

REPORT TITLE: RIVER PARK LEISURE CENTRE - FUTURE USE OF SITE

23 OCTOBER 2019

REPORT OF CABINET MEMBER: Cllr Kelsie Learney, Cabinet Member for Housing and Asset Management

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WARD(S): ST BARTHOLOMEW

PURPOSE

To update members on progress of the early-stage work to determine the future use of the River Park Leisure Centre (“RPLC”) site in central Winchester, as well as consideration of improvements and enhancement of the facilities and open spaces adjoining the centre.

This includes consideration of the constraints that apply to the site and how they influence the way we proceed. It also includes measures that will need to be taken when RPLC closes in early 2021 to ensure the availability of facilities for users of the adjoining open spaces, as well as making the closed building safe.

RECOMMENDATIONS:

That Cabinet:

**Notes:**

1. That the RPLC building will close in January 2021.
2. The feedback from the stakeholder engagement event on 22/23 March 2019.
3. Winchester Town Forum’s role in determining the provision of facilities to serve North Walls recreation area, and the ongoing work to resolve the future of the pavilion at North Walls.
4. The legal complexities relating to potential future land uses of the RPLC building and surrounding site.

**Approves:**

5. That the Winchester Town Forum oversee the work relating to the improvement of the North Walls recreation area, and that the Cabinet Member for Housing and Asset Management leads the work relating to the future use of the RPLC building site and associated buildings and parking areas.
6. That further evaluation, including financial and legal implications, of the options for demolition or securing of the existing RPLC building once it is closed is undertaken and reported back to Cabinet for decision.
7. That an evaluation of options for the provision of toilet and refreshment facilities on site once the existing RPLC building closes in January 2021 is undertaken and considered by the Winchester Town Forum.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 North Walls recreation area is a significant public space. With the closure of River Park Leisure Centre there are several aspects to review including the use of North Walls recreation area and the future use of the River Park Leisure Centre site.

### 2 FINANCIAL IMPLICATIONS

- 2.1 RPLC is an asset owned by the council that will close on the opening of the new Winchester Sport and Leisure Centre and will therefore be surplus to requirements. The council needs to determine how to make best use of this land to support the community in its widest sense. Closure will have a financial implication as the council will need to secure the unoccupied building initially and potentially demolish at the appropriate time. This cost will be considered as part of the normal budget setting process.
- 2.2 It is envisaged that the River Park Leisure Centre site will be redeveloped. Any development will need to be considered in the light of the financial pressures that are facing the council, and will, ideally generate revenue or a significant capital receipt.
- 2.3 The council will need to determine the viability and financing of the preferred option in the light of the medium term financial strategy and the financial pressures that are predicted for the future.
- 2.4 A revenue budget of £150k was agreed to progress this project work through RIBA stage 0 (strategic definition) and will be sufficient to reach the stage of one or more preferred options for detailed evaluation in a strategic outline business case if required.
- 2.5 Consideration of the re-provision of any facilities provided by River Park Leisure Centre for those that use North Walls recreation is likely to have financial implications. The Winchester Town Forum will consider options on 13 November 2019 relating to replacement of the cricket pavilion, and provision of toilets and refreshment facilities.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Consideration of future land uses for both the building and surrounding site at RPLC site are subject to historic restrictions on the Land Registry title, which relate back to the original site purchase. Subsequently the land is currently held on a statutory trust as a public park and recreation ground for the City, and subject to a restrictive covenant.
- 3.2 The implications of the restrictive legal covenant and holding the land as a statutory trust on the site means that:

- a) The building and the land may only be currently used for recreational and open space, and associated uses;
  - b) Residential use is not permitted without discharge of the restrictive covenant by the Lands Tribunal, even following appropriation;
  - c) Additional options for the use of the land and buildings become available following a valid appropriation of the land by the Council, being uses which are under the Council responsibilities;
  - d) The Council could sell or grant a lease of the site provided it is first appropriated and the procedures in relation to disposal of open space under s123 Local Government Act 1972 are followed and best consideration is obtained or can be dispensed with. Any proposed development or disposal would need to respect or manage subsisting leases and easements.
- 3.3 Appropriation of the whole or part of the site from open space to planning purposes is a statutory process which, in this case, requires public consultation, evidence that the land no longer required for the purpose to which it is held, consideration of any comments received and not able to be pursued if it would lead to a breach of a the restrictive covenant.
- 3.4 The restrictive covenant may be modified or discharged pursuant to section 84 of the Law of Property Act 1925 which requires an application to the Lands Tribunal to show that the restriction is obsolete and would not adversely affect those with the benefit of it, or that the beneficiaries agree to its modification or discharge.
- 3.5 Further legal input is recommended as the Council develops ideas to pursue future land use options.

