



Report No: **73/2011** Public agenda item: **Yes**

Title: **Land at Brokenbury Quarry, Churston – Proposed Sports Fields/Community Recreation Project**

Wards Affected: **All Wards in Torbay**

To: **Cabinet** On: **22 March 2011**

Key Decision: **Yes – Ref. X4/2011**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

- 1.1 To allocate Council owned land and resources to help deliver the aspirations and outcomes contained in the Community Plan and other approved Council strategies and policies.
- 1.2 To improve access to community sports facilities and thereby create a healthier, more active society in Torbay.
- 1.3 To take into account limited land availability and environmental considerations.
- 1.4 To balance policy requirements with the wishes of the local community, the wider communities and public opinion.

2. Recommendation(s) for decision

- 2.1 **That the request from Torbay Sports Council for a long lease (up to 40 years) at a nominal rent, which will enable external funding opportunities to be pursued from one or more national governing bodies (as set out at Appendix 2), be approved. The lease shall be for outdoor pitches and ancillary club house/changing room accommodation only, unless agreement is reached with the local Community Partnership to incorporate other community based uses and facilities.**
- 2.2 **That it be noted that the Torbay Sports Council, Torbay Council and Torbay Development Agency (TDA) officers are engaged in discussions with special interest groups and Community Partnership representatives to see whether additional community facilities can be incorporated into the**

proposal. If this results in agreement between the parties it is recommended that the proposed lease should reflect such agreement.

2.3 That, if funding conditions allow and there is mutual agreement between Torbay Sports Council and the Community Partnership, the Chief Executive of the TDA, be authorised to agree that the land should be leased to a properly constituted sports and community based organisation, rather than one group in particular.

2.4 That the Chief Executive of the TDA, in consultation with the Executive Head of Residents and Visitor Services and Head of Legal Services be authorised to conclude the lease subject to:

- a) confirmation from the Facilities and Operations Manager that the proposed use adequately meets the needs of the Sports Pitch Strategy;**
- b) confirmation that the final proposal is commercially viable and adequately funded in terms of delivery;**
- c) the governance arrangements regarding the tenancy agreement being transparent and robust;**
- d) the Facilities and Operations Manager accepting the inclusion of any community based recreation areas;**
- e) the Head of Legal Services' satisfaction that the Community Partnership and Torbay Sports Council negotiations have been conducted and concluded to an acceptable standard; and**
- f) that no development shall commence, nor leases come into effect, until all necessary approvals (including planning permission) are obtained.**

3. Key points and reasons for recommendations

3.1 The approved Local Plan, which was subject to full public consultation, identifies the allocation of these fields for sports pitch use and makes reference to future buildings being ancillary to the sports pitch use. The Torbay Sports Council proposal is attached at Appendix 2. The lease proposed would enable, subject to planning approval, the outdoor sports pitches and ancillary changing room accommodation to proceed.

3.2 The Sports Pitch Strategy / 'Pengelly Report' states the need for additional sports pitches, which will benefit not only the immediate community but wider communities as well.

3.3 An alternative proposal, the Rural Community Recreation Project (RCRP) is attached at Appendix 1. The RCRP business case offers no alternative for the pitch proposals identified in the Local Plan or Sports Pitch Strategy. These proposals would also require planning consent - see the planning report attached at Appendix 3.

