

## **West Kent Cold Store Section 106 Agreement – Community Facilities**

### **Cabinet - 6th December 2012**

Report of the:	Deputy Chief Executive and Director of Community & Planning Services
Status:	For Decision
Key Decision:	No

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#### **Executive Summary:**

In January 2012, Cabinet approved the development of projects to be funded from Section 106 contributions associated with the West Kent Cold Store development, a total of £1,228,894. The four projects were selected following consultation of the local community in Dunton Green and Riverhead, the invitation to local organisations to apply for funding and the consideration by a Steering Group of District, Parish and County Members.

This report informs Members of the work undertaken in developing the projects to date, sets out costs and timescales and seeks final approval for the projects.

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**This report supports the Key Aim of the Community Plan** as follows: Priority 2: Meeting the needs of an ageing population; Priority 3: A better start for our children; Priority 4: Improve the lives of young people; Priority 5: A clean and healthy environment; Priority 7: Improve health and well-being; Priority 8: Development and the Environment; Priority 9: Strong, active and involved communities.

**Portfolio Holder** Cllr. Mrs Carol Clark, Housing and Balanced Communities Portfolio Holder; Cllr Mrs Pat Bosley, Community Wellbeing Portfolio Holder

**Head of Service** Head of Community Development, Lesley Bowles

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Recommendation to Cabinet: RESOLVED that:

- a) the developer contributions set out in the Section 106 Agreement with Berkeley Homes be allocated as follows, subject to the conditions suggested in paragraph 6 of this report:

Dunton Green Parish Council: £1,000,000 towards the demolition of the existing pavilion, the provision of a community building and new and replacement outdoor facilities on the Dunton Green Recreation Ground site.

Dunton Green Village Hall Management Committee: £25,000 towards improvements to the hall kitchen and toilets.

Riverhead Parish Council: £59,000 towards environmental improvements at The

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Heights, Riverhead and to lighting at St Mary's Church.

Sevenoaks District Council: £150,894 towards the cost of community development, youth, advice and support work for the new community.

- b) that the Portfolio Holder for Community Wellbeing and the Portfolio Holder for Housing and Balanced Communities be authorised to make minor amendments to the conditions set and the allocation of funds provided they do not substantially affect the purpose of the funding, including the allocation of any additional funding accruing from index linking or interest payments.

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**Reason for recommendation:** the projects recommended for approval are those which best meet the purpose of the Section 106 Agreement as set out in paragraph 2 below.

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### Introduction

1. As part of a Section 106 Agreement between Sevenoaks District Council and Berkeley Homes, the developers of the West Kent Cold Store site, funding has been allocated by the developer to improve community facilities in Dunton Green and Riverhead.
2. The purpose of the Section 106 funding is to provide community facilities that will help reduce the impact of the new development and which will bring both existing and new communities together.

The Agreement states that the funds can only be used to improve or provide services within the two parishes of Dunton Green and Riverhead. The total community facilities fund available is £1,234,894.

3. Under the Agreement, the Council is obliged to:
  - Carry out and complete a local community consultation exercise
  - Provide the details of the proposed local community improvements (including specification, costs, purpose and timetable for provision) to Berkeley Homes in draft form for comment.
4. The results of the consultation exercise were reported to Cabinet in January 2012 along with details of the applications for funding that had been received and appraised by a Steering Group of Local Members, the Chair and Clerk of the two parish councils, the County Councillor, assisted by Council Officers. Recommendations put forward by the Steering Group were considered by Cabinet at its January 2012 meeting.

5. Cabinet approved the development of 4 projects as follows:

#### **Project 1 - Dunton Green Community Centre – Dunton Green Recreation Ground**

Dunton Green Parish Council should be invited to develop a capital project on the site of the existing pavilion and recreation ground as outlined in their Expression of Interest form and which would meet planning regulations. The fully developed project was to be brought to Cabinet for final approval. Officers were asked to investigate with the Parish Council the possibility of a library facility in the building in line with the public consultation results. The sum of £1,000,000 was allocated to this project.

#### **Project 2 - Dunton Green Village Hall**

Dunton Green Village Hall Management Committee was invited to develop an improvement proposal for the hall kitchen and toilets, including plans, estimates and a hall usage plan. The sum of £25,000 was allocated to this project.