#### 4 WORKFORCE IMPLICATIONS

- 4.1 At this early stage, work is being undertaken by existing staff.

#### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 This project relates to the future use of the land owned by the council.
- 5.2 The development of the Winchester Sport and Leisure Park will mean the River Park Leisure Centre will close to the public in January 2021. The building has reached the end of its economic life and would require considerable expenditure if it was to be renovated.
- 5.3 The RPLC site has the potential to be used for a wide range of uses, subject to planning and legal constraints, and there is likely to be considerable interest in the market if it was to be offered for sale by way of a freehold or long leasehold interest.

- 5.4 The closure of RPLC in early 2021 will create some property implications in respect of the obsolete building and possible re-provision of certain facilities that directly support users of the adjoining open spaces. These are discussed in detail later in this report.

## 6 CONSULTATION AND COMMUNICATION

### **Stakeholder engagement**

- 6.1 A major stakeholder engagement event was held in a marquee at North Walls recreation area over the weekend of 22/23 March 2019. The event attracted 835 attendees across the two days, comprising residents of the local area, park users and representatives of sports clubs and other amenity or interest groups.
- 6.2 A key objective of the event was to reassure stakeholders that the future of North Walls recreation area is secure, irrespective of the future use of the RPLC site. A full summary of the engagement is shown at Appendix 1
- 6.3 The event clearly demonstrated that the wider North Walls site is well used on a daily basis by local people, the majority of whom walk to the site. There is an important thoroughfare running through the site as a route to the city centre and most visits to the site are for less than an hour.
- 6.4 No major issues were highlighted as problem areas with the park, though a number of low-level issues were identified which, if addressed, would make the park better suited to the needs of the wide range of users.
- 6.5 A number of people using the open space make use of facilities at RPLC to make their use of the park more enjoyable. The most common example was toilets, followed by the café, and the re-provision of important facilities is discussed later in the report.
- 6.6 While the event was focussed on the park area, a number of attendees wished to discuss or comment on the future of the RPLC site. Various leisure and recreation uses were suggested and there was support for a vision for the whole site to ensure that the future use worked well alongside the park. People were assured that there would be further opportunities to discuss and comment on the future of the site as the project progresses.

### **Councillor involvement**

- 6.7 Winchester Town Forum manages and maintains the green part of the site (see appendix 2) and the Forum will now lead on the future of that area. The Forum has established an Informal Group to advise on this, which has met twice to date and the Forum will consider a report on the project at its November meeting.
- 6.8 The Cabinet Member for Housing and Asset Management (Cllr Learney) will lead the work on the future of the RPLC building itself, supported by the

officer team, and this is subject to further consideration before next steps are determined.

## 7 ENVIRONMENTAL CONSIDERATIONS

7.1 The Council announced a climate emergency in June 2019 and environmental impacts will need to be a key consideration.

7.2 The North Walls site is in Flood zone Category 3 (recognising potential risk to life (residential/commercial uses)) and recent flood-prevention measures have been undertaken in the vicinity. Sensitivities in policy terms extend to the designation of the River Itchen (to the east) being designated as an area of Biodiversity interest as a Special Area of Conservation.

## 8 EQUALITY IMPACT ASSESSEMENT

8.1 None specific at this stage of the project.

## 9 DATA PROTECTION IMPACT ASSESSMENT

9.1 Personal data was collected from people who attended the consultation event in March 2019 and is being managed in accordance with the council's data protection policy.

9.2 A full impact assessment is not required at this stage of the project.

## 10 RISK MANAGEMENT

10.1 A summary of the key risks is given below. A project risk register will be developed as the project progresses.

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<p><i>Property</i> River Park Leisure Centre has reached the end of its economic life and, following closure of the centre, there is a risk of misuse.</p> <p>There is a risk that the building will lie vacant for a long period of time and that Business Rates would continue to be payable.</p> <p>There is a risk that the Council does not have the</p>	<p>The risk could be mitigated by either securing the property or by demolishing it pending the redevelopment of the site.</p> <p>The risk could be mitigated by seeking to sell the freehold or long leasehold of the property.</p>	<p>An exciting use for the site might come forward</p>