- 3.4 The Facilities and Operations Manager (Residents and Visitor Services) advises that the playing pitch facilities proposed by the Sports Council in this report are needed and that other solutions are unlikely to be forthcoming.
- 3.5 The business case that is provided for the Brokenbury Sports Hub (appendix 2) relates to a mix of uses which includes elements that are for indoor sports (archery/rifle). As this report recommends the external sports provision only, the business case submitted will need to be amended to reflect the proposed permitted use. The consultation responses provided by both stakeholder groups also relates to the larger multi sports hub concept (that still includes some indoor sports facilities).
- 3.6 The quality of the Community Partnership organised consultation and the extent of the participation was excellent with over 600 people attending the various events. The level of response provided however was relatively low with approximately 175 responses. Details of the responses are provided in Appendix 4. The author of this report notes that the Community Partnership's consultation showed that a clear majority of the local residents who responded were opposed to the sports proposals and that respondents would generally prefer to see the land used for either the community recreation proposal or would wish to see the land retained for farming.
- 3.7 It is noted that a majority of those not living in the immediate vicinity of Brokenbury who responded to the Community Partnership's consultation supported the sports proposals.
- 3.8 Torbay Sports Council has provided separate feedback evidence which suggests strong support for the proposed sports facilities. The business case is supported by an initial petition signed by circa 650 people (further sheets with more signature are apparently to follow). Sports users have also provided copies of 106 letters of support (copies of these are available in the Members Room).
- 3.9 It is expected that further compromises can be reached between the Community Partnership and Torbay Sports Council. These will need to balance the needs of sports users with the wishes of the local community. Recent progress is encouraging but it is felt prudent to agree the principle of playing pitch use now.
- 3.10 In the event that agreement cannot be reached between Torbay Sports Council and the Community Partnership it is recommended that approved policy considerations should take precedence.

For more detailed information on this proposal please refer to the supporting information attached.

**Steve Parrock
Chief Executive of the Torbay Development Agency**

**Patrick Carney
Joint Acting Head of Residents and Visitor Services**

Supporting information to Report 73/2011

A1. Introduction and history

A1.1 The proposal for sports development at Bridge Road Brokenbury is included in the Council's Torbay Sports Facilities Strategy and the Council's Sports Pitches Strategy:

"The Council immediately pursue outline proposals for a hub development at Churston to accommodate football (including the development of a 3G pitch)"

Page 10 Torbay Sports Facilities Strategy. Approved at Full Council in September 2009.

A1.2 The adopted Torbay Local Plan (1995 – 2011) at R3 (3)

"R3 New playing fields New playing fields and related facilities are proposed in the following locations:-

..... (3) Bridge Road, Churston

8.39 The proposal for playing fields at Bridge Road, Churston, will include changing facilities and a car park. It is envisaged that they will serve Brixham, Churston, Galampton and Paignton and overflow games from Torquay. Implementation is not expected in the early part of the Plan period, unless private funding or grant aid is forthcoming. Careful consideration of Cirl Bunting habitat will be required at this location (**Policy NC5** refers)."

A1.3 The scheme initially proposed by the Torbay Sports Council was a complex of indoor and outdoor sports facilities. This scheme was presented to the Community Partnership at a public meeting in 2010. It was suggested at that presentation that the scheme had Torbay Council backing and that a lease had been granted, neither of which was correct.

A1.4 In response to public criticism and officer comment, the Torbay Sports Council has modified its scheme and a revised scheme has been prepared. This revised scheme is included at Appendix 5. The revised scheme still retains some indoor sports facilities that might be better located elsewhere and other aspects that might be more sympathetically approached. The Sports Council has been encouraged to consider these suggestions.

A1.5 A group of concerned local residents has prepared an alternative scheme for the land that proposes a 'Rural Community Recreation Project'. See Appendix 1.

A1.6 The alternative compromise solution that has been proposed and suggested to the Community Partnership would potentially:

- Provide predominantly for grass pitches to be formed on the land with associated changing and club house facilities as necessary.
- Provide a community play park /picnic area.
- Incorporate community allotments (circa 2 acres) as a part of the scheme. This could support a community food initiative in conjunction with the adjacent farm shop.
- That parking would ideally be provided off site and vehicular access (except

for disabled user, service and emergency) would come from the Brixham Road (subject to agreeing any necessary rights of access).

- An alternative location in the local area is being discussed with the Community Partnership and the residents associations for the 3G pitch.

A2. Risk assessment of preferred and other options

A2.1 Outline of significant key risks RCRP

A2.1.1 The RCRP would require planning permission for a change of use. The risk exists that planning permission may be refused (see planning report at Appendix 3). No lease that is granted should be allowed to go unconditional until a detailed planning consent is granted and associated agreements are concluded.

