

<b>SUBJECT:</b>	<i>Update on the Chiltern Pools replacement project</i>
<b>REPORT OF:</b>	<i>Cabinet Portfolio: Healthy Communities</i>
<b>RESPONSIBLE OFFICER</b>	<i>Head of Healthy Communities</i>
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<b>WARD/S AFFECTED</b>	<i>All</i>

## 1. Purpose of Report

To report to provide an update of progress regarding the Chiltern Pools redevelopment project. This report was considered by the Services Overview Committee on 27 November 2018 and the Resources Overview Committee on 4 December 2018.

### RECOMMENDATIONS TO CABINET

- 1. To note the results of the public information events and the comments made on the current design and location of the Chiltern Lifestyle Centre.**
- 2. To insure against any risk relating to the restrictive covenants being enforced by any successor in title of a MRCEL plot, it is recommended that the Cabinet agree to the Council taking out insurance to protect itself against any claim.**
- 3. To agree to the Multi-Use Games Area (MUGA) and Children's Play area on Chiltern District Council land to be protected under a Fields in Trust designation.**
- 4. To note the initial residual land valuations that may arise from any development of the Chiltern Pools site as outlined in the confidential appendix (appendix 2).**

## 2. Reasons for Recommendations

2.1 To inform Members on the potential options for enabling development opportunities afforded by the existing Chiltern Pools site and the impact on the draft Business case.

2.2 To consider the results of the public information events on the Chiltern Lifestyle Centre.

### **3. Content of Report**

#### **Chiltern Pools Site**

- 3.1 On 26<sup>th</sup> June 2018, the Cabinet received a report on a proposal to undertake a feasibility study for development of the potential vacated Chiltern Pools site.
- 3.2 Initial research identified that the land is protected by a covenant restricting its use to a civic centre, other public purpose and/or recreation or open space. The covenant was made for the benefit of Metropolitan Railway Country Estates Ltd (MRCEL), who transferred the land with the covenant to Amersham Rural District Council. Chiltern District Council is the statutory successor of Amersham Rural District Council and therefore bears the burden of the covenant. As the District Council is a single legal entity, it cannot bear both the burden and benefit of a restrictive covenant. This means the covenant is extinguished in relation to the retained land and is therefore unenforceable.
- 3.3 To mitigate against any risk relating to the restrictive covenant being enforced by any successor in title of a MRCEL plot, it is recommended that the Council seek to take out insurance to protect itself against any claim.
- 3.4 Following a review of covenants on the proposed redevelopment area a restrictive covenant was listed against title numbers BM25982, and BM2286 which covers the library green. Counsel advice was sought on all the parcels of land involved in the development known as the Chiltern Lifestyle Centre. That advice considered the covenant to be obsolete and unenforceable. It is again recommended that the Council seek to take out insurance to protect itself against any claim.
- 3.5 It is noted that the Fields in Trust designation protects the current area of open space used to accommodate the children's play area, skate park, MUGA and street snooker/outside gym. These facilities will be relocated on the King George site, as agreed at the Cabinet meeting on 16<sup>th</sup> October 2018 the MUGA and young children's play area will be located on Chiltern District Council land. It is proposed to carry over the FIT protection on these facilities enabling their future provision.

#### **Options Appraisal**

- 3.6 In September 2018, the Council appointed Carter Jonas LLP to undertake an appraisal of the options available to the Authority to secure best value from development of the sites currently occupied by Chiltern Pools (plot A) and the former St John Training Centre (plot B) detailed in Appendix 1 .
- 3.7 It is intended that any capital receipt secured from the sites will contribute towards the costs of funding the new Chiltern Lifestyle Centre.

3.8 Carter Jonas were asked to consider both sites as a single development opportunity when consulting with our planners to understand how this could enhance the value of both sites against consideration individually.

3.9 The constraints and opportunities relate to both sites and are summarised in the table below:

Opportunities	Constraints
<b>Plot A</b>	
<ul style="list-style-type: none"> <li>• Scope for residential use</li> <li>• Scope for alternative commercial uses</li> <li>• No CIL</li> <li>• The land to Plot A is free of impediment by covenant or other interest including RofW.</li> <li>• Site is suitable for a sustainable development scheme</li> <li>• Subject to planning approval, the proposal for the new Chiltern Centre would mean there is no loss of community use.</li> </ul>	<ul style="list-style-type: none"> <li>• Height restrictions (3 storey max)</li> <li>• The southern boundary of the site may be subject to disturbance from the new Chiltern Centre service road</li> <li>• Traffic &amp; access concerns</li> </ul>
<b>Plot B</b>	
<ul style="list-style-type: none"> <li>• Residential use above a community use is likely to be acceptable</li> <li>• Plot B could achieve 4 storeys (community on ground, 3 storey residential above)</li> </ul>	<ul style="list-style-type: none"> <li>• Plot B has a gas main running at the eastern edge between the building and boundary. CJ have not had sight of the plan or easement</li> <li>• Plot B must remain as a community use</li> <li>• Traffic and parking concerns given the size of the site</li> </ul>

**Local Planning Considerations:**

3.10 Initial planning consultation determined that future planning permissions for the two sites will be limited to residential, food and drink, business or non-residential institutional use AND/OR A MIX THEREOF.

3.11 Any residential option would require the sites to provide 40% affordable housing with a consequent impact on value.

3.12 Community use must be maintained on plot B – but 4 storeys may be considered with Ground floor community use with residential units above.

- 3.13 The initial calculations of the potential residual land value detailed in Private Appendix 2 would appear to be in accordance with the current business case for the Chiltern Lifestyle Centre.

#### **4 Public Information Events**

- 4.1 In 2016 and 2017 we asked residents and users of the Chiltern Pools and the surrounding community facilities for their views about redevelopment of the site. We took on board their comments about what they would like to see on the site. We then asked again (29 August to 15 October 2018) whether people were in support of the proposals for the new Chiltern Lifestyle Centre that we are submitting to our planning committee later this year. The response was as follows:

##### **Response Percent Response Total**

**Yes** 86.63% 1691

**No** 8.45% 165

**Don't know** 4.92% 96

- 4.2 The comments provided by responders to the public information events are detailed in [SURVEY RESULTS](#).

- 4.3 Whilst most replies welcome the opportunity to replace the aging facilities some replies detail concerns over the loss of green space on King George V Fields, the loss of the flumes. The Leisure Members Working Group considered the public information event replies before deciding to recommend the planning application be submitted in accordance with current designs. As part of that discussion members of the Leisure Members Working Group have asked that water features should be considered as part of the program offer for the Chalfont and Chesham pools and the new Chiltern Lifestyle Centre.

- 4.4 The response confirms the strong support from the community in developing the proposals to deliver the Chiltern Lifestyle Centre. Statutory consultation will occur following the submission of the Planning application in November.

#### **5 Corporate Implications**

- 5.1 *Financial – the potential residual land value detailed in Private Appendix 1 would appear to be in accordance with the current business case for the Chiltern Lifestyle Centre enabling investment in the development of the community aspects of the building.*

*5.2 Legal – there is a very low risk relating to the restrictive covenant being enforced by any successor in title of a MRCEL plot, which may be mitigated through insurance to protect itself against any claim*

## **6 Links to Council Policy Objectives**

This links to the 'We will work towards safe and healthier local communities' aim of the CDC Aims and Objectives 2017-20.

### **Next Step**

Further reports will be presented to members updating on progress and the impact on the business case prior to final decision to proceed.

<b>Background</b>	none
<b>Papers:</b>	