

**Open Report on behalf of Andy Gutherson, Executive Director – Place**

Report to:	<b>Councillor E J Poll, Executive Councillor: Commercial and Environmental Management</b>
Date:	<b>25 October 2019</b>
Subject:	<b>Huttoft Boat Shed Visitor Centre</b>
Decision Reference:	<b>I018558</b>
Key decision?	<b>No</b>

**Summary:**

This project will add another quality tourist facility to the Lincolnshire Coast, building on the success of the North Sea Observatory and the Gibraltar Point Visitor Centre.

Funded by the County Council and the GLLEP the building at Huttoft will replace an existing redundant boat shed, owned by the County Council.

The new building will contain a high quality cafe, a rooftop viewing deck (protected by a glass balustrade) and an external ground level deck for hosting larger pop-up food and other events. The building will benefit from floor to ceiling windows (protected when not in use by shutters) giving views inland to the Wolds and North to Sandilands and Sutton On Sea.

The project will include the refurbishment of the existing public toilets, an external shower for beach users and connecting the site to main services for the first time.

The site will be let, at a commercial rent, to a new commercial operator, who will be responsible for maintaining the building and the toilets.

The planning application has been submitted. Subject to receiving planning permission works should start on site early in 2020 and the building open to the public in June 2020.

**Recommendation(s):**

That the Executive Councillor :-

- 1) Approves the delivery of the Huttoft Boat Shed Cafe Visitor Centre Project.
- 2) Approves in principle the procurement and award of a contract for the

Project subject to prior formal documented termination of the occupational arrangements granted to East Lindsey District Council for the existing public conveniences.

- 3) Approves in principle the granting of a lease on commercial terms, including rent, to a commercial operator, of the new building to be constructed and forming the new cafe and subject to formal termination of the occupational arrangement in respect of the current public toilets which exists in favour of East Lindsey District Council, including the public toilets planned for refurbishment.
- 4) Authorise the Executive Director of Place to agree the final form and approve the entering into of all arrangements and contracts necessary to secure the construction and completion of the Project.
- 5) Authorise the Executive Director of Place to agree the final form of terms for the termination of the existing occupational arrangement with East Lindsey District Council and for the new cafe lease to be granted.

#### **Alternatives Considered:**

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| 1. | Do nothing: Without Lincolnshire County Council (and GLLEP) intervention the existing boat shed building would remain empty, without the prospect of an alternative use that would benefit the area. |
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#### **Reasons for Recommendation:**

Recent projects on the Lincolnshire Coast have helped overcome negative perceptions of the coast encouraging new businesses and new development.

The Huttoft Boat Shed Cafe project will build on this positive momentum, encouraging more people to visit and extend the season that they visit.

Lincolnshire County Council's financial contribution to this project will unlock a £240,000 capital grant from the GLLEP, which will ensure that the quality of the building delivered matches that of the Gibraltar Point Visitor Centre and the North Sea Observatory.

## **1. Background**

### **Evidence for need**

In 2016 the Greater Lincolnshire Nature Partnership (GLNP) identified major challenges in progressing initiatives to grow coastal nature tourism. There is a perception of the coast being a series of resorts catering for the mass market. There is also a lack of infrastructure for tourism, particularly good quality accommodation and eating places compared to competitors such as North Norfolk.

## **Opportunity**

The GLNP estimated the current value of nature based tourism and leisure activity to GL could be as much as £325 million, of which £51 million is associated with holidays and day trips where engaging with wildlife is the primary purpose.

The GLNP identified a need to create flagships for further development work to act as 'clusters' to create additional critical mass in terms of marketing the destination.

This project at Huttoft looks at adding a new coastal 'flagship'. It will build on the success of other successful projects recently completed by LCC, the new Gibraltar Point visitor centre and the North Sea Observatory at Chapel St Leonards. These schemes have received a number of design awards, have improved the food and information offer on the coast, attract over 150,000 visitors a year, and have raised the bar in what visitor expect when they visit the coast.

It will be in a prime position bring together a wide range of existing coastal activities and promote new ones. Including :- organised walks and beach/sea safaris; sea dipping; whale, seal and dolphin watching events; beach cleaning & events raising the awareness of plastic pollution; promoting the new National Coastal Footpath. It will also host satellite art exhibitions and activities in conjunction with the North Sea Observatory Gallery

## **Location**

Huttoft lies within the Lincolnshire Coastal Country Park. A narrow road connects the main coast road to the car park on Huttoft Terrace. The Terrace is popular with visitors who can park and enjoy an uninterrupted view of the sea.

