

		Insert name and date of meeting in this box. <b>EXECUTIVE 3<sup>rd</sup> DECEMBER 2008</b>	<b>Agenda Item No.</b>
<b>Title</b>		South West Warwick (Chase Meadow) and Warwick Gates Community Halls	
<b>For further information about this report please contact</b>		Mary Hawkins Tony Ward (Planning history)	
<b>Service Area</b>		Living, Lifestyles & Resources Directorate	
<b>Wards of the District directly affected</b>		Warwick West	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>			
<b>Date and meeting when issue was last considered and relevant minute number</b>		Various Planning Committees (SW Warwick) Executive November 2001 (Warwick Gates)	
<b>Background Papers</b>			

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	12 Nov 08	Mary Hawkins
Chief Executive		Chris Elliott
CMT	13 Nov 08	
Section 151 Officer		Is author
Legal		Patrick Tanner/Peter Oliver
Finance		Jenny Clayton
Portfolio Holder(s)		Felicity Bunker
<b>Consultation Undertaken</b>		
None		
<b>Final Decision?</b>		No
<b>Suggested next steps (if not final decision please set out below)</b>		
Officers carry out the recommendations, and report back.		

## **1. SUMMARY**

- 1.1 This report updates members on the prospects for a community hall in South West Warwick (Chase Meadow) .The report proposes that there should be negotiation with a view to reducing the ongoing support to the Warwick Gates facility that currently receives about £24,000 per year, and that funding released is transferred to the new South West Warwick facility. The report also recommends that there is a written agreement with the Church running the Warwick Gates facility to guarantee community benefits.

## **2. RECOMMENDATION**

- 2.1 Officers enter into negotiations with the Warwick Gates Community Centre with a view to reducing their current annual support as discussed in paragraph 7.15, in order to provide support to the new centre at South West Warwick.
- 2.2 The negotiation with Warwick Gates should also conclude in a written agreement setting out the community access to the community facility.
- 2.3 A further report is presented to the Executive on the outcome.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 The Council is bound by previous planning agreements to facilitate the development of a community facility at South West Warwick, and in the current climate of budget reductions has no additional resources. There is also the need to consider equity between supported community centres.

## **4. ALTERNATIVE OPTION CONSIDERED**

- 4.1 A bid for additional ongoing resources could be made, but given the Councils financial position it is recommended that a cost neutral approach be explored first.

## **5. BUDGETARY FRAMEWORK**

- 5.1 The financial implications are intended to be cost neutral as set out in Para 7.15.

## **6. POLICY FRAMEWORK**

- 6.1 This will assist the Council in achieving its key priority of promoting equality of access to our services by all members of our community.

## **7. BACKGROUND**

### **South West Warwick/Chase Meadow Community Hall**

#### **Planning history**

- 7.1 As an important part of the South West Warwick housing and employment allocation the development was obliged to provide a Local Centre to locate an appropriate range of retail, service and community facilities for the emerging residential community and employees of future business uses (in accordance with

the Development Brief for the site that was agreed by planning committee in March 2000).

- 7.2 A specific element of the overall Local Centre provision required the developer to provide this Council with the means to facilitate the construction of a Community Hall to be utilised by the residents of this estate. This does however present the Council with future management / maintenance issues to address. A separate requirement of the legal agreement involved making a plot of land available for the development of a place of worship. The place of worship site was to be marketed and any church interest could come forward to purchase the land from the developers and develop a place of worship from its own funds.
- 7.3 Officers of the Council negotiated the community hall element with the developer (Taylor Woodrow – formerly Bryant Homes) through Section 106 arrangements to ensure that adequate arrangements in terms of a joint financial / land package would be forthcoming. To this end the services of a Planning Gain Consultant (Fordham Associates) were engaged by this Authority at the outset of the development to scrutinise the range and level of contributions forming the overall Planning Gain package (including the Community Hall element).
- 7.4 In November 2000 the Secretary of State, (following a protracted appeal / subsequent negotiations on Planning Gain issues) granted Outline Application W941410 for a significant area of residential development on the South West Warwick allocation (often referred to by its marketing name as Chase Meadow). The boundary of the land that was the subject of this Outline planning application included only a part of the parcel identified in the Development Brief for the Local Centre, and as such the developer included (within their legal rights) only part provision for local centre requirements in the required Unilateral Undertaking.
- 7.5 The Unilateral Undertaking (negotiated with this Authority in consultation with our Planning Gain Consultant) set out an agreed position / package relating to the provision of a community hall. In brief, the package included with the W941410 outline application entailed the transfer of a parcel of land (not exceeding 0.5 acres) for a community centre building and a financial package (£142,200) for construction purposes to be paid in stages. The Agreement also included an amount of finance as a one off payment for maintenance (£28,000) to become payable following completion of construction works.
- 7.6 In December 2004 a further Outline Application W04 /2251 was submitted by Taylor Woodrow that covered the entire land area required for the Local Centre on the allocation. This was seen as a more appropriate way to facilitate the successful delivery of this part of the development. This application has been agreed by Planning Committee (it also entailed the provision of a revised/ total planning gain package through a Section 106 Agreement).
- 7.7 The planning gain package within W04/2251 remained the same in land terms with reference to an area up to ½ acre for a community hall; however the financial contributions were significantly enhanced due to indexation and were set at £519,230 for construction and £97,739 for maintenance. It was also been agreed that the total construction fee was to be made payable as soon as the land transfer was completed (not in stages as previously agreed).
- 7.8 The developer (Taylor Woodrow) has subsequently sold the Local Centre site on to a specialist Local Centre developer (Adderbury / Hawkestone). This company