A2.1.2 The RCRP, if approved, would remove one of the two major future sports hub allocations in Torbay's Local Plan. Removal of this allocation will detrimentally effect future sports pitch provision. The RCRP business case does not address the cost and policy risk to Torbay Council of this. To mitigate this risk it is proposed that the Facilities and Operations Manager for Residents and Visitors Services should confirm that the recommended scheme adequately meets the needs (or provides an alternative solution for) the Sports Pitch Strategy before any lease is granted.

A2.1.3 Revenue and Capital funding for both proposals needs to be confirmed. The Chief Executive of the TDA and the Portfolio Holder for Residents and Visitor Services will ensure a satisfactory business plan is received for the preferred option before any conditional lease is granted.

A2.2 Outline of significant key risks of the Sports Project

A2.2.1 The Sports Council scheme is reliant on financial support from sports governing bodies whose support needs to be verified. No lease should be unconditionally granted until funding is confirmed.

A2.2.2 Any agreement to the Sports Council for a lease would be conditional on securing planning consent.

A2.2 Key risks common to both proposals

A2.1.5 A risk common to both proposals is that initial user support declines and the preferred scheme falls into decline or is abandoned. The Chief Executive of the Torbay Development Agency (TDA) will ensure that the approved business case contains an adequate contingency plan to protect the Council's future interests.

A2.1.5 Both alternative schemes and any compromise scheme will raise highways and access issues that will require further consideration as part of the planning process.

(A full risk assessment of the proposals is available from the report author)

A3. Other Options

A3.1 That the fields are retained in perpetuity as agricultural land and that no lease is granted for an alternative use.

A4. Summary of resource implications

A4.1 There is an as yet un-quantified resource implication should the land be permanently excluded from sports use and it becomes necessary to acquire 3rd party land to provide sports pitches.

A4.2 The agricultural rent for the last full year it was leased was £790.00 p.a. The rent is not considered material in the decision to be made. A short term extension of this lease has been negotiated to ensure that the land is properly managed pending the implementation of a permanent solution.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There would be important environmental considerations however these issues should be considered as a part of the planning permission that would be needed before the recommended option is implemented.

A5.2 The need for full disabled access and public safety will be an important consideration in considering design issues as and when prepared. The access arrangements to the facilities require considerable thought to ensure access is available to all.

A5.3 The use of facilities for positive community and recreation purposes should enable the community to be engaged in positive life style activities that will reduce the instances of crime and disorder. A letter of support from Brixham Police in support of the sports proposals has been provided.

A6. Consultation and Customer Focus

A6.1 The outcome of the Community Partnership consultation is included at Appendix 4. The level of engagement was encouraging however the level of response was disappointing given the alleged level of concern about the subject that had been expressed. Nonetheless there is undoubtedly a clear majority of local residents who support the Rural Recreation Project.

A6.2 The outcome of the sports users consultation is provided in Appendix 2 and evidences considerable levels of support.

A6.3 The report authors await the outcome of an objective and statistically robust Bay wide sports survey that has been conducted. This has produced the highest ever response to an on-line survey. The outcome is expected to be available before the Cabinet meeting. This will be circulated in advance to members.

A6.4 There has been ongoing dialogue with the Torbay Sports Council and the three Local Community Partnerships most directly effected by the 'proposals' referred to in sports survey. There is ongoing consultation with Community Partnership representatives to seek a compromise solution.

A7. Are there any implications for other Business Units?

- A7.1 The key policy impacts are within Residents and Visitor Services.
- A7.2 Legal Services will need to document all contracts and leases in relation to the land.
- A7.3 Planning Services would need to consider any subsequent planning applications.
- A7.4 The Valuers in the Asset Management team within the Torbay Development Agency would need to consider best value implications.

Appendices

- Appendix 1 – Business case for the Rural Community Recreation Project
- Appendix 2 – Business case for Sports Hub Proposal (the letters of support/petition are available in the Members' Rooms)
- Appendix 3 – Advice of planning officers
- Appendix 4 – Community Partnership consultation response
- Appendix 5 – Site Plan

Documents available in members' rooms

- Appendix 2 – Business case for Sports Hub Proposal letters of support/petition

Background Papers:

The following documents/files were used to compile this report:

- Adopted Torbay Council Local Plan 1995 - 2011
- Torbay Council Sports Facilities Strategy May 2009