

Cabinet Report

Report of Head of Planning

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To: CABINET & COUNCIL

Date: 1 February and 13 February 2019

S106 Request – Marcham Parish Council local facilities

Recommendations

That Cabinet recommends to Council:

(a) to create a budget for £305,095.74 for combined Village Hall and Sports Pavilion/Clubhouse, Multi-Use Games Area including Tennis Court and Sports Pitches (Cricket & Football) project in Marcham

(b) to agree to secure a funding agreement with Marcham Parish Council for the use of these S106 monies of which the terms included should be passed on to The Arthur Anson Memorial Trust through a further separate funding agreement between Marcham Parish Council and The Arthur Anson Memorial Trust.

(c) to agree to pay Marcham Parish Council £305,095.74 once the funding agreements mentioned above are signed.

Purpose of Report

1. We received an application on 23 October 2017 from Marcham Parish Council to request s106 funds for a total of £305,095.74. These funds along with other contributions (£1.5million) will secure community and sports facilities for the local community.
2. This report seeks Cabinet and Council's agreement to set up a budget and pay Marcham Parish Council, subject to a legal agreement on the use of the funds, the

requested sum from s106 funds. The amount requested £305,095.74 is from five s106 contributions arising from the following developments:

i) **Development:** King's Field

Address: King's Field, King's Field, Marcham, OX13 6QA

Planning Ref: P13/V0575/O

S106 Ref: 13V58

Date of agreement: 20 September 2013

Decision: Planning Committee

The s106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

13V58	
Obligation	Definition
Clubhouse Contribution	The sum of £17,708 towards the provision or enhancement of clubhouse or pavilion facilities associated with sports pitches in the Parish
Cricket Pitch Contribution	The sum of £2,995 towards cricket pitches in the Parish
Football Pitch Contribution	The sum of £7,378 to be used towards football pitches in the Parish
Multi-Use Games Area ("MUGA") Contribution	The sum of £10,027 to be used towards the provision of a MUGA in the Parish
Outdoor Tennis Contribution	The sum of £10,095 to be used towards outdoor tennis facilities in the Parish

ii) **Development:** Land to the North of Priory Lane

Address: Land to the North of Priory Lane, Priory Lane, Marcham

Planning Ref: P13/V0859/FUL

S106 Ref: 13V77

Date of agreement: 6 August 2013

Decision: Planning Committee

The s106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is under £20,000.

13V77	
Obligation	Definition
Clubhouse Contribution	The sum of £6,641 to be used towards the provision of a clubhouse / pavilion in the Parish
Cricket Pitch Contribution	The sum of £1,123 to be used towards cricket pitches in the Parish
Football Pitch Contribution	The sum of £2,767 to be used towards football pitches in the Parish
Multi-Use Games Area ("MUGA") Contribution	The sum of £3,760 to be used towards multi use games areas in the Parish

iii) **Development:** Willow Farm

Address: Willow Farm, Packhorse Lane, Marcham, OX13 6NU

Planning Ref: P13/V2731/O

S106 Ref: 14V86

Date of agreement: 16 December 2014

Decision: Delegated

The s106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

14V86	
Obligation	Definition
Clubhouse Contribution	The sum of £23,293 to be used towards the provision of a clubhouse/pavilion in the Parish
Cricket Pitch Contribution	The sum of £3,307 to be used towards cricket pitches in the Parish
Football Pitch Contribution	The sum of £9,014 to be used towards football pitches in the Parish
Multi-Use Games Area ("MUGA") Contribution	The sum of £11,552 towards multi-use games areas in the Vicinity
Outdoor Tennis Contribution	£11,495

iv) **Development:** Land off Packhorse Lane

Address: Land off Packhorse Lane, Marcham

Planning Ref: P14/V1976/O

S106 Ref: 15V46

Date of agreement: 25 August 2015

Decision: Planning Committee

The s106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

15V46	
Obligation	Definition
Clubhouse Contribution	The sum of £16,261 to be used towards the provision or improvement of a clubhouse in the Parish
Cricket Pitch Contribution	The sum of £2,308 to be used towards cricket pitches in the Parish
Football Pitch Contribution	The sum of £6,293 to be used towards the cost of the provision of additional football pitches or improvements to existing football pitches in the Parish
Multi-Use Games Area ("MUGA") Contribution	The sum of £8,065 towards a multi-use games area in the Parish
Outdoor Tennis Contribution	The sum of £8,025 towards the cost of the provision of outdoor tennis facilities or improvements to existing outdoor tennis facilities in the Parish

- v) **Development:** Land West of Hyde Copse
Address: Land West of Hyde Copse, Marcham, OX13 6PT
Planning Ref: P15/V0612/FUL
S106 Ref: 16V26
Date of agreement: 11 April 2016
Decision: Area Committee

The s106 agreement is not 'clear and unambiguous' about how the contributions are to be used and the sum requested is in excess of £20,000 but less than £100,000.

