

<b>Item No.</b> 19.	<b>Classification:</b> Open	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Surrey Docks Stadium SE16 - Acquisition of Former Stadium, Sale of Northern and Eastern Car Parks and Return of Fisher FC to St. Pauls Ground	
<b>Ward(s) or groups affected:</b>		Rotherhithe and Surrey Docks	
<b>Cabinet Member:</b>		Councillor Fiona Colley, Regeneration and Corporate Strategy	

## **FOREWORD - COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY**

I'm delighted to recommend to cabinet this exceptional opportunity to create a brand new public park from the derelict former Surrey Docks stadium, a new astroturf football facility and improvements at the St Pauls ground Salter Road, and allow the return of Fisher FC to its home base in Rotherhithe.

The development of the adjoining depot site will provide one hundred new homes and a capital receipt to the council for its northern car park site which we will be able to invest into other improvement projects.

It is rare that a central London local authority is able to provide its community with such a new large park together with removing a serious blight on the area that the stadium had become. I'm sure that this will be warmly welcomed by all.

## **RECOMMENDATIONS**

That the cabinet agrees to (all in accordance with the terms set out in the closed cabinet report and subject to Fairview Homes obtaining planning consent):

1. The acquisition of the former Surrey Docks Stadium land (as shown in Appendix A) for use as a public park;
2. The disposal of the adjoining former Northern and Eastern car park sites to Fairview Homes;
3. The re-instatement of the St Pauls ground as a community football ground allowing the return of Fisher FC to Rotherhithe;
4. That the cabinet authorise the head of property to negotiate the sale, acquisition and development agreements with Fairview Homes and to agree lease terms for the St Pauls facility.

## **BACKGROUND INFORMATION**

5. The council formerly owned the Surrey Docks Stadium on Salter Road SE16 which was let to Fisher Athletic Football Club. As the stadium required considerable monies to be spent to improve it, a residential development was proposed for the non-Metropolitan Open Land (MOL) part of the site which would fund the works to the stadium.
6. Planning permission was obtained in 2005 for a residential scheme of 90 units and the council agreed to sell the site to a company set up by the football club directors. A reduced capital sum was agreed with a requirement that a further one million pounds was spent on the stadium. A charge was placed upon the title to this effect.
7. The development did not take place and in 2006 the football club moved to play at Dulwich Hamlet Football Stadium which had also been acquired by some of the Fisher Athletic directors. The Surrey Docks stadium was abandoned, the pitch used as a scrap yard and some of the buildings burnt down.
8. There were subsequent proposals from the club to build a stadium in Southwark Park but these were rejected. The residential planning permission for Surrey Docks expired after five years and the application for renewal was rejected as it was no longer policy compliant, and at the appeal the owners did not appear.
9. Stadplex, the company that owned the site, was subsequently put into administration by its main creditor, the Royal Bank of Scotland, and its subsidiary, Ulster Bank, who had lent a large sum of money secured on the land value, despite no redevelopment taking place.
10. The appointed administrators have now sold the site to Fairview Homes and the effect of the insolvency process was to overreach the council's charge on the land and sell the land to Fairview free from the council's interest.

## **KEY ISSUES FOR CONSIDERATION**

11. Negotiations have taken place between Fairview Homes and the council's property officers regarding the old stadium land and the adjoining former car parks to the north and east of the site. It is proposed that Fairview Homes transfers the freehold of the stadium to the council for nil consideration, after having set it out as a public park, together with a cash endowment to fund its future maintenance.
12. The council will sell the northern car park site to Fairview at market value for residential development and transfer the eastern car park land for use as public space and to become Metropolitan Open Land as a link between the new park and Russia Dock Woodlands.
13. Fisher Athletic Football Club are no longer in existence having been replaced by Fisher FC who are a totally new supporter-owned club that continue to play in East Dulwich. To facilitate their return to Rotherhithe it is proposed that the St Pauls ground on Salter Road which requires considerable investment will be fully renovated by Fairview Homes with a new 3g astro-turf pitch.
14. Discussions with Sport England and the Football Association (FA) suggest that further funding may become available to provide changing facilities.

