

## Agenda Item 9

Legal and Property Services  
Salisbury District Council  
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Wiltshire SP2 2DF

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# Report

**Subject** : Temporary appropriation of land surrounding the former Swimming Pool

**Report to** : The Cabinet

**Date** : Wednesday 07 November 2007

**Author** : Graham Creasey

**Cabinet Member for Resources** : Councillor Tony Thorpe

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### 1. Purpose of report:

- 1.1 To decide whether to appropriate land on a temporary basis surrounding the old swimming pool to facilitate demolition of the building.

### 2. Background:

- 2.1 The Cabinet at its meeting on the 5<sup>th</sup> September 2007 agreed to commence the land appropriation process.
- 2.2 Public Notices of the Councils intention to consider appropriation was placed in the Salisbury Journal for two consecutive weeks on the 4<sup>th</sup> & 11<sup>th</sup> October 2007 and a page has been placed on the Council's website since the 13<sup>th</sup> September 2007. The closing date for written representations was the 26<sup>th</sup> October 2007.

### 3. Responses:

- 3.1 A total of 4 responses have been received and the reasons for their objections can be summarised as follows:-
  - 2 letters objecting to the loss of the building as a leisure facility.
  - 1 e-mail objecting strongly to the proposed development.
  - 1 letter objecting to the appropriation process but not the demolition of the building.

All the responses are attached in the appendix.

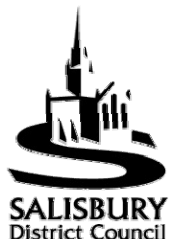


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3.2 Officer comments are as follows:-

- Loss of Leisure Facility, the building has deteriorated to such an extent that even the most basic repair and refurbishment is estimated to cost in excess of £250k.
- The objector may have misunderstood the temporary nature of the proposed appropriation and assumes that built development will follow on the whole of the area under consideration, clearly this is not the case.
- Appropriation process, the objector questions the need to appropriate and asks if other measures can be taken to secure a safe working space around the building in which the demolition contractor can operate. Counsel has advised that although appropriation is a cautious approach it is the safest route to exclude temporarily public access from that part of the land shown on the plan.

4. **Options:**

4.1 After due consideration of the issues raised by the respondents and Cabinet being satisfied that all those issues have been properly dealt with it can:

- Decline to appropriate the land
- Appropriate the land

5. **Recommendations:**

Cabinet is recommended to approve the appropriation of the land shown on the plan on a temporary basis to facilitate the demolition of the old swimming building and landscaping works. On completion of those works, to appropriate the land back to its current purpose.

6. **Background Papers:**

None

7. **Implications:**

- **Key decision:** No
- **Financial:** none arising from this report
- **Legal:** the Council may appropriate land from one statutory purpose to another under section 122 Local Government Act 1972 as amended provided the statutory procedure is followed.
- **Human Rights:** none at this stage
- **Personnel:** none other than staff time
- **ICT:** none
- **Community Safety:** if approved, the contract for the demolition can commence
- **Environmental:** removal of the building will improve the quality of the local environment
- **Council's Core Values:** Consultation
- **Wards affected:** St. Edmunds & Milford

**nfwalker**

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**From:** nfwalker [nfwalker@onetel.com]  
**Sent:** 19 October 2007 14:15  
**To:** 'legalmail@salisbury.gov.uk'  
**Subject:** old swimming pool

I wish to object very strongly to the proposed development. In a public meeting of the St Edmund's Community Association, which Salisbury Council set up, people voted overwhelmingly to have this area returned to grass and this was confirmed by a follow-up survey a while after. To build on the existing footprint would be acceptable, but the area you are claiming is much bigger and, no doubt, a prelude to building on the whole site. Many council tax payers are extremely disgruntled that they are not allowed to make small adjustments to their homes, while the council grants planning permission for monstrous constructions, often in opposition to public opinion and on greenfield sites (like this), thus spoiling the view and environment for all.

This green space has a value to the city that is intangible, but priceless, and once built on is lost forever. The donor of this land certainly never intended it to be built on, and in doing that you are breaking faith with him. While the Council bangs on about consultation and claims to be interested in the views of the council tax payers (who after all pay the salaries), in fact there seems to be little real account taken of public opinion. Could it be that the swimming pool site will be an exception to this rule? I certainly hope so.

Yours faithfully

Nicholas Walker  
46 Belle Vue Road  
Salisbury  
Wiltshire  
SP1 3YD

# Moonrakers Judo Club

www.moonrakersjc.com

- 5 OCT 2007

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Mr P. Blakemore  
10 Nelson Road,  
Salisbury  
SP1 3LT  
27 September 2007

The Head of Legal & Property Services [ref jc]  
Salisbury District Council,  
PO Box 2117  
Salisbury  
SP2 2DS

Dear Sir/Madam,

I wish to object to the proposed demolition of the redundant swimming pool facility for the following reasons:

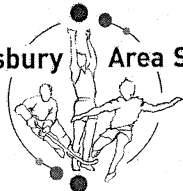
1. I believe that the council have not exhausted all possible options for retaining the facility for recreational purposes.
2. There appears to be a deliberate long term council policy to let the facility go to ruin to allow redevelopment or demolition despite much interest from local groups in preserving and operating this potential important community asset.
3. The suggested/estimated cost of refurbishment for the facility has been greatly exaggerated to help support the case for the intended demolition.
4. There is a continuing requirement for low cost sport in the community; this facility could be an important tool in meeting this requirement. The fitter the local population are the less of a burden they are likely to be on the local health service.
5. Much has been made of trying to improve the local sporting infrastructure ahead of the 2012 Olympics, it seems crazy to be demolishing this facility whilst there are no current improvements are being made in Salisbury.
6. It is easier to retain the existing building than trying to raise funds, find land and have planning permission accepted for a new building.
7. The building could be renovated and would make an ideal venue for Martial Arts, Gymnastics, running clubs and general fitness with rooms for cardiovascular equipment and weight training.