Risk	Mitigation	Opportunities
resources to run another major project and that the property/site will remain unused for a long period.		generating a capital receipt or income stream
<i>Community Support</i> The community is not well informed and are poorly engaged during the process.	Communications and engagement will be at the heart of project planning.	The council has the opportunity to work closely with the local community to achieve a co-created outcome that has broad support.
<i>Timescales</i> The current leisure centre will close when the Winchester Sport and Leisure Centre opens in early 2021.	Progressing this work now gives the opportunity to consider the best long term use for the current centre, and any short term use that may be suitable when the new centre opens.	The project has the potential to enhance the current open space facility, and agree a use for the current developed site that meets financial and community objectives.
<i>Project capacity</i> Inadequate project resource.	The project lead is being met from within existing staff resources; the approved budget enables purchase of additional resource when required.	There is a development opportunity for current staff to be involved in an exciting project.
<i>Financial / VfM</i> The future use of the site could create an unacceptable financial burden on the council tax payer.	Financial and value for money assessment will be part of the evaluation of options for redevelopment and enhancement of the site.	A creative solution could provide a positive financial position for council tax payers, as well as enhance the built environment, and meet community aspirations.
<i>Legal</i> Contractual, landownership and legal restrictions are complexities in relation to this site.	Land use proposals in accordance with the land registry title will require statutory procedures to be pursued which are time	The statutory procedures enable the Council the opportunity to work closely with the local community to achieve a co-created

Risk	Mitigation	Opportunities
	consuming. .	outcome with broad support.
<p><i>Innovation</i> An approach that is innovative may inherently have more financial risk for the council tax payer.</p>	<p>Financial risks, viability and feasibility will be part of the assessment of potential options for development.</p>	<p>An innovative approach could produce an outcome that adds to the Winchester city offer.</p>
<p><i>Reputation</i> The site has the potential to be used for a wide range of uses subject to planning and there is likely to be considerable scrutiny of the process and the outcome.</p>	<p>The process will be open and engaging, following the model that the council has developed over recent years in relation to major projects.</p>	<p>The council has the opportunity to work closely with the local community to achieve a co-created outcome that has broad support.</p>

## 11 SUPPORTING INFORMATION:

11.1 The presumption is that the River Park Leisure Centre site will (subject to appropriate planning permission) eventually be redeveloped for an alternative use and not become open space. No decision or scoping work has been undertaken as to the footprint to be redeveloped but other community uses such as the skate park and bowls club are within the overall site boundary (appendix 2).

11.2 The legal restrictions on the site result in current land use options summary, as follows.

- a) Use the land, or allow clubs or societies to use the land, for the provision of “recreational facilities”.
- b) Build facilities ancillary to recreational use on land currently laid out as open space but must preserve the main use which is recreational and keep any new facilities purely ancillary to the main use.
- c) Built facilities for cultural, leisure or educational use (related to recreational or leisure and not related to the Education Act 1996):
  - (i) On land currently built on.
  - (ii) On parts of land currently laid out as open space provided these are for purposes that are ancillary to the main recreational use.

- 11.3 Land Uses currently not available without undertaking additional legal processes are:
- a) Use the land for any profitable purpose not associated with recreational and open space.
  - b) Residential accommodation.
  - c) Office buildings or commercial buildings.
  - d) Educational facilities for uses under the Education Act 1996.
  - e) Build on parts of the land that are currently used as open space and/or recreation grounds, except by adding ancillary facilities to its recreational use).
- 11.4 Additional land use options are available to the Council if the entire site and/or land on which the buildings are located is validly appropriated from open space recreational use to planning purposes. A formal statutory appropriation procedure is required.

#### **Other constraints**

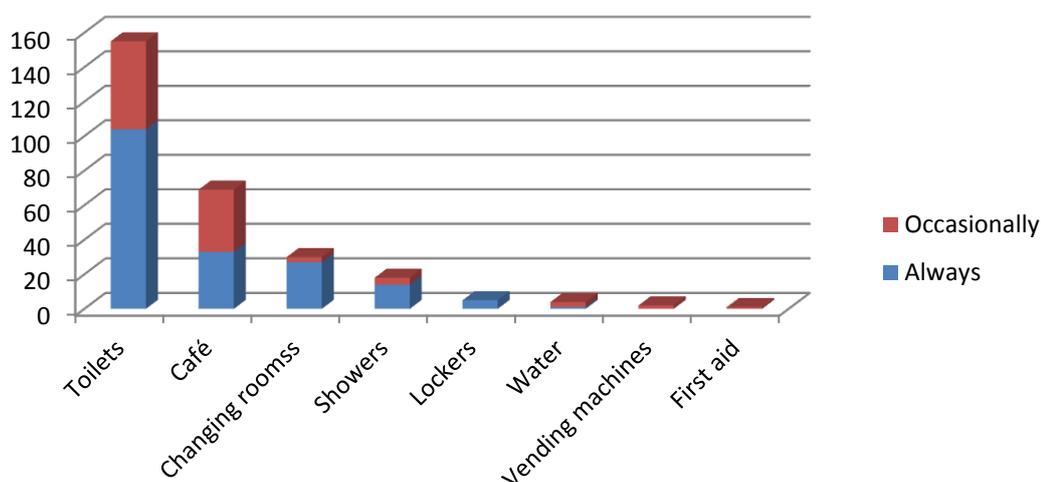
- 11.5 There are a number of other constraints that will influence any future development of the site.
- 11.6 Planning: The RPLC lies outside the defined settlement boundary for Winchester and consequently falls within designated countryside in adopted local plans. However, the site is located at the edge of the existing urban fabric of a residential and University area and, therefore, falls in an area of transition from the core city centre to residential/recreational /countryside areas – with the University campus area on Park Avenue as the point of transition. There could be opportunity to review this as part of the Local Plan process.
- 11.7 Flooding: Flood zone Category 3 (recognising potential risk to life (residential/commercial uses)) covers the entire footprint of RPLC. Recent measures have been undertaken around the site as part of the [North Winchester Flood Alleviation Scheme](#) and further work is planned, but it remains a high-risk area.
- 11.8 Access: vehicular access is restricted off Gordon Road, off Hyde Abbey Road, both residential streets, in turn taking access off North Walls, part of the one-way system, currently being reviewed as part of the [Winchester Movement Strategy](#) which was endorsed in March 2019.
- 11.9 Conservation and archaeology: remains of the former Hyde Abbey lie to the NE corner of the leisure centre, with designated Conservation Area adjoining the site. Initial officer advice is that the area currently used for car parking is