#### **Project 3 - The Heights, Riverhead and St Mary's steps**

Riverhead Parish Council was invited to develop their project to enhance "The Heights" including improvements to St Mary's steps and lighting (subject to the Church's commitment to future maintenance) and provide costings. The sum of £59,000 was allocated to these projects.

#### **Project 4 - Community Development Work**

Officers should plan for a programme of work to ensure that the improvement projects foster the use of the community buildings and bring the two communities together using community and youth work over a three year period. The sum of £150,894 was allocated to this work.

#### **Consultation of Berkeley Homes**

Comments from Berkeley Homes are included in the summaries below. Overall they were satisfied with the proposals and their comments were made to be helpful in ensuring that the schemes were sustainable over time. They would like to have seen provision of childcare services as they have found this to be popular elsewhere but were happy that the schemes responded to the community consultation.

#### **Summary of projects**

6. A summary of each project, the proposed timescales, comments from Berkeley Homes, and suggested conditions, are given below.

**Project 1 - Dunton Green Community Centre – Dunton Green Recreation Ground**

Total cost £1,006,278 including a £50,000 contingency (of which £6,278 will be paid by the Parish Council should the full contingency be needed)

Specification (summary)	Cost	Purpose
Community Hall, including demolition of existing football pavilion and parish office, construction of new sports pavilion, community centre with one large and one medium room with dividing screen, one small room, kitchen, toilets and parish office	£629,461	<p>Non-profit-making community building to be owned and managed by Dunton Green Parish Council, providing a venue for the activities and services that people have indicated, through the local consultation, that they want. Local activities will also be based on the needs of the new community as they move into the 500 new homes and the building will house activities that bring the old and new community together. Examples of the activities that could be housed in the building are:</p> <p>A youth club or other provision for teenagers.</p> <p>Indoor leisure or fitness activities.</p> <p>Social opportunities for older residents, e.g. coffee morning, lunch club or drop-in.</p> <p>Classes, e.g. art, dance, languages and I.T.</p> <p>Whilst the community indicated that they would also like to see library services, it has not been possible to incorporate this in the building and retain the flexibility required to accommodate other community uses. However, as library services can be flexible, if there is a demand and appropriate capacity within the building in the future, this may be something that can be addressed.</p>
Access road and car park	£37,595	Resurfacing and marking out of existing access and parking area.
Removal of existing play equipment and surfaces. New Multi-Use Games Area/ basketball court, fencing, noise reduction surface, half pod shelters with	£174,552	Free access to play sport, use fitness equipment and trim trail, meeting shelters for young people play areas for junior and toddler play.

<p>Bluetooth connectivity, fitness equipment and trim trail, junior play area and enclosed toddler area. The Parish Council is paying for the refurbishment of one tennis court and this cost, £15,000, has been removed from the project total.</p>		
<p>Fees and survey costs</p>	<p>£114,670</p>	
<p>Project contingency</p>	<p>£50,000</p>	<p>Should the contingency for the project be insufficient to meet any unplanned expenditure, the Parish Council has agreed that, in return for a payment in advance of £30,000, free room hire can be provided for activities provided under Project 4, the Community Development worker project. The sum paid in advance would help to meet any additional contingency costs enabling a total of £80,000 contingency sum to be available. The project would be phased so that expenditure on the outdoor play facilities would not commence until the final cost of the community building was known for certain, enabling additional contingency funding to be diverted from the replacement and new play facilities to the building work if that became necessary.</p>
<p><b>Timescale</b></p> <p>Planning permission will have to be sought. Therefore a start date in early 2013 is anticipated. It is expected that the construction of the building will take approximately 35 weeks. The work to the playground and other outdoor equipment will commence upon completion of the building works.</p>		
<p><b>Other information:</b></p> <p>The cost of the project exceeds the sum allocated by £6,278, making the total cost £1,006,278. The Parish Council has agreed to pay the additional £6,278.</p> <p>In order to ensure that the future use of the building responds to the uses</p>		

identified by the community during the consultation, it is recommended that a usage agreement be drawn up between the Parish Council and the District Council.

It is possible that, if planning permission is not in place by April 2013, additional costs may be incurred in order to satisfy BREEAM (energy efficiency) requirements, making a significant call upon the contingency arrangements for the project.

If any of the contingency sum is not required the Parish Council has indicated that it would spend the remaining funding on an additional catering area for the second meeting room, equipment and on security arrangements for the building.

