

## **FOR DECISION – SAXONVALE – PROPOSED COMMUNITY LED DEVELOPMENT**

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### *Summary*

Councillors have requested the attached paper from David Parkes (Appendix 3) who is advising a new community interest company, the Carley Community Development Trust.

The aim of the trust is to bring together landowners and developers with a view to developing a comprehensive scheme for the Saxonvale site that meets the aims and objectives of the Draft Neighbourhood Plan and the Garsdale Development Brief.

Initially the proposal is to submit an application for funding to the Homes & Communities Agency (HCA) which, if successful, would enable a feasibility study to be completed and an application for a Community Right to Build (CRtB) Order to be prepared and submitted. The significance of a Community Right to Build Order is that the local community would decide whether the proposed development should go ahead through a local referendum.

Councillors are asked to support an application to the HCA for funding; to pledge a financial contribution up to a maximum of £5,000 in the current financial year (2013/14) and up to a maximum of £5,000 in 2014/15 to support this process. At this time, the Council's support is critical to the success of the application to HCA. If the proposed public participation exercise relating to the current Frontier proposal in January 2014 indicates overwhelming support for Frontier, the Council could decide not to take forward the HCA funded project.

This paper sets out the background to this proposal and the key considerations for the Committee.

### *Background*

Council has already undertaken a lot of work on the Neighbourhood Plan for Frome that would give background to developing a CRtB application. The draft Plan is currently out for consultation. Policy TC5 states that *'Plans for the redevelopment of Saxonvale should seek to achieve the overall vision for the redevelopment of the site based on the 2005 Planning Brief'* and identifies some specific deliverables i.e.

- An exemplar model of low impact and low carbon living
- 300+ new energy efficient homes of mixed price and tenure
- New incubator and grow on space for small and medium sized businesses
- Integrated retail, hotel and leisure facilities
- Replacement training facilities for Somerset Skills and Learning
- Artisan workshops and creative studio space
- An urban park alongside the River
- Improved traffic management in Vicarage Street, Christchurch Street East and the surrounding road network.

Since the publication of the draft Plan, Frontier's outline planning application relating to part of the Saxonvale site has been registered by Mendip District Council. Permission is being sought for a mixed use development comprising a foodstore (2323 sq. m. (net), non-

food retail, restaurants, offices/studios, hotel, education, car parking and public open space. The Town Council is committed to a process of wide public engagement before it formally responds to this application.

### *Discussion*

The merits or otherwise of the Frontier application cannot be fully covered in this report. It is acknowledged and was demonstrated by the Participate Frome exercise, that local people are looking for more variety in shops in town and the Frontier proposal would help to deliver greater variety. However, it is clear that the Frontier scheme falls short in terms of meeting all the principles and objectives set out in the Garsdale Development Brief and Draft Neighbourhood Plan. There are also concerns about the likely traffic and noise impact of the scheme on the local area. The potential impact of the proposed scale of foodstore on the vitality of the town centre is a further worry for many town centre businesses. Lastly, the proposal does not provide any certainty in terms of the regeneration of the remaining parts of Saxonvale that are not covered by the Frontier application.

In these circumstances and given that the Town Council will want to secure the best for Frome's community, an exploration of the feasibility of bringing forward an alternative, more comprehensive scheme seems an appropriate thing to do before any formal decisions are taken regarding the Frontier scheme.

A key consideration for councillors in taking a decision on this proposal is the time it will take to complete the process. Whilst Mendip DC are working hard to try to determine the Frontier application within the target 13 weeks (which takes us to 14 February 2014), it will take further time to deal with reserved matters and the s. 106 agreement. This process may not be completed until later in the year. Further, even if Frontier secures consent, there is no guarantee that any development will actually start. Indeed the history of the site suggests otherwise. So the tabled proposal is an important step to ensure that some development goes ahead.

The process for developing a CRtB Order as set out in Government guidance is as follows:

- Engage with the community to gauge support for the development they seek to approve
- Discuss opportunities and possible design with landowners, designers or architects and work to identify financing opportunities
- Pull together development proposals and a draft Community Right to Build order
- Submit order to local planning authority who will arrange for it to be examined by an independent examiner.
- A referendum may follow if recommended by the independent examiner.

