



## CABINET REPORT

<b>Report Title</b>	Land at Eagle Drive, Delapre
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	11 July 2012
<b>Key Decision:</b>	Yes
<b>Listed on Forward Plan:</b>	Yes
<b>Within Policy:</b>	No
<b>Policy Document:</b>	No
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland
<b>Ward(s)</b>	Delapre and Briar Hill Ward

### 1. Purpose

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- 1.1 The purpose of this report is for Cabinet to consider the principle of this Council entering into contractual arrangements, which could lead to the disposal of land designated as public open space - by way of one or more long leases – of land located at Eagle Drive, Delapre for use as sports facilities.

### 2. Recommendation

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2.1 That Cabinet:

2.1.1 Approves the principle of this Council entering into agreements with one or more of the following organisations

- (i) Northampton Rugby Football Club Limited
- (ii) Northampton Town Football Club Limited
- (iii) a properly incorporated charitable foundation to support the promotion of football in the local community (in memory of Richard Butcher) –

to grant leases, for terms in excess of 21 years, of land located off Eagle Drive, Delapre situated within the areas shown edged upon the attached plan at Appendix 1. Such agreements to limit the use of the land to that of sports pitches and ancillary facilities only and otherwise to be on terms to be approved by the Chief Executive in consultation with the Cabinet Member for Regeneration Enterprise and Planning.

- 2.2 That Cabinet authorises, in pursuance of 2.1, the advertisement as necessary of the proposed disposal of public open space in accordance with the requirements of the Local Government Act 1972, as amended by the Local Government, Planning and Land Act 1980, in respect of the land edged red on the plan at Appendix 1.
- 2.3 That Cabinet support the principle of the grant of a lease at below full market value to a properly constituted charitable organisation arising from the Richard Butcher memorial campaign, on the basis that the primary use of any land concerned would be connected with the ongoing provision of non-profit making, sporting opportunities for young people in Northampton. The specific terms and conditions of such a lease to be approved by the Chief Executive in consultation with the Cabinet Member for Regeneration Enterprise and Planning.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 This Council owns land located off Eagle Drive, Delapre, shown edged red upon the attached plan at Appendix 1 that forms part of the wider Delapre Park estate. The land is formally designated as public open space. A significant part of the land is presently utilised under a licence agreement for the grazing of horses, connected with the separate lease from this Council of Home Farm, utilised as an equestrian centre. The future of the land is under consideration, as part of a strategic process associated with the restoration of Delapre Abbey complex and identifying sources of capital and revenue funding to support that. This Council has successfully obtained funding following a Heritage Lottery Fund (HLF) stage 1 bid made in 2011. It is presently utilising those enabling funds to develop a much more detailed HLF Stage 2 bid, seeking approximately £3.5m towards substantive Abbey Complex restoration works. If this bid is to be successful, it will be necessary for the Council to demonstrate its own financial commitment to supporting the project.
- 3.1.2 Northampton Rugby Football Club Limited (NRFC) own freehold and leasehold land at Franklin's Gardens, St James. Part of the land under their control at this location is utilised for training pitches, which are also presently used to support community activity. NRFC have ambitions to expand their stadium facilities at Franklin's Gardens and wish to support this expansion through significant enabling development on land within their control, including on that area currently used for training pitch purposes. A redevelopment proposal is being prepared with NRFC's commercial partner and will, in due course, be the subject of pre-application planning discussions. NRFC require replacement training pitch facilities within Northampton to support their own and related community activity and to meet the requirements of key sporting bodies. NRFC have approached this Council regarding the use of land at Eagle Drive as an alternative location.

