

Property Sub-Committee – 01st September 2021

Recommendations by Mark Deaville - Cabinet Member for Commercial Matters

Site: Land at Shobnall Road, Burton upon Trent

Location/Electoral Division: East Staffs Burton Town – Arshad Ahsan Afsar

Proposed Transaction

Enter lease arrangement with Equal Support Opportunities (ESO) of land at Shobnall Road.

Recommendations

That the County Council enters a long-term lease (99 Years) with Equal Support Opportunities (ESO) of land at Shobnall Road. Lease to include the option for ESO to develop funding and development for a Community Hub on the land, subject to relevant planning and consent to do so, but in the interim to manage the land for community services and purpose. Any and all actions required to implement this decision to be delegated to the Assistant Director for Commercial and Assets.

Decision Level/Authority/Officer Delegation Scheme number

Sub-Committee

Details

1.Current Use and Lessee:

Currently leased to Shobnall Parish Council as public open space, but subject to early termination as previously agreed by Property Committee.

2.Proposed Use:

Community garden and space with specific delivery for young people 16+ and families who live with disabilities, learning difficulties and mental health issues. Future aspiration for a community building to widen services on site.

3.Proposed Lessee:

Equal Support Opportunities (ESO)

4.Estimated Rental Income:

N.A.

5. Proposed transaction: Long term lease of land.

6. Implications of transaction for County Council (Risks)

(a) Strategic:

To be healthier and more independent. Feel safer, happier and more supported in the community.

(b) Financial:

Ground maintenance of site is anticipated to be circa £1500 per annum should the County Council retain control.
No other financial risk to County Council.

ESO may not be able to secure sufficient funds to proceed with the community building project without a formal commitment from the County Council that the land is available for the project long term.

(c) Operational:

Minor in terms of an additional site to manage should decision be made not to lease land.

Reputational risk to the authority should the land fall into disrepair or vandalism/anti-social behaviour.

(d) Legal:

Long term lease of the land, but this would be subject to specific delivery and outcomes with option to break for both parties should the proposal prove unviable.

ESO may not be able to secure planning/highway access to permit the development as intended, which would potentially prevent project from progressing to building stage. This would not prevent community use and access being managed by ESO.

7. Background Information:

The land asset was originally acquired as part of the highway improvement. The area of land is approximately 4,915 sq.m and sits below the elevated road – see attached Location Plan 1 - outlined red.

Terms were agreed with Shobnall Parish Council for a 15-year lease commencing on the 14th September 2009 at £1 per annum with a permitted use as a play area for children.

Subsequently an early surrender has been agreed by Property Committee to allow the Parish Council to relinquish management of the land back to the County Council.

Liability for the land asset will return to the County Council, once completed, and currently there is no purpose for this land aside from open space and to continue maintenance and management of the grounds for the foreseeable future.

Discussion

Equal Support Opportunities (ESO) was formed in January 2016 and they are a community interest Company. They are committed to supporting young people 16 years of age and upwards and their families, who are living with disabilities, learning difficulties and mental health issues; enabling them to have the same opportunities and experiences as other young people without disabilities, learning difficulties and mental health issues.

ESO provides daytime and evening care, recreational activities, training and social support services. They currently work with 35+ vulnerable young people, who have been referred to their services by the local specialist school, parents and from the voluntary sector.

ESO engaged with the County Council following the County Council agreeing to the early surrender of a lease to the Parish Council.

ESO have aspirations to deliver community services at this location and develop the space further by building a purpose-built community hub for the delivery of care, support, Education and recreational events. The new premises will provide a safe environment where they will be respected, meet like-minded peers and have access to coaches and mentors providing role models who will be intrinsic to the self-esteem (see Design Visual).

The new community hub will help to provide activities including 'Arts & Crafts' and games such as computer and board games. It will also help to provide co-workers who will provide support for the young people to develop their confidence and one to one session with trained counsellors and coaches.

