

APPENDIX F

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

4 SEPTEMBER 2012

Title:

RIVERSIDE WORKS

**[Portfolio Holders: Cllr Adam Taylor-Smith and
Cllr Mike Band**

[Wards Affected: All Farnham Wards]

Summary and purpose:

The purpose of this report is to gain approval for enabling works at the Riverside site, to agree to the release of associated funding from the Council's capital programme and to approve the submission of an application to the Western Planning Committee to allow the car parking at Riverside to be made permanent.

How this report relates to the Council's Corporate Priorities:

The provision of the proposed facilities at Riverside will be designed to enhance and improve the environment of Riverside, and also providing replacement and improved facilities for the Farnham Community. These are enabling works for the Brightwells scheme, which when complete, will unlock the area at Brightwells Gardens for redevelopment which will bring new facilities and opportunities to Farnham by way of leisure and recreation, new retail and restaurant outlets as well as job opportunities.

Equality and Diversity Implications:

There are no Equality and Diversity implications arising directly from this report.

Resource/Value for Money implications:

The Capital Programme for 2012/13 includes the provision for cabling works at Riverside of £234,000. It also includes an indicative amount of £1,322,000 of which £198,000 is for pre-construction work, in 2013/14 for the completion of the Riverside works. The total costs will be reimbursed to the Council through the Minimum Land Value included in the Development Agreement when the Brightwells regeneration scheme becomes unconditional.

However, until that time it is important that the Council makes a prompt start on these enabling works at Riverside to facilitate as early a start onsite for the main scheme as possible. Therefore it is important to release the £198,000 to begin a pre-construction and design elements of this work.

An application has been made to the M3 LEP (Local Enterprise Partnership) Growing Enterprise Fund to fund all of these works pending the eventual capital receipt and work is

continuing to secure this. The funding decision for the M3 LEP Growing Enterprise Fund will be made in October 2012.

The main risk to this part of the project is that the Council does not secure compulsory purchases on land currently not in the Council's ownership. It is expected that the decision on the Compulsory Purchase Order (CPO) will be made early in the new year. If the CPO case is unsuccessful it will lengthen the period where M3 LEP bridging finance is required to fund these works.

If Waverley is unsuccessful with the M3 LEP application then any bridging finance for this pre-construction work could be funded from revenue reserves.

Legal Implications:

It is a condition of the Development Agreement that the Council obtain vacant possession of the Brightwells Tennis Club. Also in calculating the Land Value to be paid to the Council, the Riverside Works (ie the provision of a car park and replacement tennis facilities) is the responsibility of the Council.

Planning permission for the Brightwells Development requires that prior to starting this development, the Riverside car park be provided. This together with the need for vacant possession of the Brightwells Tennis Club means that the Riverside Works will have to take place prior to the commencement of the Brightwells scheme.

1. Introduction

- 1.1 In May 2008 the Council gave approval to a planning application for the development of the Riverside area of Farnham. This work is to provide five new tennis courts and purpose built pavilion as a replacement for the existing facilities at Brightwells whose leased land will be required as part of the Brightwells regeneration project.
- 1.2 Approval was also given for 200 temporary car parking spaces to substitute for the temporary loss of parking at Dogflud Way during the construction of the main project to regenerate the Brightwells area. The site will then be partially landscaped, with the existing trees and foliage at the east end of the site being maintained as wild areas.
- 1.3 Much of the site is currently unused scrubland bisected diagonally by a public footpath, and it will be necessary to reposition and bury underground high tension overhead electricity cables that run along the existing length of the site and over the proposed tennis facilities.

2. Timing of the works

- 2.1 The Development Agreement between Waverley Borough Council and Crest Nicholson Sainsbury (CNS) for the Brightwells scheme is a conditional contract including the requirement for a successful Compulsory Purchase Order to complete the land assembly for the site. Once the contract becomes unconditional, development of the main site can begin. However, prior to the commencement of the Brightwells scheme the planning approval requires that new car parking facilities

be constructed, and the tennis club at Brightwells have a new permanent facilities provided.