produced indicative (detailed) plans that showed the general distribution of uses across the local centre. Officers of the Council agreed the size and scope of the land arrangements in relation to the Council's interest, as it was seen that the site proposed would accommodate a community hall of an appropriate size (and of a size that could realistically be implemented with the financial package available). It should be noted that it was agreed that a successful development would utilise the combined construction/ maintenance finance available to the Council.

- 7.9 Adderbury/ Hawkestone proceeded to submit a detailed (reserved matters) planning application for a District Centre that included shops, a nursery, community hall, place of worship, doctors surgery, public house and 24 flats at land adjacent Narrow Hall Meadow, Warwick (application 06/1096). This application was approved in May 2006. It should be noted that the application included arrangements that indicated the potential for a small church development to be realised on land that was adjacent to the area dedicated for the Council's community hall development.

#### Current position

- 7.10 Implementation of the local centre is now well advanced with a doctor's surgery and public house operational. All of the retail units are built and either operational or available for use. The terms of the section 106 agreement enable the Council to seek transfer of the land that it requires for the community hall when 750 houses are built and occupied on the overall allocation. It was understood that this figure would not be reached until late 2009 at the earliest, as a further planning condition on the residential sector required a flood risk mitigation scheme to be agreed and implemented before 750 houses could be occupied on the allocation. This requirement has been partially relaxed as the Environment Agency have agreed interim measures with the housing developers to mitigate for flood risk thus enabling some (but not all) of the remaining residential units to be built and occupied. As a consequence the trigger point of 750 units was surpassed this year (earlier than anticipated) and approximately 800 units have now been built and occupied.
- 7.11 If it so wishes, the Council can now call upon the transfer of the land it requires for the community hall and then (on completion of these legalities) request payment of the fee for construction purposes. However when the reserved matters application was determined the site for a church was identified adjacent to the Council's plot for a hall. The Anglican Church has since registered interest in the potential to develop a church and held discussions with the District Council to negotiate the possibility of a joint venture to build a single facility to accommodate a community hall and a place of worship under one roof. However, they have just advised officers that they cannot raise the necessary funds so this option will not be considered further.

#### Options for the future

- 7.12 The Council now needs to consult with the Community on the options available within the current finance envelope, and identify some ongoing finance, or at least some pump priming for the community hall facility.
- 7.13 The Council has not made any provision for revenue support to this facility, although it has been logged up as a risk issue for future years. When the development was envisaged the financial position of the Council was not as severe

as it is now, with over £1 million of savings being required over the next few years. However, it is likely that whatever form of arrangements are agreed some money will be required to support the initial operations of the centre. Consequently it is felt that the funding of other similar centres should also be reviewed.

### **Warwick Gates Community Centre**

- 7.14 The history of Warwick Gates Community Centre is not dissimilar in planning history to that at South West Warwick. In 2002 the Council agreed to enter into an agreement with the local Churches Council to manage the Community Centre at Warwick Gates for £20,000 per annum. The Council has entered into a 999 lease at a peppercorn rent with break clauses, and as Landlord we can determine the lease in respect of the Community Centre “at the end of any year upon six months prior written notice”. Neither Legal nor Cultural Services staff can find any details of the funding agreement, the Council only appears to have a basic lease agreement.
- 7.15 The sum of £20,000 has increased with inflation each year and is now £24,000 . This is in contrast to the only other community centre the Council supports at the Gap, whose grant was recently reduced over a period from £24,000 to £8,000. These two facilities are not the same and it would be fair to point out that the Warwick Gates facility is larger than that at the Gap. However, it is felt that there should be some scope for considerable reduction in the subsidy to the Warwick Gates Centre, in order to release funds to the new South West Warwick facility. It is suggested that over a period of time the Warwick Gates funding might be reduced to £10,000 with the remaining budget being allocated to the South West Warwick facility.
- 7.16 It is clear from the paperwork of 2002, that it had been intended to enter into an access agreement with the Church at Warwick Gates Community Centre as a condition of the funding agreed. However, it would appear that this never happened. Consequently, it is recommended that this should also be one of the outcomes of the negotiations.