

SUBJECT	Extension of current lease of Chalfont St Peter Community Centre
RELEVANT MEMBER	Cllr C Jones, Portfolio Holder for Environment
RESPONSIBLE OFFICER	Chris Marchant, Head of Environment
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WARD/S AFFECTED	Central

1. Purpose of Report

RECOMMENDATIONS:

Cabinet to:

- 1. Approve extending the Chalfont Community Association's current lease from its expiry on 24 February 2025 for a further 99 years until 24 February 2124 including an option to extend the lease for a further 15 years until 24 February 2139.**
- 2. Approve the surrender of part of the Chalfont St Peter Parish Council's demise and to add this land to the Community Association's demise.**
- 3. Authorise the Head of Environment to approve the terms of the legal agreements required to effect the lease extension with the Community Association and the surrender with the Parish Council in consultation with the Portfolio holder and the Director of Resources.**
- 4. Authorise the Head of Environment to publish any open space notice disposal notices pursuant to Section 123(2A) for two consecutive weeks. Should any objections be received for disposal of open space, to delegate authority to the Head of Environment to consider any objections and decide whether to proceed with the open space disposal in consultation with the Portfolio Holder and the Director of Resources.**

2. Executive Summary

- 2.1 The Chalfont Community Association currently have a lease on a site which expires on 24 February 2025. The Association wish to redevelop the community centre on the site (subject to grant of planning permission) and require an extension of their current lease term.

3. Reasons for Recommendations

- 3.1 The extension of the lease will enable access to funding streams for the construction/ redevelopment of the site. The longer period will enable the tenant to discount the capital cost of the build over the period of the lease. The inclusion of the parcel of land currently in the tenancy of Chalfont St Peter Parish Council will provide an improved layout.

4. Content of Report

- 4.1 The current lease to the Chalfont St Peter Community Association expires on 24th February 2025. The Community Association's site is shown edged red on the plan at Appendix 1 of this report. To enable access to funding streams the tenant requires a longer lease. There is an option to surrender and re-grant but this is not recommended. A more practical way forward is an extension of the existing lease for a further 99 years with the ability to negotiate a further 15 years. The current rent is the £5,500 pa and the new lease will have rent reviews every 5 years.
- 4.2 The Parish Council have agreed to the surrender of a section of their land, shown hatched green on the plan at Appendix 1 of this report, and this agreement was documented in the lease dated 27 September 2016 between Chiltern District Council and Chalfont St Peter Parish Council. This land is currently held as open space. The landlord (CDC) can serve prior written notice of 3 months at any time during the tenancy, which currently expires on 31 March 2115 to request the Parish Council to surrender for the land hatched green.
- 4.3 The Community association will be required to re-align a public right of way at the site which is on the local highways authority's definitive map which is on the joint boundary of the Parish Council's play area. Any such application to divert/modify the public right of way would need to be made by the tenant to the local highways authority for determination and to make the relevant orders.
- 4.4 The addition of the parish council's land will enable the current centre to be repositioned to provide an improved layout of the centre and its car park.
- 4.5 The redevelopment proposal, which will be subject to the grant of planning permission, includes a small section of the car park currently outside the current lease which is owned by the Council. The addition of this land will enable the continuity of the car park surface treatment.
- 4.6 The repair of the car park will remain in the control of the Council however the operation of this car park will sit with the Community Association

5. Consultation

5.1 Not Applicable

6. Options

6.1 The extension of the lease to allow the Association to seek external funding for the proposed redevelopment.

7. Corporate Implications

7.1 Financial – The Community Association are funding the construction of the community building. CDC as landlord of the Land to be surrendered is required within the lease to pay the re-registration of the revised land both for the Parish Council and the Community Association.

7.2 Legal – The proposal will require several legal agreements to be entered into and agreed. The Council has a duty to obtain best consideration under Section 123 of the Local Government Act 1972 before disposing of its land under a lease. Due diligence will need to be undertaken by the Council to ensure the lease extension can take place along with the surrender of land by the Parish Council and that best consideration is obtained for any disposal of this site. Part of the site subject to the legal agreements proposed by this report is held as open space land. Authority is required from Cabinet to authorise open space disposal notices to be published in the local newspaper for two consecutive weeks before such land can be disposed of in a lease. In the event there are objections to the open space disposal notices, Cabinet is requested to give the Head of Environment delegated authority to consider such objections and decide whether to proceed with the open space disposal in consultation with the Portfolio Holder and Director of Resources.

8. Unitary Implications (if applicable)

8.1 The Community Association are funding the construction of the community building. There will be a small sum required for legal costs and land registration.

8.2 The granting of the lease is in line with the proposed devolution of sites to parish councils by the unitary authority and improving the buildings within the public estate.

9. Links to Council Policy Objectives

9.1 The approval will enable a partner /tenant to deliver cost-effective improved service.

9.2 Which will help to promote safer and healthier local community.

9.3 The building will be constructed to achieve improved Carbon footprint will conserve the environment whilst also promoting healthier local community

Key objectives available here:

<http://www.chiltern.gov.uk/Aims-and-Objectives>

10. Next Steps

10.1 Agree heads terms of lease extension with Community Association and surrender of land with Chalfont St Peter Parish Council.

10.2 Publish open space disposal notices in the local newspaper for two consecutive weeks.

Background Papers:	None
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