

## **FERNDALE ROAD SCOUT HUT – FUTURE LEASE**

### **1 SUMMARY**

- 1.1 The purpose of this report is to provide Members with further information related to the option of Downhall Under Fives Pre School obtaining a new lease for the land at Ferndale Open Space.

### **2 INTRODUCTION**

- 2.1 A report was presented to the meeting of Leisure Tourism & Heritage Committee on 16 November 2006, (Appendix A) where Members agreed to the Crouch Valley District Scout Association surrendering their lease for land at the Ferndale Open Space, on the Ferndale Road in Rayleigh.
- 2.2 As part of this same report, extensive discussion took place about the Downhall Under Fives Pre-School's request to be considered for a new lease of the above mentioned land. As a result of this discussion, Members requested that further discussion take place between officers, the Pre-School and the Scout Association, on the possibility of the two organisations working together regarding the possible future facilities on this land.
- 2.3 Members also agreed on 16 November, that due to the importance of moving this matter forward as quickly as possible, that the subsequent report could be brought to this Committee if it met prior to the next scheduled meeting of the Leisure Tourism Heritage Committee.

### **3 FURTHER DISCUSSIONS**

- 3.1 Since the above mentioned decisions, officers have had discussions with both the Scout Association and the Pre-School group regarding the current situation for the Scout Association's requirements for facilities in that area, and also around the Pre-School's views towards the possibility of the Scout Association hiring use of their building, if their request and subsequent planning application proved to be successful.
- 3.2 In addition to these discussions, the Pre-School group have had separate discussions with representatives of the Scout Association and this has resulted in both organisations having the same opinion of the situation regarding possible future facilities, with the Council now receiving the attached letter (Appendix B) from the Pre-School group. A copy of the same letter but signed by the Scout Association has also been received.
- 3.3 This letter makes it quite clear that the Scout Association do not have any need at the present time to make use of a building in this area of the District,

as the Pack that used to meet on this site is no longer in existence. However, if circumstances changed or a new Pack was created in that area, then not only would they be potentially interested in making use of any new building that may be located on the site, but the Pre-School have also confirmed that they would be very interested in hiring out the building to the Scouts, as their tenants.

- 3.4 However, the current proposal gives rise to a difficulty under the terms on which this land was gifted to the Council in 1966 when restrictions were placed on its use and on the erection of buildings on the land. These were limited to use for recreational purposes including a fishery and children's playground.
- 3.5 While the use of the premises for a few hours each week by the Play Group was seen as incidental to the recreational activities of the Scouts, if the Play Group are to become lessees, it is necessary to obtain the agreement of J T Byford & Sons, who donated the land to the Council, to lift the restriction on use in this respect.

#### **4 RESOURCE IMPLICATIONS**

- 4.1 If a new lease were to be granted to Downhall Under Fives, then the Council would receive a new annual lease payment, set at a level that took into account the nature of the organisation and current lease values.

#### **5 LEGAL IMPLICATIONS**

- 5.1 The land in question is within a public recreation area and any other form of future development would need to be appropriate to this use, satisfy the planning requirements for development in the green belt and in particular, satisfy the conditions of the covenant that apply to the site as detailed in section 3.5 of this report.

#### **6 RECOMMENDATION**

- 6.1 It is proposed that the Committee **RESOLVES**

That, subject to obtaining the consent of J T Byford & Sons to the use of the land for that purpose, negotiations be commenced with Downhall Under Fives Pre-School Play Group for the lease (albeit still subject to a successful planning application) to them of the land at Ferndale Open Space formerly occupied by the scout hut.

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**Background Papers:-**

None

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