

Meeting of:	Cabinet
Date of Meeting:	Monday, 25 October 2021
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Cowbridge Tennis Club - Land for New Courts
Purpose of Report:	To approve the transfer of two small parcels of land for the purposes of constructing two new Tennis Courts at Cowbridge Tennis Club that will have some public access.
Report Owner:	Report of the Cabinet Member for Leisure, Arts and Culture
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	Accountant Environment and Housing Legal - Committee Reports Operational Manager, Accountancy Strategic Estates Manager, Property Operational Manager, Regeneration Neighbourhood Services Manager Operational Manager: Planning and Building Control
Policy Framework:	This report is a matter for Executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Cowbridge Tennis club is looking to construct two further Tennis Courts at its present site. • The club has secured the necessary funds for the development and already own the majority of the land at the site. • The club has requested a long-term lease of two very small parcels of land currently in the Councils ownership to accommodate the proposed new courts. • At present, there are no public courts provided in Cowbridge and the club has allowed non-members to book their existing courts at certain times. It is proposed that the lease restricts the use of the land for recreational use as tennis courts and within the lease it is stated that the new courts are available for public use for 10 hours per week. • It is proposed to charge a peppercorn as rent due to the wider public benefit that will be obtained. 	

Recommendations

1. That the authority is delegated to the Monitoring Officer/Head of Legal and Democratic Services to advertise the proposed disposal of the public open space by way of transfer in accordance with s123(2A) Local Government Act 1972.
2. That, subject to no public objections being received, Cabinet approves the grant of a long leasehold interest for two small parcels of land in Cowbridge in order to allow the construction of two new publicly accessible Tennis Courts in Cowbridge.
3. That the Monitoring Officer/Head of Legal and Democratic Services in consultation with the Head of Finance and Director of Environment and Housing Services, be authorised to prepare execute and complete the required legal documentation for transfer and use.
4. Any legal and surveying costs resulting from the transfer of land will be recharged to the Tennis Club.
5. That Cowbridge Tennis Club continue their commitment to allow non-members to book two courts at certain times by guaranteeing public access for a minimum of 10 hours per week as part of the lease arrangements.
6. That the necessary access requirements for the Tennis Club are approved during the construction phase of the work on the condition that the area is reinstated to its former condition on completion of works including any amendments to the adjoining highway drainage scheme.

Reasons for Recommendations

1. To comply with legal requirements.
2. To support Cowbridge Tennis to increase opportunities for Tennis in the local area.
3. To comply with legal requirements.
4. To comply with standard charging protocol.
5. To ensure that the Courts are not used exclusively by club members
6. To allow the new Tennis Courts to be constructed.

1. Background

- 1.1 Cowbridge Tennis has been keen to expand its facilities and has recently secured the necessary funding to do so.
- 1.2 The club wish to build two new courts.

2. Key Issues for Consideration

- 2.1 The club already own the majority of the land where the proposed two new tennis courts will be located. However as shown in Appendix 'A' the Club requires

two small parcels of land that are in the Council's ownership. The club has requested that the Council gift them these two parcels of land.

- 2.2 At present, there are no public Tennis Courts in Cowbridge and the club has been part of an initiative with Tennis Wales that allows its courts to be booked by non-members at certain times. In return for the land, it is proposed that this is written into the transfer of the land so that the two new courts will be available to book for non-members for a minimum of 10 hours per week.
- 2.3 The parcels of land requested currently form part of a highway drainage scheme from the A48 to the north, though the layout of the scheme could be altered to accommodate the development. All costs associated with the alteration of the scheme will be borne by the tennis club.
- 2.4 The area requested currently accommodates a number of large trees that may be affected by the development. If any trees are removed at least an equal number of trees will have to be replanted as close to this location as possible.
- 2.5 The Club has also requested some access rights during the construction period and this can be accommodated without impacting on any other activities.
- 2.6 The title of the land has no covenant or legal burden within it preventing its disposal.
- 2.7 As the land is currently used as Public Open Space the proposal to requires the space to be advertised in accordance with the requirements of s123 (2A) of the Local Government Act 1972. With any objections reported back to Cabinet for consideration prior to the commencement of any disposal.
- 2.8 It is proposed that the land will be disposed of via a long leasehold in order to ensure that the commitments made by the club for the public access in return for the land are maintained and are enforceable.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Long Term: Developing two new Tennis Courts is a long-term investment that has the ability to provide health benefits to the Community as well as sustaining vital youth facilities for the foreseeable future.
- 3.2 Prevention: Investment in assisting in the provision of these new facilities demonstrates the Council's commitment to positive long-term health objectives for its residents.
- 3.3 Integration: The proposed non-member use of the Tennis Courts demonstrates the club's commitment to integration.

- 3.4 Collaboration: The proposals for the new courts is a collaborative scheme that is using external funding and existing skills within the club that needs the assistance of the Council to provide the land.
- 3.5 Involvement: Cowbridge tennis club has demonstrated its committed to Community involvement with the non-member access it already provides to its existing courts.
- 3.6 The proposals in this report are aligned to the Corporate Plan.

4. Resources and Legal Considerations

Financial

- 4.1 The land has been independently valued at £6,700.
- 4.2 No land value will be charged for the proposed disposal.
- 4.3 The Tennis Club will meet the legal and transaction fees of the council for the disposal.
- 4.4 The Tennis Club has secured a Strong Communities Project Award from the Council of £12,000 to assist in the construction of the new courts.

Employment

- 4.5 The Tennis Club is committed to finding a local contractor to construct the new courts.

Legal (Including Equalities)

- 4.6 The Council has the power under section 123 of Local Government Act 1972 Act to dispose of land in any manner it wishes. Under this provision the Council has a duty to secure the best consideration possible for any property disposal except when under the General Disposal Consent (Wales) 2003, the asset to be disposed of has an 'undervalue' of less than £2million and the transfer helps to secure the promotion or improvement of the economic, social or environmental well-being of an area. In these circumstances, the Council is able to transfer the land and at 'less than best consideration', i.e. at no charge except Council costs.
- 4.7 Disposal of the land must be advertised in accordance with the requirements of s123 (2A) of the Local Government Act 1972.
- 4.8 Any objections to the disposal of the Public Open Space will be reported separately to Cabinet for consideration prior to any final decision being taken. If no objections are received, the matter will be progressed as set out in the Recommendations of this report.

4.9 The agreement with the Club will include the necessary assurances to guarantee at least 10 hours per week court availability for those wishing to play tennis who are not members of the Club.

4.10 Any trees removed as part of this work will be replaced with a similar number of trees of a suitable species and as near to the area as possible

5. Background Papers

None.

Plan A

Cowbridge Tennis Club – January 2021

Land shaded red: Area of proposed courts (2no.).

Land shaded blue: Land owned by Vale of Glamorgan Council.

Land shaded blue and red: Area required for construction of new courts.



- The tennis club also request temporary access over such area of blue land five metres from the boundary of the red land in each direction, to enable construction of the courts. All land to be made good upon completion of the works.
- New courts to be 34Metres x 37Metres as annotated.
- Chain link fence around northern, eastern and southern perimeters.