



Council

**Tuesday, 08
December 2015**

Matter for Decision

Title: Oadby Swimming Pool site, Leicester Road, Oadby

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1. Introduction

- 1.1 This report sets out the options open to the Council in respect of the Oadby Swimming Pool site, Leicester Road, Oadby after the swimming pool closes on Friday 11th December 2015. The Oadby Swimming Pool site consists of the swimming pool building and adjacent car park.

2. Recommendations

- 2.1 It is recommended that Members determine:

- Whether:
 - the Council disposes of the Oadby Swimming Pool site on the open market for the purposes of housing development; or,
 - seeks to retain ownership of the land in order to consider alternative options such as a 100% affordable housing scheme brought forward by either the Council / developer / registered social landlord
- Whether the Council takes on the responsibility and associated cost associated with the demolition of the swimming pool building as soon as practicable after the closure of the pool or markets the site with the swimming pool building intact with a condition of the disposal that demolition of the building begins within an agreed timescale

3. Information

- 3.1 At its meeting on 9th December 2014 Members resolved that:

‘In relation to the site of Oadby Pool, Leicester Road, Oadby, it is recommended that the Council resolves to make the land available for affordable housing development purposes in order to promote its housing priorities after it becomes vacant in 2015 and subject to the covenants as set out in paragraph 3.16’.

Land Ownership and Legal Issues

- 3.2 The site of the Oadby Swimming Pool is situated adjacent to Ellis Park and is shown on the title plan at Appendix 1. This land is presently owned by Oadby and Wigston Borough Council following a conveyance dated 21st June 1897 made between (1) John Gulson and Others and (2) The Parish Council for the Parish of Oadby.
- 3.3 The conveyance states ‘the said Rachel Ellis has agreed to give and the Council have agreed to accept the said pieces of land and hereditaments

hereafter described to be held by the Council for the benefit of the Inhabitants of the Parish of Oadby and the said Rachel Ellis has requested the said John Gulson James Ellis and Joseph Sturge to convey the same accordingly.'

- 3.4 The conveyance contains one restrictive covenant that the Council or its successors 'will not at any time hereafter permit or suffer the sale of ale wine beer or spirituous liquors on the said closes of land hereby conveyed or any buildings to be erected thereon and that any sale or sales of the said closes of land or any part thereof the purchaser or purchasers shall in his or their conveyance enter into a covenant to observe and perform this covenant.'
- 3.5 Other than the restrictive covenant, there are no restrictions on the future use of the land. The land was given for the benefit of the inhabitants of Oadby. This term could be interpreted in a number of ways for example, the actual use of the land or a capital receipt from the sale of the land that could then be re-invested for the benefit of the inhabitants of Oadby.

Demolition of the Building after Closure

- 3.6 Following the closure of the swimming pool the Council will be entitled to three month exemption from business rates. After this time the Council will be liable for paying business rates on the property. This is estimated at a cost of approximately £2,000 per month until the building is demolished. The Oadby site will be secured as soon as it is closed. The costs estimate will be provided at the meeting.
- 3.7 The Council could take the responsibility for the demolition of the swimming pool building as soon as practicable after the closure of the pool. This would be at the cost of the Council in terms of demolition and site cleanup costs and project management costs to manage the process.
- 3.8 Before the swimming pool building can be demolished appropriate permissions will be required from Planning Control and Building Control, both processes taking 8 weeks.
- 3.9 Alternatively, the Council could market the site with the swimming pool building intact but with a condition of the disposal that demolition of the building begins within an agreed timescale (e.g 3 months). The purchaser would then be responsible for demolition and site cleanup costs. It is typical that the sale price would take into account the estimate of the cost of this with a clause that the sale price would be reduced to account for any excessive costs associated with this. However, it is likely that a developer would be able to achieve the demolition and site cleanup at a more cost effective rate than it would cost the Council because it is part of the normal development process and it would be linked directly to a new development scheme. If the Council did demolish the building prior to marketing the site, then the cost of the demolition and site cleanup could be recouped from the capital receipt.

Future use of the Land

- 3.10 The report that was considered by Council on 9th December 2014 referred to the use of the land for affordable housing development purposes in order to promote the Council's housing priorities. This referred to the Council's housing priorities both in terms of the provision of affordable housing and bringing forward new housing development on brownfield land in order to meet the

Council's annual housing requirements and therefore protect Greenfield sites development.

- 3.11 A Section 106 contribution towards play and open space would be generated from housing development on the site. This would enable the Council to deliver improvements to the open space, sport and recreational facilities on Ellis Park. This would be of 'benefit of the Inhabitants of Oadby' (i.e. the purpose that the land was gifted to the Council by Rachel Ellis).
- 3.12 There are various ways that affordable housing could be delivered on this site:
- A 100% affordable housing scheme brought forward by the Council
 - A 100% affordable housing scheme brought forward by a developer/registered social landlord
 - A private sector led residential scheme incorporating 30% affordable housing as required by the Local Plan for new development in Oadby
- Additionally, a housing scheme that contributes towards the meeting the housing needs of different groups in the community (e.g. older people) would contribute towards an important objective of the Council's Local Plan.
- 3.13 If the Council was minded to promote the site for a private sector led residential scheme then the site would need to be marketed on the open market. There has already been some private sector interest shown in the site (see Appendix 2).
- 3.14 A proportion of any capital receipt from the sale of the Oadby Swimming Pool site could be combined with the Section 106 contribution in order to deliver greater improvements to Ellis Park furthering the extent to which development on this site would be of 'benefit of the Inhabitants of Oadby'
- 3.15 Alternative options such as a 100% affordable housing scheme brought forward by either the Council / developer / registered social landlord could potentially be achieved but to date, no work has been undertaken in this regard. Therefore, if this option is to be pursued, it would likely result in the site standing vacant for a period of time.
- 3.16 There could also be the potential to incorporate a small portion of Ellis Park, for example, its frontage with Leicester Road, into any development scheme on the Oadby Swimming Pool site. This could make for a better scheme in terms of layout and design. It would also result in a larger capital receipt to the Council. However, this option would require further consideration in relation to planning policies and the disposal of public open space under Section 123 (1), (2a) of the Local Government Act 1972.

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Implications	
Legal	Incorporated in the report
Financial	Incorporated in the report
Equalities	An Equalities Impact Assessment will need to be undertaken
Risk	<p>CR1 Decreasing Financial Resources Once closed, the swimming Pool Building will become a liability to the Council until the disposal of the site or a new use is implemented. The site has the potential to generate a capital receipt to the Council.</p> <p>CR3 Political Dynamics</p>

	<p>Members of the local community are interested in what use the site will be put to following the closure of the swimming pool.</p>
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CR4 Reputation Damage

The Council's reputation could be damaged if the site is not put to a new use in a timely manner.

Appendix 1