The new community hub will help to support young people to play an active role within the community by helping them to organise and take part in fund-raising events and community activities. The community hub will open up opportunities to voluntary work, which allows the young person to connect with the wider community enabling them to expand their life choices and provide many other benefits to both their mental and physical well-being.

ESO intend the Community Hub to:

- Deliver an independence program based around physical, intelligence, emotional and social development. Which involves travel training; basic cookery skills; budgeting; personal hygiene support and responding to a crisis; building resilience.

- Deliver one to one and/ or group mentoring with a view to reduce the support that the young people receive as they develop and show signs of improved confidence, self-esteem and a positive self-concept.
- Provide an open space area where the client group can learn about the outdoors; do light exercise and build camps.
- Outdoor gardening, growing of vegetables to cook in the kitchen and sell in the bistro.
- Offer counselling to clients and their family members who are living with mental illness.
- Collaborate with other voluntary and statutory organizations to ensure clients and their families are accessing their full entitlement to benefits.
- Recruit and train a number of volunteers to support delivery of our services.

ESO are asking for a commitment from the County Council to provide the land at nil consideration on a long-term lease agreement to facilitate wider conversations and obtain financial funding which they are currently struggling to secure without a formal agreement between parties.

Whilst they develop the community building project, applications, and funding, they fully intend to manage the land and use it for community purposes and if subsequently it is deemed that viability for the building is not possible, they still wish to use the land for local community purposes and specifically to promote the goals of their own organisation and wider community, which align with the County Council own strategic goals.

Alternative Options for Site:

As the land is classified as open space and requires access and location to the adjacent highway bridge, this severely restricts any potential future use other than open space.

Options to consider:

- Decline request and County Council promotes and manages as local green space, open space or community forest / Carbon offsetting
- Enter an agreement to a freehold transfer of the land to ESO, subject to restrictions on use and necessary planning and local consent/funding being obtained.
- Enter an agreement to a long lease of the land to ESO for community use and management with the option to develop the Community Building development - subject to all necessary approval and assurances being obtained.

Recommended option is to agree to a long lease of the land to ESO.

(a) Reasons for recommended option:

A long lease of the land would enable ESO to engage further with potential funding streams and progress local design and planning for the Community Building, but in the interim manage and use the land for community purposes. Due to the potential constraints on the land, any development would take time and does not come without risk to both parties therefore freehold transfer, at this current time, would not be considered a recommended option for ESO.

A right of access would be retained in favour of the County Council in order to be able to continue to maintain the adjacent highway structures.

Whilst the County Council could retain control of the land and manage accordingly as open space, ESO intend to improve and widen services to community facilities and gardens and take control of managing the asset for the foreseeable future.

(b) Rationale for acceptance of lower offer:

NA

(c) Relevance of section 123 of the Local Government Act 1972/General disposal Consent Order 2003:

This is potentially an undervalue transaction. A lease that has break points is potential not a disposal under the Act. In its undeveloped state, as currently, there is no significant value to the council and the undeveloped use removes maintenance costs from the council.

Gaining planning consent will be complex and if possible, likely only on a not traditional commercial basis. The council is being asked to agree in principle to a long lease for a development. The lease could be conditional on use relating to delivery of services for people with disabilities and local community uses.

(d) Resource/VFM Analysis:

The County Council will incur maintenance expenses on managing this site in the future with no added value other than open space. ESO will manage the asset and widen community use.

8.Community Impact:

The play park facilities have already been removed, so there is no loss of amenity currently proposed, and ultimately community activities will be improved on site and widened by gardens and, if successful, a community hub building.

9.Comment by Local Member

To be reported to committee

10. Comments by SLT Members

11. Proposal supported by Assistant Director for Commercial and Assets

Signed



Date 17/8/21

12. Officer advising on this transaction:

Signed: Lee Wells

Date: 17/08/2021

Background Documents:

Please list here any previous reports to Members relevant to this transaction/site:

2nd June 2021 – Land at Shobnall Road – Property Sub-Committee Agenda Item 5
Plan 1 – site location plan
Design Visual - Indicative design of Community Building