I will be willing to enter in to discussions with the council should the proposed demolition be declined in favour of retaining the facility for use in the community.

Yours faithfully,

Peter Blakemore  
Chair Moonrakers Judo Club

Salisbury Area Sport



51 Countess Road  
Amesbury  
Salisbury  
Wilts SP4 7AS  
4th October 2007

The Head of Legal & Property Services (ref jc)  
Salisbury District Council  
PO Box 2117  
Salisbury SP2 2DS

Dear Sir

**Notice of appropriation iaw Local Government Act Section 122(1), (2A) Land at  
Wyndham Park Salisbury**

On behalf of Salisbury Area Sport, the local voluntary district sports council for Salisbury & District, I am writing to object to the intended appropriation for the Old Swimming Pool Site at Wyndham Park.

Despite no evidence on the SDC web-site to such effect, I am advised that the notice published is to permit the demolition of the Old Swimming Pool buildings and this is the basis for my objection.

Although there is insufficient demand for a second swimming pool in Salisbury, the building could be retained and modified for continued sporting use. The pool areas could quite easily be covered with suitable sprung flooring producing an additional sports hall for use by sporting organisations. There is considerable demand by local groups for indoor areas which cannot be satisfied by existing provisions. Indoor martial arts is a key sporting area which has been searching for accommodation for many years and this building could be effectively converted to provide this.

I do not believe that demolition is the best answer as the cost of replacement buildings would be prohibitive even if planning consents were given.

Yours sincerely,

Peter Wrighton

P G Wrighton  
Chairman

35 Bower Gardens  
Salisbury  
Wiltshire SP1 2RL

Tel: 01722 - 323990  
E-mail: rcdurman@btinternet.com

26 OCT 2007

GC

23<sup>rd</sup> October 2007

Dear Mr Creasey,

**Land at Wyndham Park, Salisbury – Appropriation of Land**

I write to object to the proposed 'appropriation' of land at Wyndham Park for the purpose of demolishing the former swimming pool. The objection is not to the demolition but to the threat to the continued use of the land as public open space.

After seeing the official notice I sought clarification of what was intended and you were most helpful in explaining the current position. In particular, you were able to assure me that the present intention is to demolish the building and return the site to open space. You also explained that the appropriation was to ensure an exclusion zone and working space surrounding the building. In view of earlier talk of erecting new (non-recreational) buildings on this public open space, this is all very reassuring. I am also delighted that at long last the council has got round to removing an eyesore and nuisance that should have been dealt with much sooner after the provision of the Five Rivers Sports Centre.

However, I am concerned at the implications of the way the council is going about it procedurally. As you know, the land on which the former pool stands has been public open space for more than 100 years. No change of use or appropriation was required when the New Sarum pool was built because the City Council had power to erect buildings for recreational purposes on land held as public open space. Any measures taken to ensure public safety or to secure the site during construction would have been incidental to those powers. They did certainly not require an appropriation of land since everything was taking place in the context of land held for recreational purposes. The same is now true of the building's demolition. Appropriation is unnecessary and inappropriate.

But it goes further than this. I do not need to remind you that public open space is held in trust for the public and any change of use requires, not only planning permission, but consideration and approval from the Council under special provisions. There was a time when a local authority was unable to grant that approval itself but was required to seek it from central government. Any approval was normally only given if suitable alternative land could be provided near the land to be taken. In other words, the decision to appropriate land from public open space for some other purpose cannot be taken lightly.

You assured me that the so-called 'appropriation' is intended to be temporary. But the official notice does not say so. I suspect it does not say so because it is doubtful whether, in law, such a thing exists. So, if the terms of the notice are taken at face value and if the formal appropriation duly takes place, when all the work is done in several months' time, *the land will not be public open space*. This is most worrying, because if the debate about possible new buildings on the land has by then been reopened, the way will have been made easier (for no good reason) for a non-recreational use to take place and for the land to lose its status once and for all as land held in public trust as open space. I do not doubt the sincerity of the Council's present intentions that the change should be temporary, but the Council is entitled to change its mind and it is wrong that the land should have lost its protected status in the mean time unless there are compelling reasons.

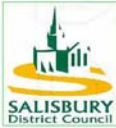
My argument is that there are no good reasons to 'appropriate' the land. Appropriations, as I understand it, are to enable land to be switched from one purpose to another - 'purpose' in the sense of a local government function, as reflected in the different accounts that an authority keeps. To appropriate land 'for the purposes of demolition' (as the notice puts it) simply does not make sense. The true purpose remains public open space. All that is happening is that an old and neglected building is being demolished and proper steps are being taken to secure the safety of the public. Who can possibly object to that? I, for one, do not, but I do object to any proposal that the land should lose its special status, whether temporarily or forever.

Yours sincerely,



Richard Durman

Head of Legal and Property Services, [ref]c]  
Salisbury District Council  
PO Box 2117  
SALISBURY SP2 2DS



## Old Swimming Pool

SCALE: 1:1000  
 DATE: August 2007  
 DEPARTMENT: Legal and Property

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