Next to the dunes is a building, owned by LCC, originally used by a boat club to house a tractor. The club disbanded some years ago and the building is no longer used.

LCC have been looking at alternative uses for the site. Given the need for additional tourist facilities and the success of other coastal projects it is proposed to replace it with a building incorporating a café, visitor facilities and public toilets.

## **Building design**

The building is designed to be no larger than the footprint of the existing building (a requirement of the Environment Agency). So to maximise its potential it will have a rooftop viewing deck and a second ground level timber deck on the landward side. The internal layout has been designed to reflect lessons learnt from other recently completed projects. So room for tables and chairs will be maximised and there will be a foyer to protect customers from the elements when the doors are in operation. To maximise the space inside the building the project will include the refurbishment of the existing public toilets next door (currently owned by ELDC) and then incorporating these within the project.

There will be floor to ceiling windows facing West (to the Wolds) and North (to Sutton on Sea). These will be protected by shutters when the building is not open.

The existing building is not connected to mains electricity. So the project includes linking the building to the nearest electric supply, 1000m away on the main road.

### **Local issues**

Sand removal – Most issues caused by sand blowing from the beach effect the parking terrace not the area around the proposed café and the removal of sand from the parking terrace will be unaffected by this project.

Terrace car parking charging – the project does not prevent any future change to charging for visitors using the terrace. The new electric supply will also future proof the site should parking meters etc. need to be installed in the future.

Anti-social behaviour on the terrace – during the consultation on the project the parish council and local members have said that anti-social behaviour on the terrace has decreased in recent years. But having a new building in this location should help to deter anti-social behaviour in the area.

There have been Byelaws in place to assist in regulating activities at the terrace car park which byelaws were confirmed by the Secretary of State 24th September 2013.

### **Project delivery and timetable**

The project will be delivered by LCC. The delivery timeline is :-

Planning process	October 2019 planning decision
Main Contract procurement process	complete mid October 2019
Contract awarded	mid November 2019
Construction on site	early January to mid June 2020
Open to the public	mid June 2020

### **Project costs and funding**

#### **Revenue costs**

£8,000	Feasibility
£2,000	Site surveys
<b>£10,000</b>	<b>Total</b>

#### **Revenue funding**

£4,000	Greater Lincolnshire LEP (awarded in July 2019)
£6,000	Lincolnshire County Council
<b>£10,000</b>	<b>Total</b>

#### **Capital costs**

£5,000	Remove existing boat shed
£3,000	Refurbish existing toilet block
£67,000	Connect to nearest mains electric supply (1000m) and other services
£325,000	Main build including sub structure, piling, external decking etc
£3,000	Bin store

£60,000	Professional and design fees
£17,000	Additional items, furniture (internal/external), interpretation, signage.
<b>£480,000</b>	<b>Total</b>

#### Capital funding

£240,000	Greater Lincolnshire LEP (awarded in May 2019)
£240,000	Lincolnshire County Council (Coastal Country Park budget)
<b>£480,000</b>	<b>Total</b>

#### **Future ownership and maintenance**

The building will remain in LCC's ownership. It will be run by a commercial operator, creating new jobs and a new SME. The tenant will be charged a commercial rent and be expected to maintain the building and public toilets.

This new business will be encouraged to provide seasonal food, sourced locally. They will also employ permanent, part-time, seasonal and voluntary staff from the local area and support numerous other smaller local companies.

#### **Basis of ownership**

The site of the proposed café and existing public toilets and parking terrace were acquired on a freehold basis by Lincolnshire County Council's predecessor authority (Lindsey County Council) as a result of the Sandhill's Act 1932. Following local government reorganisation in 1974 Lincolnshire County Council became the successor in title to Lindsey County Council and therefore became freehold owner of the land the subject of this Project. This ownership is nonetheless still subject to the requirements of the 1932 Sandhills Act.

One consequence of the land being subject to the Sandhills Act 1932 is the deeming of what is defined as "Controlled Sandhills" as open space. Where this is the case the Council may not take any decision on a proposed disposal (including for example a lease to an organisation as proposed for the completed facility the subject of this Project ) without first complying with the open space advertisement obligations in section 123 (2A) of the Local Government Act 1972. The required advert notifies intention to dispose and indicates an address for communication of objections. Any objections received must be considered by the Council before any decision as to a proposed disposal is taken.

However, "Controlled Sandhills", by definition, do not include certain buildings which are permitted to be built by the County Council by virtue of Section 34(1) of the Sandhills Act 1932 on Sandhills land which is within the ownership of the County Council. This includes amongst other things ".....shops lavatories.....and other erections and conveniences. The Sandhills Act provides that the County Council may then let any part or parts of such buildings. The County Council would propose to construct the café in reliance on that provision in the Sandhills Act.

