

South Ayrshire Council

**Report by Head of Property and Risk
to Leadership Panel
of 15 March 2016**

Subject: Proposed Ground Lease at Harbour Road, Maidens

1. Purpose

1.1 The purpose of this report is to seek consent to grant a ground lease for a period of 25 years to the Carrick Coastal Rowing Club.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 agrees to the lease of ground at Harbour Road, Maidens, extending to 600 sqm or thereby as shown on the plan comprising Appendix 1 to the Carrick Coastal Rowing Club for a period of 25 years at a rent of £70 per annum (subject to 3 yearly review); and

2.1.2 grants delegated authority to the Executive Director – Resources, Governance and Organisation to conclude the lease of this ground on these and such other reasonable terms and conditions as appropriate.

3. Background

3.1 Representatives of Carrick Coastal Rowing Club met with officers of the Estates Section and Planning Service of the Council in May 2014 outlining their initial proposals for the erection of a boat house and requesting information as to the necessary consents and formal agreements which may be required.

3.2 In October 2014 a letter from the Club indicated that their proposals were now on a more firm footing and a location for the boat house had been identified. The area of land which has been identified is shown in Appendix 1 and extends to 600 sqm or thereby.

3.3 After a period of local consultation and withdrawal of an initial application, the Club submitted an application for planning consent to construct a boat house at the location shown on the plan. This application received planning consent on 21 October 2015 as shown attached in Appendix 2.

- 3.4 The Club advised that they require to have a 25 year lease in place to reflect that they intend to erect a boat house on the site and to allow them access to funding through external bodies if required. .
- 3.5 Heads of Terms for the proposed ground lease were drafted in accordance with the Council's policy on leasing to charities and sporting bodies. The market value of the ground rent has been calculated at £700 per annum and because the Club is a registered charity the annual rent will therefore be £70.00. These terms have been provisionally agreed between the Club and the Estates Section. The rent will be subject to review on a 3 yearly basis.
- 3.6 It has been agreed within the Heads of Terms that the tenants will be responsible for the construction of a boathouse in accordance with their planning consent. The permitted use of the ground will be for the purposes of erecting a boat house and related activities of the tenants, Carrick Coastal Rowing Club.

4. Proposals

- 4.1 It is proposed to grant a lease of land at Harbour Road, Maidens as shown on the plan comprising Appendix 1 and extending to 600 sqm or thereby to the Carrick Coastal Rowing Club for a period of 25 years at a rent of £70 per annum (subject to 3 yearly review) to erect a boat house in accordance with their planning consent.
- 4.2 Delegated authority is required for the Executive Director - Resources, Governance and Organisation to conclude the lease on these terms, and such other reasonable terms and conditions as appropriate.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will be required to draft the formal documentation.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 A nominal rental of £70.00 per annum which represents 10% of market value will be received in accordance with the Council's adopted policy on leasing to charitable organisations.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1. There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

8.2.1 There is a risk that the club may not be able to access external grant funding to sustain the boat house if a long lease is not granted.

9. **Equalities**

9.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 3.

10. **Sustainable Development Implications**

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. **Options Appraisal**

11.1 An option appraisal has not been carried out in relation to this proposal.

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to the Council strategic objective of 'Working in partnership, maximise the potential of our communities' and within that to the outcome 'People have healthier lifestyles, including more exercise'. It also contribute to Council strategic objective 'Ensure assets are fit for purpose' through improved asset management planning.

13. **Results of Consultation**

13.1 There has been no public consultation in relation to the contents of this report.

13.2 Consultation has taken place with Councillor Robin Reid, Portfolio Holder for Resources and Performance and the contents of this report reflect any feedback provided.

14. **Next Steps for Decision Tracking Purposes**

14.1 If the recommendations above are approved by Members, the Head of Property and Risk will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

