

Rother District Council

Report to:	Cabinet
Date:	27 June 2022
Title:	Disposal of Public Open Space at St. Mary's Recreation Ground
Report of:	Deborah Kenneally, Head of Neighbourhood Services
Cabinet Member:	Councillor Timpe
Ward(s):	Sidley
Purpose of Report:	To declare that objections have been received to proposed disposal of public open space at St. Mary's Recreation Ground.
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED : That officers be authorised to proceed with completion of the disposal by way of a lease to 1066 RC Racing Car Club in accordance with Section 123(2A) of the Local Government Act 1972 (as amended) on the terms previously approved by Cabinet.

Introduction

1. In January 2021, the Council resolved to grant a five-year lease of a small parcel of land at St. Mary's Recreation Ground (SMRG) in order that the 1066 RC Racing Car Club (RCRCC) could construct and operate a radio-controlled racing car track at the Club's own cost. Further, it was resolved that a licence be granted to the Club enabling a designated area of the SMRG to be used for parking in connection with the permitted activity at specified times (Minute CB20/92 refers).
2. In March 2022, under Planning Application RR/2021/2252/P (Minute PL21/98 refers), planning consent was granted for a small area of the SMRG to be fenced to accommodate the racing track and ancillary items. The consent is limited to two years, as will be the lease, so as to provide a mechanism to terminate the activity if a significant number of objections are received relating to disruption to residents and other users of the site. The permitted use is restricted to just one weekday evening per week from 5pm to 9pm, or sundown if earlier, and Sundays between 9am and 2pm.
3. Following the granting of planning permission, the intended disposal of open space land was advertised for the mandatory period of two weeks up to 12 May 2022 through the display of the Notice on site, on the Council's website, in My Alerts and the Bexhill Observer. A copy of the plan was also made available for inspection at the Town Hall.

Objections to the disposal

4. In response to the advertising six written objections have been received in accordance with the formal objection process and are appended to this report at Appendix A. These relate primarily to the misconception that the disposal process involves the sale of the land to the prospective tenant. The other stated grounds for objection include noise, congestion and lack of parking, litter, vandalism and the permitted activity being unsuitable for the open space. The radio-controlled cars are virtually silent. Planning condition 6 of application RR/2021/2252/P requires that the details of any loudspeakers, or other means of sound amplification and electricity generators are submitted for approval in writing to the Local Planning Authority prior to the permitted use commencing. Parking in a designated area around the land to be leased will be managed through a Licence issued annually by Neighbourhood Services.
5. 1066 RCRCC wish to be based in Bexhill and there are no suitable alternative open spaces under the Council's ownership where they could be accommodated.

Options

6. Option 1 – not proceed with the project. However, this would be counter to what Cabinet has agreed.
7. Option 2 – proceed with the project; mitigate resident's concerns by monitoring the level of littering, use of litter bins, noise nuisance and parking, and if significant numbers of valid objections are received, withdraw permission when the lease expires.

Conclusion

8. SMRG will remain in the ownership of the Council and will continue to be protected under the Fields in Trust QEII Playing Fields deed of dedication. Officers have considered the objections received but do not consider that the permitted activity will impact detrimentally on local residents, indeed it will increase the use and value of this somewhat underused amenity to the community and does not conflict with the plans in development to accommodate Sidley Cricket Club at the same site. The limitations imposed by the planning consent and resultant shorter-term lease of two years both provide a means to terminate the activity in the event that the arrangement proves to be problematic.

Strategic Management Team Comment

9. Cabinet is recommended to authorise officers to proceed with the grant of a lease to 1066 RCRCC in accordance with Section 123(2A) of the Local Government Act 1972 (as amended).

Financial Implications

10. All costs associated with the disposal, setting up, and operating the facility within the leased area are being met by 1066 RCRCC.
11. There will be minimal impact to the Council as the majority of costs arise from grounds maintenance, currently £14,000 per year, and the standing charge for

water of circa £100 per year. Some of the ground's maintenance costs will transfer to the Club, and the water used will be recharged, so there may be a small saving to the Council.

12. Loss of potential income from booking fees of approximately £1,200 per annum is counterbalanced by reduction in maintenance costs as above.

Legal Implications

13. The services of the Council's legal team will be needed to consider any covenants that may apply to the land, and draft, issue and complete the lease.

Environmental

14. The cars for the permitted activity are electric, not petrol, so noise and air pollution will be minimal. The wooden fence and will race on the grass so no environmental implications of significance at present.

Equalities and Diversity

15. The provision of a race track facility in Sidley will support access to an activity growing in popularity to people of all ages and abilities, living both within the area of deprivation and further afield.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	A – Consultation Objections
Relevant Previous Minutes:	CB20/92 / PL21/98
Background Papers:	None
Reference Documents:	None