The Council is already committed to a participatory exercise on the Frontier proposals to be completed in the New Year. As Mendip are moving fast, this consultation may not be as extensive as originally planned and may be restricted to only a few weeks in January 2014. Running two consultation exercises close together is likely to result in confusion. Therefore, there may be a need to await the outcome of the first participatory exercise focused on the Frontier proposals. If there is a clear steer from the first participatory exercise that

'something else' is needed for Saxonvale, then we have estimated that the timeline would be as follows:

3 February 2014	Decision to continue with the CRtB process following participatory exercise on the Frontier proposals
3 March (4 weeks)	Commence information and participatory events for CRtB
7 April (9 weeks)	Commence discussions with landowners and other professionals whilst maintaining participatory process
6 May (13 weeks)	Prepare details for submission of draft CRtB order
2 June (17 weeks)	Submit to Mendip DC
14 July (23 weeks)	External Examiner appointed
15 September (32 weeks)	External Examiner reports
13 October (36 weeks)	Decision statement issued
15 December (45 weeks)	Referendum

(The above timeline is based on the Herefordshire experience)

#### *Legal considerations*

- When the Council bought land from HCA, it entered into an obligation to use its best endeavours to secure planning consent to enable the redevelopment of its site. An application for CRtB funding would present an opportunity to meet this obligation
- Becoming a partner in an application for CRtB funding would not oblige the Council to commit to any other action or enter into any agreements with other landowners/developers
- The responsibility for pursuing design/feasibility work would rest with the Carley Community Development Trust but would be subject to ratification of the terms of reference by FTC

#### *Financial considerations*

- The attached paper indicates that the Town Council is being asked to underwrite match funding based on 10% of the total project costs with no more than 50% to be drawn down in the current financial year. It is estimated that the total project costs would be £100,000. Therefore, the Council would be expected to pledge up to a maximum of £5,000 in the current financial year (2013/14) and up to a maximum of £5,000 in 2014/15 to support this process. The Town Centre Redevelopment EMR has sufficient funds to cover these pledges.
- Other landowners and developers will be approached by the Trust to make a financial contribution and therefore, the above costs represent a worst case scenario
- Subject to the outcome of the feasibility study, further costs may be identified but councillors will have an opportunity to review these before making any further commitment to a Community Right to Build order
- Subject to the outcome of a local referendum, adoption of a CRtB order would bring financial benefits to the town including entitlement to New Homes Bonus funding.

### *Risks*

- The CRtB process is a logical step following the publication of the Draft Neighbourhood Plan and would demonstrate that the Council is prepared to take a leadership role in implementing it.
- This is a pioneering and untested application process and as such, there can be no guarantees regarding the outcome or how quickly it can be completed. The risk to the Council is that if Frontier secures consent ahead of a CRtB referendum, the process may fail. However, there is no guarantee that development will start even if Frontier secure consent. More importantly, the risk of not supporting the CRtB application is that there will be little prospect of bringing forward an alternative in the foreseeable future.
- Backing the CRtB application may be seen as a signal that the Council has taken an early decision not to support Frontier. This is not the case – it would merely be a demonstration that it wishes to explore the alternatives. Naturally, if the result of the public participation exercise in January 2014 is that there is overwhelming public support for the Frontier proposal, the Council could decide to withdraw from the partnership with Carley Community Development Trust but the critical point would come when the CRtB feasibility study is completed and there is a need to decide whether the order is prepared.
- There are fewer risks associated with pursuing a ‘complementary’ CRtB scheme that focuses on the land currently owned by the Town Council and Terramond but this is an option that could be pursued at any time.

### *Recommendations*

1. That support be given to an application to HCA for CRtB funding with agreement to pledge up to a maximum of £5,000 in the current financial year (2013/14) and up to a maximum of £5,000 in 2014/15 to support this process using the existing Town Centre Redevelopment EMR.