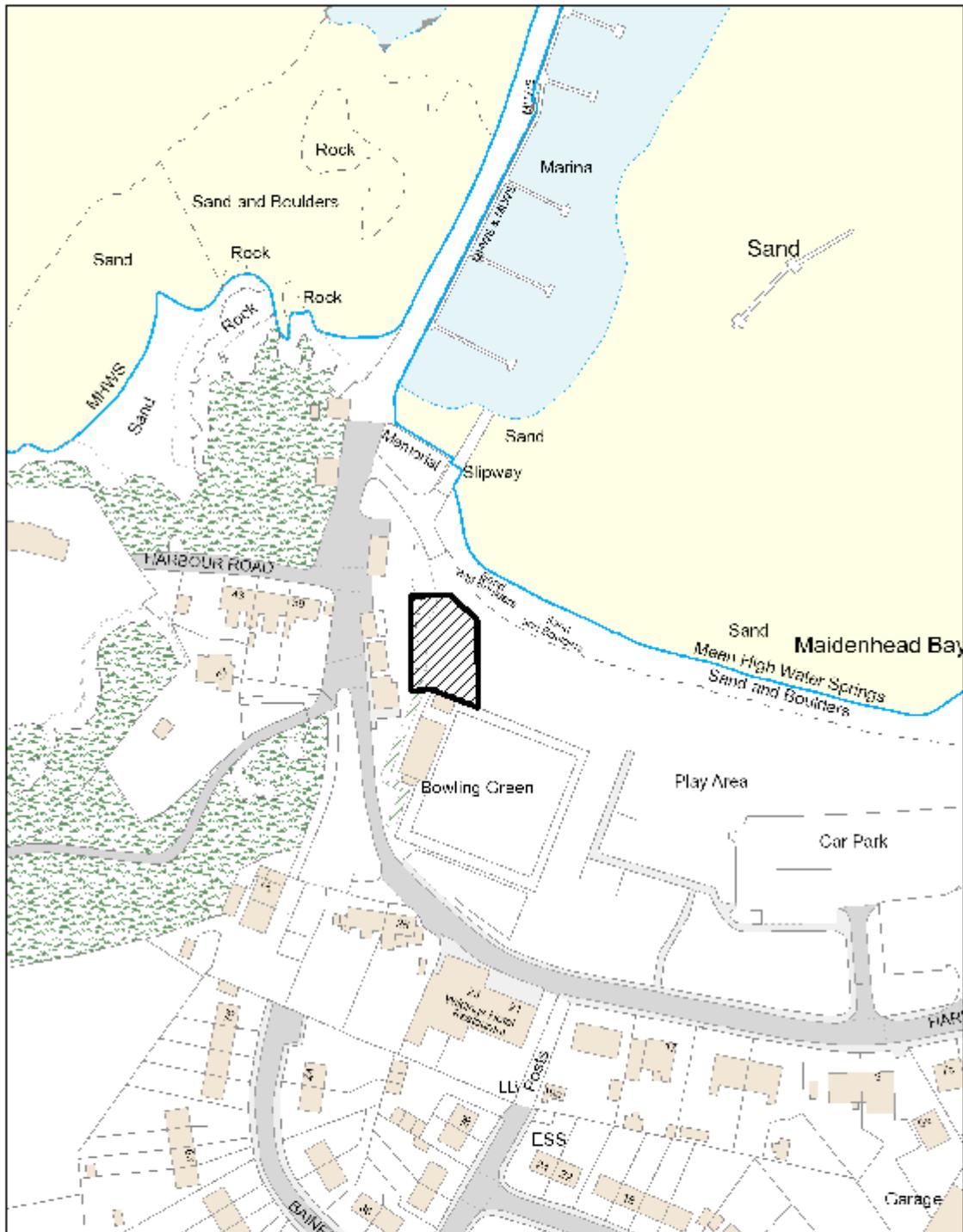
Implementation	Due date	Managed by
Conclusion of the lease	30 September 2016	Head of Property and Risk

Background Papers **None**

Person to Contact **Donald Gillies, Head of Property and Risk**
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E-mail: tom.burns@south-ayrshire.gov.uk

Date: 4 March 2016



Ground lease, Harbour Road, Maidens

Scale 1:1500



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LOCAL DEVELOPMENT

APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 15/00889/APP

SOUTH AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended by the PLANNING ETC. (SCOTLAND) ACT 2006

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Carrick Coastal Rowing Club
per Iain Kirkpatrick Associates Limited
Iain Kirkpatrick
1 Ashgrove
Maybole
KA19 8BG

With reference to your application dated **2nd September 2015** for application for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

Change of use of open space and erection of boat house

at: **Proposed Boat House Harbour Road Maidens South Ayrshire**

South Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant the application for planning permission for the said development in accordance with the following conditions as relative hereto and the particulars given in the application. Approved drawings and other documents, where relevant, can be viewed at www.south-ayrshire.gov.uk/planning/ and represent the approved scheme. The following conditions which relate to this permission are:

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- (3) That off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan.

List of Approved Plans:

Drawing - Reference No (or Description): 001 REV C

Drawing - Reference No (or Description): 004 REV B

Drawing - Reference No (or Description): 005 REV B

Drawing - Reference No (or Description): 006

Drawing - Reference No (or Description): 007

Drawing - Reference No (or Description): 008 REV A

Other - Reference No (or Description): PHOTO PERSPECTIVE FROM CAR PARK

Other - Reference No (or Description): PHOTO VIEW FROM BOWLING GREEN CAR PARK

Other - Reference No (or Description): PHOTOGRAPHIC APPENDIX ASPECTS OF DESIGN

Other - Reference No (or Description): SUPPORTING INFORMATION EXECUTIVE SUMMARY

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interest of road safety and to ensure an acceptable standard of construction.
- (3) In the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking.

Advisory Notes:

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- (2) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- (3) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (5) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated: 21st October 2015

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Executive Director of Economy, Neighbourhood and Environment

**BURNS HOUSE
BURNS STATUE SQUARE
AYR KA7 1UT.**

Note:

In addition to this approval and before proceeding with the development the applicant may require a Building Warrant under the Building (Scotland) Act 2003 as amended or a Road Opening Permit or Construction Consent under the Roads (Scotland) Act 1984 legislation

South Ayrshire Council Equalities Scoping Template

1. Policy details

Policy Title Proposed Ground Lease at Harbour Road, Maidens	Lead Officer Donald Gillies
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	No	No
People from different racial groups, ethnic or national origin.	No	No
Women and/or men (boys and girls)	No	No
People with disabilities	No	No
People from particular age groups for example Older people, children and young people	No	No
Lesbian, gay, bisexual and heterosexual people	No	No
People who are proposing to undergo, are undergoing or have undergone a process to change sex	No	No
Pregnant women and new mothers	No	No
People who are married or in a civil partnership	No	No
People who share a particular religion or belief	No	No
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	No	No

3. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	-
Promote equality of opportunity between particular communities or groups	-
Foster good relations between particular communities or groups	-
Promote positive attitudes towards different communities or groups	-
Increase participation of particular communities or groups in public life	-
Improve the health and wellbeing of particular communities or groups	-
Promote the human rights of particular communities or groups	-
Tackle deprivation faced by particular communities or groups	-

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact policies)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Rationale for decision:			
The proposal does not have a significant negative or positive impact on any particular group			
Signed :	Donald Gillies	Head of Service	
Date:	11 February 2016	Copy to equalities@south-ayrshire.gov.uk	