

Trustees considered a report about the acquisition of the play park to the rear of the village hall. This land was previously in the possession of the Village Hall (made available by the developer of the Ryselard Way housing in the mid 80's and subject to a planning requirement that it should be used as a play park). Subsequently in the mid 90's the land was transferred to Taunton Deane BC by the Village Hall Trustees with a covenant that it should be used as a play park. Recently, the planning restriction on the land was removed by Somerset Council following local consultation and the Trustees agreed that the need for the restrictive covenant no longer applies given availability of play facilities elsewhere in the village and that use of the land by the Village Hall would give greater community benefit. After discussion The Trustees agreed to proceed with the lease as follows.;

1 The Creech St Michael VH Trustees shall enter into a 50 year lease with Somerset Council for the Caray Grove play park land (excluding the footpath from Caray Grove) at an annual £1 rent and use limited to activities associated with The Village Hall. The detailed terms of the Lease to be agreed by the Chair of the VH Committee with the Council following this meeting and the Chair and Treasurer be authorised to sign the lease on behalf of the Trustees.

2 The Chair of the VH Committee be authorised to enter into a licence arrangement, if needed, with Somerset Council to allow access to the land at an early stage and the Chair and Treasurer be authorised to sign on behalf of the Trustees.

3 Somerset Council be advised that the Trustees do not intend to action the covenant placed on the land by the Trustees when the land was transferred to TDDB.

4 The following expenditure in connection with acquiring and bringing into use the site is authorised within a budget of £5000.

a. Solicitors' fees up to £1500

b Lease costs £1 p a.

c. Removal of play equipment £500

d. Removal of hedge and landscaping and fencing up to £2500

e. Any other costs relating to the use of the land agreed by the VH Committee.

## **Trustees of Creech St Michael Village Hall**

**Meeting Friday 16<sup>th</sup> August 2024**

### **Caray Grove Play Park.**

Trustees will know that members of the VH Committee have been negotiating with Somerset Council ( and its predecessors Somerset West and Taunton Council and Taunton Deane BC) for the acquisition of the small play park sited immediately behind the Village Hall.

The background to this is as follows. This land was previously in the possession of the Village Hall (made available by the developer of the Ryesland Way housing in the mid 80's and subject to a planning requirement that it should be used as a play park). Subsequently in the mid 90's the land was transferred to Taunton Deane BC by the Village Hall Trustees with a covenant that it should be used as a play park.

It has been clear for a number of years that the land (which has a concealed access from Caray Grove) was underused as a play park. There is some equipment on site probably dating from the 90's. There have been instances of youths causing a nuisance to adjacent residents. The play park is no longer needed given the massive investment made by the Parish Council in the recreation park in Hyde Lane.

The Village Hall Committee proposal is to acquire the site at no cost, block the access from Caray Grove, remove the hedge between the VH and the site and remove the play equipment. The planning requirement would have to be removed and the restrictive covenant ignored by both parties. This is because only the Village Hall could enforce the covenant and we will have control of the use of the land for the period of the lease.

Somerset Council have been very receptive to this idea and have proposed a very long lease of 50 years which Trustees are asked to accept. They have carried out consultation locally and have removed the planning designation of the land as a play park.

The draft Heads of Terms of the proposed lease are attached to this report. Given the Council has resource problems at the moment completion is likely to be delayed. If so, a simple licence arrangement may be possible to allow access to the site and the carrying out of works.

There will be opportunity at the meeting to discuss these proposed terms.

Although the land will transfer to the VH at no cost there will be legal fees and costs in bringing the site into use by the VH.

#### Recommendations

It is recommended that:

- 1 The Creech St Michael VH Trustees enter into a lease with Somerset Council for the Caray Grove play park land (excluding the footpath from Caray Grove). The terms of the Lease to be agreed by the Chair of the VH Committee with the Council following this meeting

- 2 The Chair of the VH Committee be authorised to enter into a licence arrangement if needed with Somerset Council to allow access to the land at an early stage
- 3 The Trustees agree to ignore their restrictive covenant on future use of the land.
- 4 An overall budget of £5000 be set aside to cover the following costs:
  - a. Solicitors' fees up to £1500
  - b. Lease costs £1 pa
  - c. Removal of play equipment £500
  - d. Removal of hedge and landscaping and fencing up to £2500
  - e. Any other costs relating to the use of the land agreed by the VH Committee.