16V26	
Obligation	Definition
Clubhouse Contribution	The sum of £8,326 Index-Linked, to be used towards the provision or enhancement of clubhouse or pavilion facilities associated with sports pitches in the Parish
Multi-Use Games Area ("MUGA") Contribution	The sum of £19,900 Index-Linked, to be used towards the provision or enhancement of MUGA provision within the Parish
Outdoor Tennis Contribution	The sum of £12,830 Index-Linked, to be used towards the provision of outdoor tennis courts within the Parish
Village Hall Contribution	The sum of £88,200 towards Marcham Village Hall

3. The obligations set out below have a ten year spend by date which is calculated from the date of receipt of the contributions, therefore;

S106 Agreement	Infrastructure	Receipt of Contribution	Expiry of Contributions
13V58	All	16 November 2015	16 November 2025
13V77	Football Pitches	19 October 2015	19 October 2025
	Cricket Pitches	17 December 2015	17 December 2025
	Clubhouse	17 December 2015	17 December 2025
	MUGA	17 December 2015	17 December 2025
14V86	All	10 July 2017	10 July 2027
15V46	All	30 March 2017	30 March 2027
16V26	All	4 August 2017	4 August 2027

4. The sums requested by Marcham Parish Council are set out in the summary tables below:

S106 13V58 - Development of King's Field – Marcham Parish Council application for funds

Infrastructure category	Amount in Agreement	Contributions Received (incl. indexation)	Amount requested	Balance
Community Buildings	£17,708.00	£18,310.04	£18,310.04	£0

Outdoor Sport (Cricket)	£2,995.00	£3,096.82	£3,096.82	£0
Outdoor Sport (Football)	£7,378.00	£7,628.84	£7,628.84	£0
Outdoor Sport (MUGA)	£10,027.00	£10,367.90	£10,367.90	£0
Outdoor Sport (Tennis)	£10,095.00	£10,438.21	£10,438.21	£0
Total amount requested		£49,841.81	£49,841.81	

S106 13V77 – Land to the North of Priory Lane - Marcham Parish Council application for funds

Infrastructure category	Amount in Agreement	Contributions Received (incl. indexation)	Amount requested	Balance
Community Buildings	£6,641.00	£6,896.01	£6,896.01	£0
Outdoor Sport (Cricket)	£1,123.00	£1,166.12	£1,166.12	£0
Outdoor Sport (Football)	£2,767.00	£2,862.18	£2,862.18	£0
Outdoor Sport (MUGA)	£3,760.00	£3,904.38	£3,904.38	£0
Total amount requested		£14,828.69	£14,828.69	

S106 14V86 – Willow Farm - Marcham Parish Council application for funds

Infrastructure category	Amount in Agreement	Contributions Received (incl. indexation)	Amount requested	Balance
Community Buildings	£23,293.00	£25,467.85	£25,467.85	£0
Outdoor Sport (Cricket)	£3,307.00	£3,570.79	£3,570.79	£0
Outdoor Sport (Football)	£9,014.00	£9,664.11	£9,664.11	£0
Outdoor Sport (MUGA)	£11,552.00	£12,473.45	£12,473.45	£0
Outdoor Sport (Tennis)	£11,495.00	£12,411.90	£12,411.90	£0
Total amount requested		£63,588.10	£63,588.10	

S106 15V46 – Land off Packhorse Lane - Marcham Parish Council application for funds

Infrastructure category	Amount in Agreement	Contributions Received (incl. indexation)	Amount requested	Balance
Community Buildings	£16,261.00	£16,759.69	£16,759.69	£0
Outdoor Sport (Cricket)	£2,308.00	£2,378.78	£2,378.78	£0

Outdoor Sport (Football)	£6,293.00	£6,485.99	£6,485.99	£0
Outdoor Sport (MUGA)	£8,065.00	£8,312.34	£8,312.34	£0
Outdoor Sport (Tennis)	£8,025.00	£8,271.11	£8,271.11	£0
Total amount requested		£42,207.91	£42,207.91	

S106 16V26 – Land West of Hyde Copse - Marcham Parish Council application for funds

Infrastructure category	Amount in Agreement	Contributions Received (incl. indexation)	Amount requested	Balance
Community Buildings	£8,326.00	£8,672.12	£8,672.12	£0
Outdoor Sport (MUGA)	£19,900.00	£20,727.25	£20,727.25	£0
Outdoor Sport (Tennis)	£12,830.00	£13,363.35	£13,363.35	£0
Community Buildings	£88,200.00	£91,866.51	£91,866.51	£0
Total amount requested		£134,629.23	£134,629.23	

