

Report to the Cabinet

Report reference: C-030-2008/09
Date of meeting: 1 September 2008



Portfolio: Corporate Support and ICT Services

Subject: The Borough Lorry Park, High Road, Ongar - Termination of Lease

Responsible Officer: Michael Shorten (01992 - 564124).
Richard Gardiner (01992 - 564089).

Democratic Services Officer: Gary Woodhall (01992-564470).

Recommendations:

That the Director of Corporate Support Services be authorised to terminate the lease granted by Essex County Council to the District Council in respect of the Borough Lorry Park, High Road, Ongar.

Executive Summary:

Due to declining usage of the Borough Lorry and Car Park, ongoing maintenance issues and the alternative use and development potential, it is considered appropriate for the Cabinet to review the continuation of the Council's lease of this site.

Reasons for Proposed Decision:

The proposed lease surrender will enable the landowner, Essex County Council, to pursue various ideas with the local residents and Ongar Town Council about the future of the site.

Other Options for Action:

Alternatively, to seek a more secure legal interest in the site, on terms to be negotiated, to exercise more control over its future or to justify expenditure on the scale required to improve the site.

Report:

1. In 1985 Essex County Council granted a lease to the District Council to use land adjoining the High Road on the fringe of Ongar Town Centre for use as a car and lorry park. The lease was renewed in 1993 for a term of one year and continues thereafter from year to year at a current rent payable to £4,000 per annum. There are no charges payable by the users. The site, known as the Borough Lorry Park, comprises an area of some 1.18 acre/0.47 hectare and is situated in the position shown by red border on the Ordnance Survey plan attached as Appendix 1.

2. Under the terms of the lease, the District Council is required to repair and maintain the site and its boundaries. It also provides both councils with an ability to terminate the agreement upon 6 months notice without compensation.

3. It is reported that the site was reserved for a possible bypass to the High Road but

these plans appear to have been abandoned in recent years. There is also a long-standing proposal that the land be used by the local Primary Care Trust as a health centre, but this is something the District Council has no control over under the terms of the current lease.

4. The Director of Environment and Street Scene advises that the site is situated within an area that has a 'significant' chance of flooding and is infrequently used for lorry parking. It is in poor condition with extensive potholes on its unmade ground and is characterised by flytipping, accumulations of rubbish, the presence of vermin and has attracted complaints from local residents about its condition generally and lack of investment over many years. The Directorate has reviewed the site and concluded there is no longer sufficient operational requirement to justify its retention or expenditure on overdue site improvement works.

5. To enable Essex County Council, working in partnership with Ongar Town Council and its residents, to bring forward their proposals for the future use and development of this site, it is recommended that the District Council withdraws from the site. If the Cabinet is in agreement with this course of action, it will be necessary to authorise the Director of Corporate Support Services to serve notice on Essex County Council to terminate the lease with effect from a date in 6 months time in accordance with the agreement.

Resource Implications:

Budget Provision: Savings on rental payments of £4,000 per annum and unspecified site maintenance expenditure.

Land: The Borough Lorry Park (1.18 acre/0.47 hectare), High Road, Ongar.

Personnel: Environmental and Street Scene Directorate and Valuation and Estate Management Service.

Legal and Governance Implications:

Relevant environmental and land and property legislation applies.

Safer, Cleaner and Greener Implications:

Surrender of the current lease will allow Essex County Council unencumbered title so that the various ideas that the local residents may have about the future use and improvement of the site can be pursued.

Consultation Undertaken:

Ongar Town Council has expressed an interest in being consulted by Essex County Council over the future of the land. Representations have also been received from local residents.

Background Papers:

Property File EV/169.

Impact Assessments:

Surrender of the current lease will release the District Council from its occupier and risk management obligations to repair, maintain, insure and manage the site to a standard suitable for public access and vehicle parking.