Peter Brown

Jan King

James Stubbs

16<sup>th</sup> August 2024



**Somerset  
Council**

## **STRATEGIC ASSET MANAGEMENT**

### **HEADS OF TERMS – PROPOSED LEASE**

**FULL PROPERTY ADDRESS:** Play Area, Caray Grove, Creech St Michael, TA3 5TB

#### **PARTIES**

**Landlord** Somerset Council, County Hall, Taunton, TA1 4DY

**Tenant:** *please confirm name of tenant and registered address and number (if applicable)*

**Council's Solicitor:** Legal Services, County Hall, Taunton, TA1 4DY

**Tenant's Solicitor:** *please confirm*

#### **LEASE TERMS**

**Demise:** Play Area, Caray Grove, Creech St Michael, TA3 5TB

**Term:** 50 years from completion

**Contracted Out /In of 1954 LL&T Act:** Y

**Rent:** £1 pax, exclusive of all outgoing and payable in advance

**Payment Dates:** annual if demanded

**Interest on Late Rent:** n/a

**Grace Period:** n/a

**Rent Review:**  
n/a

**Interest on Later Reviewed Rent:** n/a

**VAT:** Not applicable

**Rent Deposit:** n/a

**Repairs:** FRI

**Business Rates:** Tenant liability if applicable

**Outgoings:** The Tenant shall be responsible for the provision and payment of all outgoing.

**Insurance:** Tenant to provide a copy of any Public Liability Insurance relating to the Tenants Business

**Service/Estate Charge:** Tenant responsible for fair proportion of costs of maintenance for any shared accesses or things used in common.

**Breaks:**

n/a

**Alienation:** prohibited

**User:** outside amenity space used in conjunction with the adjacent village hall

**Alterations:** permitted with notice to the Landlord

**Tenant's Works:** the tenant will remove and dispose of the play equipment on site

**Landlord Works:**.n/a

**Energy Performance Certificate:** n/a.

**Fire Risk Assessment:** n/a

**Other Statutory Regulations:** Tenant to comply at all times as applicable.

**Fees:** each party pays their own fees

**Other Terms:**

**Conditionality**

- Subject to Contract
- Subject to Council Approval

**UPRN/File Ref:** SITE002365

The Trustees of Creech St Michael Village Hall,  
The Village Hall,  
Ryesland Way,  
Creech St Michael  
TA3 5QQ

**Our Ref:** SITE002365

**Your Ref:** ST125906

**Date:** 29<sup>th</sup> August 2024

Dear Trustees,

**Licence to Enter and Carry out Works to former Play Area, Caray Grove, Creech St Michael, TA3 5TB Pre Lease completion**

Somerset Council has agreed to grant you a licence to access the land known as Play Area, Caray Grove, Creech St Michael and the Council's adjoining (footpath) land on the conditions below. This licence is granted to allow you early access to the land to carry out works, pending completion of your lease.

This licence does not grant a right to use and occupy the land and does not confer exclusive occupation or a tenancy.

The authorised works comprise and are limited to:

- To secure the site at the Caray Grove entrance with fencing.
- To remove the hedge with an agreed planting scheme (no invasive or poisonous plants are permitted).
- To remove the play park equipment.
- To take responsibility for grass cutting.

During this licence period, you will be responsible for the costs of the above works and to keep the Landlord indemnified against all losses, claims, demands, actions, proceedings, damages, costs, expenses or other liability in any way arising from the above works.

Any works pre lease completion are at the risk of the Trustees of The Village Hall. If the lease does not complete your works may be abortive and the Council may ask The Trustees to reinstate the Land.