A further provision in the Sandhills Act 1932 (Section 13) enables the County Council to grant licence to other parties to erect and maintain certain structures on such parts of the Controlled Sandhills insofar as such land is in the ownership of

the County Council. Records demonstrate that the County Council of Lincoln parts of Lindsey (predecessor in title to Lincolnshire County Council) granted a licence to The Spilsby Rural District Council (predecessor in title to East Lindsey District Council ("ELDC")) dated 10th November 1966, to enable ELDC to retain and maintain the existing public conveniences. It is this documented occupation arrangement which requires formal termination if the County Council is to include the public conveniences in the Project the subject of this Report.

In the event the Council proposes to create a disposal eg. a lease of land, which is the subject of the open space purpose and vesting, for example the terrace car park area, that would require prior compliance with the open space disposal advertising requirements detailed above.

### **Local Nature Reserve – Lincolnshire Coastal Country Park**

The Project site is situated within the Lincolnshire Coastal Country Park between Chapel St Leonards and Sandilands which extends to 58.75 ha. The Coastal Country Park includes beach, sand dunes and wetland habitats. It also contains several coastal access points with car parking, public toilets and an all ability track. The North Sea Observatory lies at the southern end and the England Coast Path runs its length.

The Coastal Country Park was declared as a Local Nature Reserve pursuant to Section 19 of the National Parks and Access to the Countryside Act 1949. That status imports responsibilities for management and the management plan accompanying the formal declaration as a Local Nature Reserve ("LNR") contains a full description of the sites value for people and wildlife and details how it will be cared for over the coming years.

In pursuing this Project the requirements and values of the said LNR management plan must be respected and preserved.

### **State Aid**

The potential for the Project to give rise to State Aid has been considered. However, because the lease to an operator of the building will be at market rent any such operator will not derive a competitive advantage from its occupation of the building and State Aid will not therefore arise.

## **2. Legal Issues:**

### **Equality Act 2010**

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

\* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

\* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

\* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

\* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

\* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

\* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The schemes design will comply with all national design standards including the relevant requirements and guidance in relation to accessibility.

#### Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

This scheme contributes to the JHWS by creating an opportunity for a new business and will create employment opportunities.

### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are not considered to be any direct implications for crime and disorder however adding a new building in this location should have a positive effect on deterring anti-social behaviour in the area.

### **3. Conclusion**

Other coastal projects recently completed show that if the facilities are good enough, you can attract people to visit the Lincolnshire Coast any time of the year. They have helped overcome negative perceptions of the Lincolnshire Coast and can help other businesses see the potential of investing on the coast.

The new Huttoft Boat Shed Cafe builds on the progress already made towards the sort of critical mass needed to make a significant impact.

### **4. Legal Comments:**

The legal issues applicable are rehearsed at length in this Report and provided action is consistent with matters pointed out Lincolnshire County Council has the power to make the decision the subject of the recommendations.

Provided it is within the budget the recommendations are, subject as indicated, lawful and within the remit of the Executive Councillor for Commercial and Environmental Management.

### **5. Resource Comments:**

The financial implications are set out clearly within the report. The total revenue and capital costs are shown along with the funding sources. Proceeding with the scheme will unlock £0.240m of external grant funding and provide a boost to tourism and the local economy.

No on-going revenue costs are anticipated, as the agreement with the tenant will cover the running costs of the building and toilets. Any additional costs that LCC may have (not covered by the terms of the lease) should be covered by the rent that LCC receive.



## 6. Consultation

### a) Has Local Member Been Consulted?

Yes

### b) Has Executive Councillor Been Consulted?

Yes

### c) Scrutiny Comments

The Environment and Economy Scrutiny Committee meeting on 9 July 2019 resolved that the 'Committee support and welcome the project' and that the 'Committee endorse that the Executive Councillor approve the development of the project in line with the project delivery timetable'.

This decision will be further considered by the Environment and Economy Scrutiny Committee at its meeting on 22 October 2019 and the comments of the Committee will be reported to the Executive Councillor: Commercial and Environmental Management prior to him taking a decision.

### d) Have Risks and Impact Analysis been carried out?

Yes

### e) Risks and Impact Analysis

Kier have undertaken a risk analysis. This is included in the Feasibility Report attached to this report, Chapter 8, page 17.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Feasibility Report

## 8. Background Papers

Document title	Where the document can be viewed
Report to Environment and Economy Scrutiny Committee 9th July 2019	<a href="http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=5358&amp;Ver=4">http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=5358&amp;Ver=4</a>

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