15. It is proposed that St Pauls remains a community facility with Fisher FC having priority use at certain times each week and it becoming their home ground.
16. The council is in discussion with a substantial organisation with a growing presence in the Canada Water area who have expressed interest in running the facility to ensure that any receipts are ring-fenced to replace the playing surface when required.
17. Substantial public access is a pre-requisite for this new facility both through the management organisation and the Fisher FC use.

### **Policy implications**

18. The disposal of the Northern Car Park site will generate a capital receipt that can be used by the council to further its key strategic objectives.
19. The acquisition at nil cost to the council of a new three and a half acre park and transformation of the presently unusable St Pauls pitch will meet the Council's policies regarding sports and leisure provision.

### **Community impact statement**

20. The impact of the proposed development on the local community will be considerable and positive. The derelict abandoned former stadium will be transformed into a public park accessible by all whereas previously, when it was in use as a private football stadium, public access was minimal.
21. A housing development providing 100 homes will finally take place on the adjoining depot land and the eastern car park will be preserved as open space as a link between the new park and Russia Dock Woodlands.
22. The St Pauls facility will be completely renovated with a new 3g astro-turf pitch and, subject to further funding from the FA, new changing facilities provided. Fisher FC will return to its home on the peninsular and a publically accessible new sports provision will be run and maintained by a third party within Rotherhithe.
23. There are no direct negative implications of the report's recommendations on the council's Managing Diversity and Equal Opportunities Policy.

### **Consultation**

24. Consultation upon the proposals has already begun with local residents and stakeholders. There will be extensive consultation through the planning process with public exhibitions of the proposals.
25. The proposal was presented at the Fisher FC AGM and received full support from its members.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

26. A number of proposed property transactions are considered in this report. The first is in relation to the sale by the appointed administrators of the site without redeeming the council's charge. This charge was taken to secure monies to be spent on improvement works to the stadium which have never been carried out. The level of loans to the borrower appear to significantly exceed the assets of the company with the result that the council's charge is overreached by the indebtedness in relation to the prior charge. As a result, the protection enjoyed by the council's charge will be lost without any compensation.
27. The report also anticipates the transfer of the stadium from Fairview for no consideration. The council has the power to do this under section 120 Local Government Act which provides that a council may acquire land for the purpose of any of its functions and in this instance the function is for the provision of open space. In addition, Fairview is providing monies to assist in the maintenance of the open space.
28. Thirdly, the report refers to the sale of the Northern car park and the advertising hoarding to Fairview Homes subject to planning permission being obtained. The council has obtained independent advice to the effect that this is the best consideration which may be achieved for the land and accordingly the pre commencement restriction set out in s. 123, Local Government Act 1972 is satisfied meaning the council can proceed with the sale of the land in accordance with s.1 Localism Act 2011. The cabinet is required to approve the disposal in accordance with paragraph 13, of Part 3C of the Constitution.
29. Next the report refers to the transfer of the eastern car park. This land will be retained as open space and the council will be relieved on the future maintenance obligations. It is understood that the land has no value as it could not be developed.
30. There is a further responsibility on Fairview to contribute to the improvement of the facilities at the St Pauls facility but there are no legal implications arising from this.

### **Strategic Director of Finance and Corporate Services**

31. The financial implications are detailed in the closed version of this report.

## **BACKGROUND DOCUMENTS**

<b>Background paper</b>	<b>Held at</b>	<b>Contact</b>
None		

## APPENDICES

No	Title
Appendix A	Site Plan

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Fiona Colley, Regeneration and Corporate Strategy	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Marcus Mayne, Principal Surveyor	
<b>Version</b>	Final	
<b>Dated</b>	29 November 2013	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	29 November 2013	