

Minutes of Meeting on 13th July 2023
Elmstead Parish Council – New Community Centre Committee
Community Centre, School Road, Elmstead Market, CO7 7ET

Present: Mr P Beard (Chairman), Mr R Fairweather, Cllr Adam Gladwin, Mr S Higgins, Mrs J Grotier, Cllr M Hare, Mrs L Scott, Mrs D Stammers, Mrs J Triscott, Cllr Martine Ward, Mrs R Valentine and Mr S Wright.

Also present: Mrs Baxter (clerk)

Not present: Mrs Brock.

23/035 Chairman's welcome

Mr Beard welcomed Cllr Hare to the committee and thanked everyone for coming. He appreciates everyone making the effort.

23/036 Apologies of Absence

None received.

23/037 Declaration of Pecuniary Interests and Personal Interests

None.

23/038 Approval and signing of the minutes from the meeting of 13th April 2023.

It was resolved to accept the minutes from the meeting of 13th April 2023 as true and accurate.

Proposed: Mr Fairweather, Seconded: Cllr Gladwin, all in favour.

23/039 Public Speaking

No public present.

23/040 A report on any updates since the last Committee meeting to include if relevant:

Mr Beard reported that there has been a lot of work going on behind the scenes and thanked those that have been involved. It's frustrating that it is not moving more quickly but the Church Road development has not reached the trigger point to release its contribution.

i) A report on meetings held with TDC and Sunstone Homes.

Cllr Gladwin and Mr Fairweather attended a meeting with Mr John Pateman-Gee, TDC's Head of Planning. Mr Pateman-Gee confirmed that earthworks would commence the planning, ahead of the expiry date of 23rd August. It needs to be appropriate to the planning, such as building a trench sufficient for one of the wall's foundations. We don't currently own the land.

Yesterday we received an e-mail from Go Homes offering us the land and asking for our solicitor's details, so we are moving ahead with that. This is for the community centre and car park land.

The Church Road development is still at 17 occupations. We won't be receiving the 3rd party contribution for some time, which is due before the 21st occupation. It was discussed as to how many have been built, and how many sold.

Their contribution is index linked and currently in the high £400ks, possibly £500k by the time it's paid.

The council will be holding an extra ordinary meeting as soon as possible to instruct a solicitor for the land transfer.

Cllr Gladwin and Mr Fairweather then met with Mr Shaun Hammond (Go Homes) who agreed to dig the necessary trench whilst the land is still under Go Homes' ownership, as they are grading the ground at the moment and have the equipment there. No payment was offered. It was discussed that this will need to be done very soon.

The outline planning application for the whole site, including a community centre stands in perpetuity and is awaiting a /reserved matters application for a community centre. The current

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permission for a community centre was done under a separate full application. We can keep our options open on the design.

Mr Fairweather and Mrs Triscott added that when they met the builders they said wait until we have the land and then get back to them, they are very interested.

The open space was also discussed with Mr Pateman-Gee. There is a landscape specification plan, but the deed of variation also sets a requirement for an open space plan. The deadline for this was last year, and Go Homes are in breach of this. They were also obligated to offer us the open space before the 35th occupation which is another recent breach. Go Homes are now aware that the landscape specification and open space plan are separate and are establishing the open space plan with TDC. It's as simple as possible to give us a blank canvas. There will be big trees between the road and the open space to provide some separation for the houses facing onto the road. The footpath is also on there. This is awaiting TDC ratification.

Because they are in breach TDC could pursue enforcement which would stop them selling any more houses. We are trying to work with TDC and Go Homes to ensure the land meets the open space certification and can be transferred to us as soon as possible, without this being necessary.

The grass will need to be put in to meet the open space plan, but with the weather as it is currently it may be difficult with keeping it watered. There was a discussion around turf versus seed. Seed will take about 2 years from sowing to have a pitch and open space ready for use. It will be difficult for Go Homes to grass seed it as they won't be around to water it, and we may end up having to do it.

It was discussed that the Lanswood open space contribution could be used towards getting the open space to standard, in addition to purchasing outdoor facilities. There will need to be a discussion about whether the whole field needs grassing and think about where the facilities are going to be sited.

Mr Fairweather has received advice that to turf the space would cost about £40k.

ii) The status of the Charity Field development.

As above. It was added that they have done a good job grading and clearing the field.

iii) The status of the Church Road development.

As above this is at 17 occupations. The fence has now gone up between the houses and the cricket pitch.

It was updated that there has been a deed of variation application to separate the allotment land from the rest of the open space, so that the allotments can be transferred to the Parish Council. We have been approached by their solicitor to initiate the transfer, the council has to appoint its own solicitor for this. One allotment is earmarked for the Primary School, but it's likely that the council will retain ownership and perhaps do a peppercorn rent lease arrangement.

iv) Any update on the status of s106 payments?

There was no additional information to update. Mrs Grotier asked what contribution we were receiving from the development on School Road, and from the proposed Lanswood development to the north of Clacton Road. There aren't any contributions from these developments.

23/041 Exclusion of press and public for private and confidential matters
No public present.

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23/042 New Community Centre Deed of Variation Terms

To consider the timings of actions required by the deed, breaches and next steps.

TDC are ready to enforce the breaches, which would stop Go Homes selling any homes until the conditions are met. TDC hasn't signed off on the open space plan yet though. The clerk will chase this.

It was asked whether our (to be appointed) solicitor can put a rider into the transfer to say that Go Homes has to finish the landscaping or provide funds to the council to do so.

An update meeting is to be organised with Go Homes and give a target of the end of the month for getting the trench dug. To also ask for the plans on the timing for the landscaping required by the open space plan.

23/043 Deed of Variation Conditions

To consider what legal advice needs to be sought regarding contribution condition triggers.

There are 2 conditions in Schedule 4 of the deed of variation which cover how we get the £400k owner's contribution from Go Homes. In the first case we get the 3rd party contribution within 24 months of the 25th occupation (July 2024) and then serve a community acceptance notice to say yes to Go Homes building the community centre. We have to do this within 2 months of receipt of the 3rd party contribution. After the final planning is approved Go Homes then has to pay the owner's contribution.

If we don't get the 3rd party contribution within 24 months of the 25th occupation, then we can't serve the acceptance notice and Go Homes has to pay us the owner's contribution at which time all obligations on Go Homes to build the community centre cease.

So, if we do receive the 3rd party contribution before July 24 then we have to follow the process of serving the acceptance notice on Go Homes, with them to build the community centre.

It was asked what we do if the total cost is more than our total contributions. The committee reviewed the total contributions, which give about £1.2million which can be used towards the building. We could then look at getting grant funding. There was a discussion on whether there is any funding that could be obtained from the current community centre. There is planning which has been put forward with the Neighbourhood Plan to turn the current community centre into affordable housing, but that can't happen until the new community centre is up and running.

Cllr Hare apologised and left the meeting.

Other fund raising is possible that we could look into, and possibly appoint a professional fundraiser.

23/044 Matters raised for the next agenda or for information only.

None.

23/045 Date of next committee meeting

10th August.

The meeting closed at 8.55pm.

Minuted by Mrs A Baxter

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