Consultation with Berkeley Homes attracted the following comments:

- 1 Suggested combining some of the storage areas to provide for storage of larger equipment
- 2 The 'plant' area may be unnecessarily large and the area may be better used for external storage.
- 3 Consider raising the ceiling heights and providing good ventilation as low ceilings cause buildings to heat up quickly when in use by large numbers
- 4 Experience had shown that the management of anti-social behaviour emerging from the use of outside space could be an issue
- 5 It would be better to consider 2 kitchens internally or consider putting drinks machine in entrance
- 6 They had concern for security at the back of the building particularly as storage may attract break ins.

Conditions:

1. That the outside works should take place after the community building costs are certain so that, if necessary, these can be adjusted to take account of any contingency sums required for the community building.
2. That the Parish Council includes appropriate security measures to protect the outside equipment as part of the programme.
3. That a usage agreement is in place between the Parish Council and the District Council ensuring that the future use of the building reflects that identified by local residents in the consultation.
4. That the Parish Council agrees to own, insure and maintain the facilities in the future.
5. That the Parish Council makes appropriate arrangements professionally to own and supervise the construction of the facilities and understands that no additional funding is available to underwrite any costs above the

agreed sum of £1,000,000 other than the agreed £30,000 forward funding by the District Council for room hire for the Community Development Project.

6. That the Parish Council ensures that all planning and other necessary permissions are in place.
7. That the Parish Council keeps the local community informed and involved in the plans for the building.

**Project 2 - Dunton Green Village Hall** – Total cost £25,310, including a contingency sum of £1,000, of which £310 will be paid by the Village Hall Management Committee should the full contingency sum be needed.

Specification (summary)	Cost	Purpose
Small extension to accommodate disabled toilet facilities, baby changing area and modern kitchen facilities, including use purchase of new kitchen and cooker	£23,830	To add additional facilities to the village hall to allow better use by those in the community with disabilities or mobility impairments. The modern kitchen facilities and baby changing will allow the hall to be used by a greater section of the community for activities and events that are not currently possible.
Fees and survey costs	£480	
Project contingency	£1,000	Use of contingency sum if not used: additional storage and improvements to the room adjacent to the kitchen.

**Timescale:** Works will start within 8 weeks of confirmation of funding and planning permission. The work is expected to take 12 weeks.

**Other information**

The Village Hall Management Committee owns the land on which the project will take place. There is a trust deed covering the use of the hall which is compatible with community use.

**Suggested conditions:**

- 1 That the Village Hall Management Committee agrees to maintain and insure the facilities in the future.
- 2 That the Village Hall Management Committee makes appropriate arrangements professionally to own and supervise the construction of the facilities and understands that no additional funding is available to underwrite any costs above the agreed sum of £25,000 and that any additional costs should be found by the Village Hall Management Committee.
- 3 That the Village Hall Management Committee ensures that all planning and other necessary permissions are in place.
- 4 That the Village Hall Management Committee keeps hall users informed and involved in the plans for and use of the building.
- 5 That the village hall remains available for community use for a minimum of 5



years.

**Project 3 – The Heights, Riverhead and lighting for St Mary’s Church – Total cost £67,834 including £11,213 contingency. The Parish Council will underwrite the additional £8,834 should the full contingency be needed.**

Specification (summary)	Cost	Purpose
Erection of trees, fountain, electrical supply, lighting, paving, bollards, benches	£46,855.30	Environmental and visual improvement to the area
Electricity connection	£3,628	
Architect	£800	
Engraving of fountain	£850	
Highway application charge and licence	£395	To ensure that the work conforms to highways requirements. The Parish Council has been informed that this application cannot be made until the contractor is appointed.
Lighting leading to the church	£4,092.61	
Project contingency	£11,212.99	Kent Highways have advised a larger contingency than is usual in order to deal with any unforeseen works.

**Timescale:** It is hoped that works will start in Spring 2013, subject to Highway Authority authorisation.

**Other information**

Planning officers have confirmed that planning permission is not required. Highway Authority permission is required and the Parish Council has liaised and taken advice from Kent Highways. There were no comments from Berkeley Homes about this project.