- 3.1.3 Northampton Town Football Club Limited (NTFC) have expressed an interest in land at Eagle Drive as an option they may wish to pursue further. The grant of any lease agreement would necessarily be conditional upon them obtaining a satisfactory planning permission for development at this location.
- 3.1.4 The family of the late Richard Butcher (a young professional footballer from Northampton) are leading a significant community campaign to bring forward football facilities in the Far Cotton and Delapre area of Northampton, in his memory, for use by local young people. The Council have been actively engaged with the family and its supporters, looking at possible options for accommodating the envisaged facilities, involving Council owned land within the desired search area. The formal incorporation of the campaign, into a properly constituted organisation with charitable status, is being progressed with the support of this Council. Whilst a proposal involving Council owned land at Briar Hill has been discussed with the Butcher family, the land at Eagle Drive, Delapre has been identified by them as being as the land option they would wish to pursue. The grant of any lease to this organisation would be conditional upon them:-
- (i) obtaining a satisfactory planning permission for this use at Delapre and
  - (ii) being able to demonstrate their ability, within a reasonable period, to raise the necessary finance for the physical development of their proposals. The Council could choose to provide some indirect financial assistance to their scheme, by way of agreeing a discounted rental basis, if it was sufficiently satisfied that the facilities provided would be widely accessible to local young people at low or nominal cost.
- 3.1.5 The Council has confirmed its support to the Town's major sport's clubs, to help fulfil their various expansion and improvement aspirations, as a priority issue it wishes to support. In its capacity as a landowner, distinct from the Council's separate role as a local planning authority, the provision of land to accommodate sporting requirements at an appropriate value is a legitimate method of helping to achieve this objective.
- 3.1.6 The Council in its capacity as a local planning authority, will necessarily form an independent view of the merits of any planning application made for enabling development at Franklin's Gardens by NRFC and its partners. Consequently, any proposed arrangement to grant a lease to NRFC would be conditional upon the outcome of any planning application that may be made in respect of existing land they control, as well as in respect of obtaining a planning permission relating to development at Eagle Drive.
- 3.1.7 The land edged red upon the attached plan at Appendix 1 represents a significant area of the land, situated to the western side of the Delapre Park estate. The land currently generates limited revenue income for the Council under a grazing licence. That use is linked to the operation of Home Farm for equestrian purposes. The letting of Home Farm also generates revenue for this Council. The future use of Home Farm for its present purposes may not be possible if the grazing land is not available.

### 3.1.8 Subject to

- (i) seeking alignment as far as is possible with the objectives of the HLF stage 2 bid, and
- (ii) with the planning and conservation issues that are relevant to the land (including it forming part of a registered Historic Battlefield site), there could be a number of possible options for use or development of the land edged red upon the plan. These could potentially generate a range of capital and/or revenue values. These may include higher value uses than for sporting facilities, although no formal development or planning appraisals have been completed to date of other alternative uses. The values that could be generated are potentially relevant to the Council's own funding support for the HLF stage 2 bid, raised at 3.1.1.

3.1.9 The land edged red upon the attached plan at Appendix 1 is very unlikely to be of sufficient size to be able to accommodate the full aspirations of all three organisations. It will be necessary to refine individual requirements and for there to be close continuing dialogue with all parties. It may be the case that the Council working with the organisations concerned may have to consider alternative land options, within or outside the Council's ownership, to meet the expressed total needs of the Clubs and of the Richard Butcher memorial campaign.

3.1.10 None of the organisations have, at this stage, made any detailed planning enquires concerning the use of land at Eagle Drive, Delapre. The types and locations of any proposed development would need to be considered carefully with planning officers (and English Heritage) prior to any applications being made. This may be a constraint on the extent of land that may be physically available and the type of any permitted development.

### 3.2 Choices (Options)

3.2.1 Option 1 – No Leases - Cabinet could choose not to support the recommendation contained in this report and not to grant leases, for sporting purposes, to any of the organisations set out at 2.1 above. This could prevent opportunities for appropriate enabling development at Franklin's Gardens that, in turn, could support employment creation and economic growth within the Northampton Waterside Enterprise Zone. It would also reduce the land options available to the Richard Butcher Memorial campaign and would reduce the range of possible options for NTFC to acquire land for training pitch purposes. A decision not to reach agreements that could lead to the grant of leases would, however, allow a fuller evaluation of possible other forms of development on that land, that might potentially generate higher values.

3.2.2 Option 2 – Grant of Lease to only one organisation - Cabinet could choose to offer an agreement linked to one of the organisations above only. It could, for example, choose not to facilitate what it may regard as inappropriate enabling development at Franklin's Gardens and thus require NRFC to identify alternative land. It could similarly decide only to offer alternative land at Briar Hill to the Richard Butcher Memorial Campaign. It could therefore further explore potential alternative training pitch options on Council owned land, or third party land elsewhere, with NTFC and/or NRFC. It is already noted above that the physical extent of the land at Eagle

Drive is unlikely to meet the full requirements of all of the organisations concerned. However, Cabinet could choose to make a decision to support only the ambitions of one or two organisations at Eagle Drive, Delapre.