**Licensor:** Somerset Council

**Licensee:** The Trustees of Creech St Michael Village Hall,

**Property:** Play Area, Caray Grove, Creech St Michael, TA3 5TB

**Licence fee:** No licence fee to be charged.

**Term:** Licence granted for a period of 6 months or until lease completion whichever is earlier

**Termination:** Licence can be terminated by either party at anytime with one month's notice.

**Insurance:** Licensee will be responsible for all property owners and public liability insurance.

I trust the above terms are acceptable and I would be grateful if you could please sign a copy of this letter and return by email.

Yours sincerely



**Sally Stark MRICS**

Head of Estate Operations

Somerset Council

c/o Gurmit Bhatoa-Edwards - Case Manager – Assets Trainee Surveyor

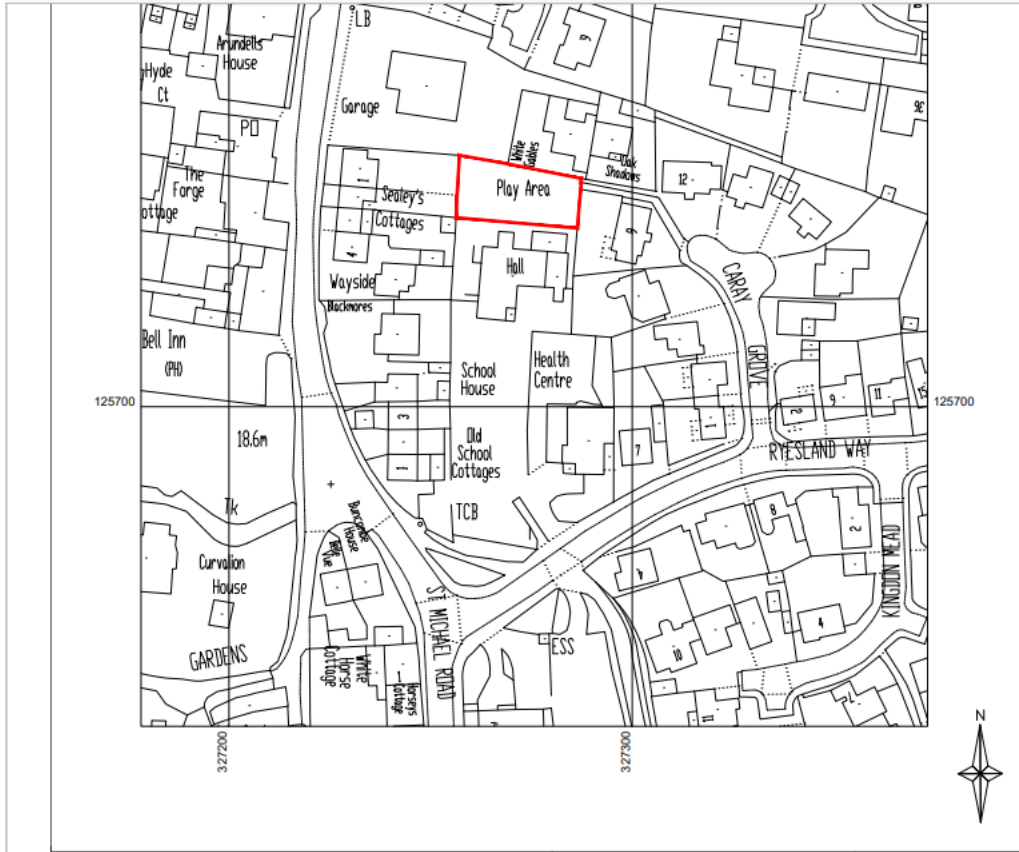
Tel.: 01823 218777


I confirm acceptance of the conditions of this Licence

Signed on behalf of The Trustees of Creech St Michael Village Hall

Licensee signature:

Date of signature:



Job Title <b>Land at Caray Grove, Crech St Michael</b>	Drawing Number	County Hall TAUNTON Somerset TA1 4DY	 <b>Somerset</b> Council
Drawing Title <b>LOCATION PLAN</b>	Scale @ A4: 1:1250	Drawn By	
	Checked by		Date Checked

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