**Suggested conditions:**

1. That the Parish Council agrees to risk assess, maintain and insure the facilities in the future.
2. That the Parish Council makes appropriate arrangements to own and supervise the construction of the facilities and understands that no additional funding is available to underwrite any costs above the agreed sum of £59,000

3. That the Parish Council ensures that necessary permissions are in place .
4. That the Parish Council keeps local residents informed about the works

**Project 4 – Community Development work with new and existing residents. Total Cost £150,894.**

Specification (summary)	Cost	Purpose
Project worker	£75,000	£25,000 per year for 3 years including on costs, NI, travel, training, etc. The project worker will work with the old and new community to identify community needs and what specific services should be provided. For example, youth work/provision for teenagers, social opportunities for older residents, working with new residents to bring the old and new communities together. To prevent crime and anti-social behaviour, to maintain a good local environment through community pride. Wherever possible this project would make links with other provision to lever in additional funding for the community.
Disbursements	£5,000	Operating costs
Room hire	£30,000	For the provision of accommodation for social activities for older people, young people, community groups, advice work and other activities required by the community.

**Timescale:** The District Council will start the work two months before the completion of the community centre or after the first 200 residents have moved in, whichever is the earlier. The budget covers the first three years of the construction of the development.

**Other information**

The District Council will continue to work with the Steering Group to ensure that this work meets the needs of the local community. The District Council will employ, provide accommodation and line management for the worker.

**Suggested conditions:**

That the District Council keeps local people involved and informed about the project through regular communication and through the Steering Group.

## Comments from Berkeley Homes

That three years may not be sufficient time given the length of build time for the new homes.

### Key Implications

#### Financial

The Council will hold the funding and make payments upon claims from the project managers. Claims for capital sums will be paid upon receipt of confirmation that the work has been carried out to the satisfaction of the person supervising the project. Staged payments will be made for the projects. In the case of the community building at Dunton Green recreation ground, this confirmation will be provided by a person professionally qualified and employed by the Parish Council to do so.

It may be that index-linking and interest income will add to the total sum available. It is recommended that the use of any additional sums is authorised by the two Portfolio Holders.

#### Community Impact and Outcomes

The purpose of the developer contribution is to mitigate the impact of the development on the local community.

Each of the projects responds to the needs identified by the local community during the community consultation.

#### Library provision

The community consultation identified a desire for a library facility and Officers were asked to investigate this provision as none of the projects put forward by the community included this. Discussions with KCC Libraries indicated that approximately two-thirds of the local population choose to use Sevenoaks Library in preference to the current Riverhead Library, which is a dedicated library space. Following consultation with KCC Libraries and both Dunton Green and Riverhead Parish Councils it has not been possible to incorporate a library facility into any of the proposed projects. Nor has it been possible to identify another site suitable for a library in the area. Riverhead Parish Council looked at the possibility of building above their existing meeting room at the Village Hall but this was not possible. Dunton Green Parish Council have investigated whether a library facility might be provided at the proposed community facility but rejected this as they felt it would severely restrict the use of the community building for other community uses. However, the community building will provide flexible accommodation that could, if required in the future, accommodate a flexible library service. However, it is unlikely that KCC Libraries would provide both a service at the Dunton Green Community Building and a service at the current Riverhead Library and a further public consultation would be necessary in order to establish need.

#### Value For Money and Asset Management

There are no implications for the Council. The conditions associated with each of the capital projects ensure that the ownership and future responsibility remain with the two Parish Councils and the Village Hall Management Committee.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposals include better provision at Dunton Green Village Hall for people with mobility difficulties .  The Community Development project will ensure that local people's needs are taken into account, including different groups in the community.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The provision of a local facility strengthens equality of opportunity, bringing services closer to people.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

### Sustainability Checklist

A sustainability checklist has been completed and a positive outcome is anticipated.

### RISK ASSESSMENT STATEMENT

Risk	Mitigation
That capital works associated with three of the four projects may overspend.	Contingency sums have been identified for each project. In the case of the major project at Dunton Green recreation ground, the £50,000 contingency sums associated with the building may be supplemented from advance payment of room hire by the District Council as identified in this report and by the reduction in outside schemes.
That the facilities provided will not accommodate the requirements of the community	The inclusion of a Community Development project will provide a resource to work with both the old and the new community to ensure that their needs are met and to encourage full use of the facilities

That the facilities provided compete with existing community buildings	A community facilities audit was undertaken in the early stages of this project to ensure that there was sufficient need for the new facilities.

Appendices

Full copies of application forms and plans for capital schemes will be displayed before the meeting

Background Papers:

Section 106 Agreement

Funding applications for capital schemes

Community consultation report

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