- 3.2.3 Option 3 – Grant of Leases to more than one organisation -The Council could choose to support the recommendations at 2.1 to 2.3 above. This would support the aspirations of NRFC, NTFC and the Richard Butcher Memorial Campaign, whilst acknowledging the physical constraints that do necessarily limit the extent of all three organisation's full ambitions. Doing so may help to facilitate significant development at Franklin's Gardens, providing funding for NRFC expansion plans and generating employment. It may lead to new community football facility provision in Delapre, to support the vision of the Butcher family. It may help to address the needs of NTFC to identify a fixed home for some of their training requirements. It would though restrict the ability of the Council to pursue possible higher value uses of some of the land concerned. It could also lead to the determination of the lease of Home Farm by the present tenant, with the possible consequential loss of existing equestrian facilities at Delpare.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1 Any planning application made by any of the organisations for sports facilities at Eagle Drive, Delapre would need to be considered by the Council, in its capacity as local planning authority, in the context of local and national planning frameworks. Similarly, in the case of proposed enabling development at Franklin's Gardens, that would (if successful) give rise to this replacement training pitches requirement, this would also have to be considered separately by the Council (as the local planning authority) and thus any decision made by Cabinet regarding the grant of leases at Delapre must be without prejudice to the outcome of the statutory process.

### **4.2 Resources and Risk**

- 4.2.1 The costs of progressing conditional agreements with one or more of the three organisations would incur officer time. The Council would generate an income from the letting of the land for sporting purposes. The rental values would be determined by reference to the (undeveloped) values of other land in the Town let for sporting purposes only. Any costs of development would have to be met solely by the organisations concerned. If recommendation 2.3 were supported, this could lead to a discounted rent being agreed, which would reduce the overall income that might otherwise be achieved. If one or more organisations were unable to meet their obligations after the creation of new sports facilities, there could be the risk of the Council being left with the revenue costs of maintaining facilities or facing the reputational risks of closing them with loss of amenity to the community (if applicable). The progression of leases for sporting purposes would, as noted above, limit the potential scope for alternative - possibly higher value – forms of development on some of the land concerned.
- 4.2.2 The application to Heritage Lottery Fund (HLF) is due for submission in March 2013. The application will be for approximately £3.5million and will require match funding. The project currently has a funding shortfall of approximately £1million. The application to HLF will also require the submission of a Business Plan, which

sets out the sustainability of Delapre Abbey. Any development within the wider boundaries of Delapre Abbey will need to demonstrate how it will complement the emerging uses of Delapre Abbey and not compromise the sustainability of the Abbey.

### **4.3 Legal**

- 4.3.1 The pertinent legal issues are dealt with generally in the body of this report. The disposal of land designated as public open space by way of lease for a term in excess of 21 years, would need to be advertised in accordance with statutory process and any objections received would need to be properly considered. Where there is any letting of land this must generally be in accordance with the obligation to meet best value for this Council, consistent with s.123 of the Local Government Act 1972. However, having regard to the policy approach adopted by the Cabinet of this Council in March 2007, there is scope to let land at below market value – subject to the total capital value equivalent of the discount being within the terms of the extant general consent issued by central government (i.e. not being greater than £2 million).

### **4.4 Equality**

- 4.4.1 There are none specifically.

### **4.5 Consultees (External & Internal)**

- 4.5.1 Richard Butcher Memorial Campaign, Northampton Town Football Club Limited, Northampton Rugby Football Club Limited, Delapre Abbey Preservation Trust, Friends of Delapre Abbey, Consultants employed by this Council in connection with HLF Stage 2 bid, neighbouring businesses, Ward Councillors.

### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 Providing support to help the aspirations of the Town's sports clubs be fulfilled has been identified as a significant priority. The promotion of community participation in sport, with health and wider social benefits, is also a prioritised outcome.

### **4.7 Other Implications**

- 4.7.1 The implications are set out generally in the report above.

## **5. Background Papers**

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- 5.1 Asset Management files

**Simon Dougall, Corporate Asset Manager, x 8177**