

Decision by Portfolio Holder



Report reference: CRS-001-2018/19

Date of report: 15 January 2019

**Epping Forest
District Council**

Portfolio: Commercial & Regulatory – Cllr A Grigg

Author: Paul Pledger, Service Director Housing and Property (Ext 4248)

Democratic

Services: Jackie Leither (Ext 4756)

Subject: Consent to changes in legal protection to land at King George's Playing Fields, Waltham Abbey by Fields in Trust

Decision:

- (1) That an area of land adjoining the new Leisure Centre at Hill House be dedicated as a replacement King Georges Field, regulated by the charity Fields in Trust, to ensure the continued provision of land held in trust for leisure purposes in the Hill House area.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Councillor A Grigg	Date: 17 th January 2019
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a N/A
Office use only: Call-in period begins: 18 th January 2019	Expiry of Call-in period: 25 th January 2019

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

The King Georges Playing Fields at Waltham Abbey were established by the Waltham Holy Cross Urban District Council and dedicated to the memory of King George V for the use and enjoyment of the people. The use of the playing field is regulated by the charity Fields in Trust. In 1967 the Waltham Abbey swimming pool was built on the Trust land. Consent was obtained as the land was no longer to be used as playing fields. In recent years, the pool required

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Portfolio Holder:**

extensive repairs and the Council decided that it should be demolished and replaced by the new Leisure Centre at Hill House. The Council wishes to redevelop the swimming pool site for housing, which will require consent from Fields in Trust. To obtain this consent, an alternative piece of land equivalent in size must be placed in Trust for leisure purposes. An area of land adjacent to the new Leisure Centre in Hillhouse would meet this requirement.

Options considered and rejected:

1. To offer an alternative piece of land somewhere else in Waltham Abbey. However, the logical place for land to be set aside for leisure purposes is near to other leisure facilities.
2. Not to redevelop the former swimming pool site for housing and reinstate the land back to its original use as playing fields.

Background

1. The King Georges Fields were established and dedicated to the memory of King George V for the use and enjoyment of the people. The Waltham Holy Cross Urban District Council dedicated land at Waltham Abbey to be used as a King George Playing Field. The use of the playing field is regulated by the charity Fields in Trust. See appendix 1 for the site plan.
2. In 1967 the Waltham Abbey swimming pool was built on the Trust land. Consent was obtained as the land was no longer to be used as playing fields. In recent years, the pool required extensive repairs and the Council decided that it should be demolished and replaced by the new Leisure Centre at Hill House
3. The site of the old pool remains part of the King Georges Field. However, instead of changing the use back to that of playing fields, the Council is proposing to use the site to bring much needed housing into the area.
4. The Council has made a request to the charity requesting consent for changes to the site protected by Fields in Trust to enable this change of use. However, in discussions with Fields in Trust, the Council must dedicate an alternative piece of land as a replacement.
5. It is intended, therefore to put forward for protection an area of land adjoining the new Leisure Centre at Hillhouse (see appendix 2 for the site plan) as the replacement King Georges Field. This area is about 20% larger than the existing pool site and will ensure the continued provision of land held in trust for leisure purposes in the Hill House area. The area of land at the King Georges Playing Field adjoining the swimming pool site in Roundhills that is currently used for recreation will remain the same.
6. Access to the playing fields through the pool site from Roundhills will remain open until redevelopment works commence, when it will be closed while construction works take place. Other access points will not be affected.
7. Once the request for change is agreed, the Council will be in a position to submit an application for funding as part of the Fields in Trust Active Spaces programme subject to a successful application.
8. During the consultation process for the development of the new Leisure Centre, which also includes a new independent living residential scheme for older people and a new Doctor's Surgery at Hillhouse, many local residents were concerned and somewhat sceptical about the Council's long-term intentions for the recreational land, so legal protection by Fields in Trust would demonstrate to residents the District Council's intention to safeguard this land for recreational purposes.

9. The Council undertook a further consultation exercise seeking comments from every resident of Roundhills, Roundhills Residents' Association, Waltham Abbey Town Council, Essex County Council, the Environment Agency and Highways England along with any recreational user of the King George Playing Fields. The consultation was not a precursor to any consultation that may come from any subsequent planning application for housing; more around the change in protected status.

10. The outcome of the consultation exercise can be found at appendix 3 of the report. In summary, 36 responses were received of which 12 were in favour and 24 were not. Of those not in favour commented on the impact that the increased traffic, parking, sewerage that additional housing on the site would have. These are all aspects that will need to be considered by any future developer, demonstrating how the design will address the impact on a whole variety of environmental factors including those identified by responders.

11. Except for the Council's own legal costs, this change request is of nil consideration as the land is protected in law for community leisure purposes only.

Resource Implications:

Approximately £2,000 in internal legal fees

Legal and Governance Implications:

The land at the Waltham Abbey swimming pool site is protected by law for use as recreational land for future generations. Its change of use is dependent on the consent of Fields in Trust.

Legal protection of the Hillhouse land by Fields in Trust would safeguard this land for recreational purposes.

The Council is the freeholder for each of the areas of land, which will continue.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

The Council undertook a consultation exercise seeking comments from every resident of Roundhills, Roundhills Residents' Association, Waltham Abbey Town Council, Essex County Council, the Environment Agency and Highways England along with any recreational user of the King George Playing Fields. The outcome of the consultation exercise can be found at appendix 3.

Background Papers:

None.

Impact Assessments:

Risk Management:

The risks to the Council are minimal.

Equality Analysis

The Equality Act 2010 requires that the Public-Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.