2.2 The planned works at Riverside will fulfil these obligations, and under the terms of the Development Agreement it is Waverley Borough Council's responsibility to construct and fund the works.

2.3 To enable the works on the main site to commence in a timely manner following acquisition of the land through the CPO process, preparation and procurement works on Riverside need to be timetabled to occur in advance of the CPO decision.

3. Planning Permission

3.1 The upgrading of the public footpath which crosses the site has already been completed and therefore the Planning permission for the Riverside site has commenced.

3.2 Planning permission conditions for the temporary car parking spaces during the construction phase of the Brightwells regeneration project granted on 19 May 2007, WA/2007/1967 condition 5, state that the land be restored and landscaped by 7 May 2013. Delays in the construction of the Brightwells project has resulted in works not starting in the expected timeframe making this condition of time irrelevant. Therefore, it is proposed that approval is given to submit a planning application to Western Planning Committee in January 2013 to vary the planning permission relating to WA/2007/1967 condition 5 to make the car parking permanent.

4. Agency

4.1 Waverley Borough Council does not have in house resources to carry out the design, procurement and supervisory work required to complete the Riverside project. It is therefore necessary to appoint an external Development Agent to oversee this project.

4.2 The Development Agent procurement and construction contracts will be tendered strictly in accordance with Waverley's contract procedure rules.

5. Enterprise M3 LEP - Growing Enterprise Fund

5.1 The Enterprise M3 LEP is a partnership between the private, public and third sectors to support economic growth along the M3 corridor in Hampshire and Surrey. Waverley BC is one of 14 local authorities which are members of the LEP.

5.2 The Growing Enterprise Fund (part of the Government's Growing Places Fund) was launched in mid April. It has a total value of £21.7m and is available to support economic growth by addressing immediate infrastructure constraints, helping to create housing and jobs for local people. The LEP Board is looking to make investments which deliver early, repay quickly and have a direct impact on jobs and housing. It will therefore be looking closely at deliverability, outcomes and the ability to recycle funding, where investment is repaid to allow future investments.

5.3 An application was made for funding for the necessary cabling works and the LEP Board have asked for further details on the timetable and mechanism for repayment. Within this correspondence the Board indicated that they would also like to discuss the possibility of a larger scheme. To this end a meeting has been arranged with the M3 LEP Chief Executive in September 2012.

6. Conclusion

6.1 To ensure enabling works for the Brightwells regeneration project are completed in the necessary timeframe it is important that authorisation is received to proceed with the procurement process for the appointment of an external Development Agent to oversee the cabling and the pre-construction element of the Riverside works.

6.2 The Riverside project works can be split into three distinct categories, the laying of the underground electricity cable to be carried out by Scottish and Southern Electricity; the relocation of Brightwells Tennis Club; and the creation of 200 temporary car parking spaces for the construction period of the main Brightwells regeneration project which is subject to planning conditions agreed on 19 May 2007.

Recommendation

The Executive is recommended to approve -

1. The appointment of a Development Agent to carry out the pre-construction element of the Riverside project.
2. The laying underground of existing overhead electricity cables in preparation for over ground works at Riverside in the financial year 2012/13.
3. The submission to Western Planning Committee in January 2013 of an application to vary under section 73(a) condition number 5 of WA/2007/1967 to allow the car parking at Riverside to be made permanent.

The Executive further recommends to the Council -

4. That £198,000 of the £1,322,000 budget provision included in the 2013/14 Capital Programme, be brought forward to 2012/13 to enable pre-construction works to commence, to be funded in the first instance from the Revenue Reserve Fund pending receipt of the M3 LEP funding.

Background Papers

There are no background papers (as defined by Section 100D (5) of the Local Government Act 1972) relating to this report.

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