spaces, Health and Wellbeing and Governance Arrangements.
23. Any delay in the decision-making process may impact on build timelines for the project and therefore impact on the build costs and as a result the financial allocation for the project.

### **References to Corporate Strategy**

24. The Leisure Strategy sits under the Developing our Communities strand of the Council's Brentwood 2025 – Corporate Strategy for the next 5 years. To enhance and develop new sustainable leisure facilities. There are also strong links for the priorities of the Council's Health and Wellbeing Strategy, the Local Development Plan, Active Brentwood/Essex and the Council's Asset Management Strategy.

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**

**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

25. The financial implications for the Change application to the current Deed of Dedication with Fields and Trust and the proposed new Deed of Dedication for Warley Playing Fields as set out in Appendix C is estimated at around £900.

### **Legal Implications**

**Name & Title: Steve Summers, Chief Operating Officer and Interim Monitoring Officer**

**Tel & Email: 01277 312500/steve.summers@brentwood.gov.uk**

26. Any proposed amendment to the current Deed of Dedication of King George's Playing and Fields and any proposed Deed of Dedication for Warley Playing Fields will be reviewed as part of the council's legal process.
27. The recommendations set out within this report are within the Council's powers and duties. The Council has power under s1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to public law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, s111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

### **Economic Implications**

**Name/Title: Phil Drane, Director of Strategic Planning**

**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

28. The proposed development at King George's Playing Fields will provide new improved facilities that will meet the future demand for residents. There is significant economic value to sport and leisure either through direct employment, volunteering and general improvement to the health of our residents using these proposed enhanced facilities.
29. There are no direct economic implications in relation to the Fields in Trust Deed of Dedication.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

31. None

### **Background Papers**

32. Fields in Trust Change request Guidance

### **Appendices to this report**

Appendix A – Proposed alteration to the Deed of Dedication for King George's Playing Fields

Appendix B – Site plan of the current Deed of Dedication for King George's Playing Fields

Appendix C – Proposed site plan for the Deed of Dedication for Warley Playing Fields