likely to be highly sensitive archaeologically, but the remainder of the site less so.

- 11.10 The site is adjacent to Winnall Moors SSSI, close to the River Itchen SAC and within 60m of the South Downs National Park boundary.

### Next steps

- 11.11 No decision has been made regarding any future development of the River Park Leisure Centre site and potential options will be brought forward in a future report for consideration.
- 11.12 However, when the Winchester Sport and Leisure Centre opens in early 2021, RPLC will close and the current operator will vacate the building leaving the council with a costly and obsolete building to manage.
- 11.13 It is unlikely that an alternative use will be found for the building, even in the short-term. The specific and bespoke nature of leisure centres means that few other uses could be made of the building so there is a high likelihood of the building being left empty. This would represent a revenue budget pressure as costs would accrue without any associated income. The site would be a potential health and safety concern, would detract from the aesthetics of the area and could deteriorate further over time.
- 11.14 Consideration will be given to arrangements for the management of the Leisure Centre once closed. It is recommended that this work be undertaken, with costs to be met from the approved budget for this project, with the findings reported back to Cabinet.
- 11.15 There are a number of other functions which River Park Leisure Centre provides in relation to the existing North Walls recreation area, the most significant of which is toilet provision.



- 11.16 There are proposals for a new cricket pavilion at North Walls to replace the existing building which is no longer fit-for-purpose. Winchester Town Forum set aside £300k for a replacement pavilion in 2015 but the project did not proceed because a group of residents and users requested time to raise additional funds to enable an enhanced pavilion to be built. [The Pavilion Project](#) group has raised more funding but remains short of the total required. The Town Forum is in dialogue with the group to determine a way forward and in the long-term the building could meet the needs of certain park users for changing rooms and/or showers. However, the location is less suitable to serve the needs of park users for public toilets or refreshments. This will be considered by the Town Forum at the meeting in November 2019.
- 11.17 The options to be considered by Winchester Town Forum for provision of toilets are:
- a) A purpose-built toilet block, possibly combined with a café, to service the whole site for the foreseeable future.
  - b) Provision of temporary toilets (for example on part of the current car park) to service the area until a decision is made on the long-term future of the site.
  - c) No toilet provision on the site until the long-term future of the RPLC site is known.
- 11.18 It will also be necessary for the Council team to manage bookings for the tennis courts following closure of the Leisure Centre. This is easily accommodated.
- 11.19 However, consideration will also be given to the provision of floodlighting to the skate park at the meeting of the Town Forum in November. Lighting is currently provided via the Leisure Centre.
- 11.20 There will be a need to review the charging strategy for and management of the car park at RPLC to ensure it is effective once the centre closes.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 This report does not address the potential redevelopment of the River Park Leisure Centre site which is subject to a further report. As such the current focus is on the provision of the public open space following public engagement earlier in the year.

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

CAB3093; RIVER PARK LEISURE CENTRE – FUTURE USE OF SITE; 31  
OCTOBER 2018

CAB3031; WINCHESTER SPORT AND LEISURE CENTRE – PROCUREMENT OF  
A CENTRE OPERATOR; 6 JUNE 2018

Other Background Documents:-

Proposals for a new pavilion at North Walls produced by [The Pavilion Project](#).

APPENDICES:

Appendix 1 - Results of public consultation: North Walls Engagement Event 22nd &  
23rd March 2019

Appendix 2 – Plan of the site