Background

5. The parish council is seeking to provide a new combined village hall and sports pavilion/clubhouse, to replace the current facilities, together with a new combined Multi-Use Games Area (MUGA) which includes a tennis court, relocation of the football and cricket pitches and providing a new junior football pitch.
6. Marcham lost its village hall when its owners closed it in 2004. There is currently a combined sports pavilion and social club, but it is too small and has insufficient facilities. The new combined village hall and sports pavilion/clubhouse will be larger and more flexible, so it will be able to offer a much wider range of social, recreational and leisure activities to a greater number of people within the village. It is intended that the new building will cater for a broad range of activities aimed at all ages.
7. The village lost its tennis courts in 2016 when Oxfordshire County Council ended the lease in order to build extra classrooms for Marcham Primary School. There is no Multi-Use Games Area or junior football pitch in the village. The existing football pitch has poor drainage and is on a slope. The proposed combined MUGA and tennis court will offer all-weather surface facilities for both youth and adults in the village. There is also a growing demand for youth football facilities in the village and the new junior football pitch will provide many more opportunities for youngsters to play on a regular basis.
8. Once the building work is complete, the whole site will be managed by the Marcham Community Group (MCG) a registered charity and a company limited by guarantee, that is democratically controlled by the local community. MCG will set up three sub-committees to run the facilities – one for the village hall, one for the playing fields and MUGA and a third committee to manage the finances. The lease agreement will be for 99 years at a peppercorn rent with a right of pre-emption in favour of the Parish Council

in the event that the Marcham Community Group (MCG) does not wish or is unable to continue with the lease.

Options

9. In 2012/13, Marcham developed a Community Led Plan. The Plan identified the following priorities for action which relate to this project:

Action 4	Work to create a community building which meets the demand for indoor leisure activities within the village and which is financially viable
Action 6	Work to provide facilities for a range of outdoor activities and sports which correspond to demand from within the village
Action 7	Ensure that there are tennis courts within the village and seek to improve their quality and availability

The final version of the Community Led Plan was endorsed by Marcham Parish Council and Marcham Community Group in June 2013.

10. In 2014 a new group was formed to progress these actions, called the Community Facilities Steering Group (CFSG), which included representatives from the Parish Council, the Anson Trust (the Charity which owns the land), Marcham Community Group, the Parochial Church Council, youth organisations, sports clubs and other groups in the village. It has also been actively supported by the District and County Councillors. The Group's purpose is to deliver and improve community facilities in Marcham. CFSG carried out several village wide consultations in 2015 and 2016, which have led to the current project in its current form.
11. There have been no other proposals for the use of the s106 contributions. We consulted with the Council's Leisure Services team who are in support of the use of s106 funds and who advise that the pitches and changing facilities should meet current Football Association (FA) and Sport England standards, there should be an agreement for the use of facilities and pitches including community use of the sports pavilion/clubhouse as secured and in compliance with the S106 agreement.
12. Planning permission for the new combined village hall and sports pavilion/clubhouse, MUGA, tennis court and pitches has been granted, 16 November 2017.

Financial Implications

13. The financial implications of this request can be accommodated by the secured s106 contributions.

Legal Implications

14. A funding and legal agreement is required between the Council and Marcham Parish Council to ensure the s106 funds are used to cover the costs of this project and satisfy the comments made by the leisure team. The terms included in the agreement should be included in a separate further funding agreement between Marcham Parish Council and The Arthur Anson Memorial Trust. Thus, the legal agreement should include;

- I. Changing facilities and pitches must conform to Sport England standards, Football Association (FA) & England Cricket Board (ECB) Performance Quality Standards and the pitch sizes
- II. The appointment of a qualified surveyor to review a specification for the building and inspect during construction
- III. Agreement for the use of the facilities and pitches including community use of the sports pavilion/clubhouse, as secured and in compliance with the s106 agreement
- IV. A copy of the build contract signed by The Arthur Anson Memorial Trust and Thomas Homes Limited.

Risks

15. Work started in April 2018 with a substantial archaeological dig which has now been completed and it is expected to start the ground works for the combined village hall and sports pavilion in February 2019, with a view to finishing by the summer 2020. A funding agreement will be secured with Marcham Parish Council before any payment is made.

Conclusion

16. Marcham has been without a useable village hall since September 2004 and the current sports and social club is of insufficient size to cater for the needs of an expanding village. There is no Multi-Use Games Area or junior football pitch in the village and the existing football pitch has poor drainage and slopes.

17. The proposed project will offer a wide range of sports and social facilities in this central village location to the local community. The request to help fund the building of these new facilities accords to the spending parameters of the s106 agreements and is a suitable use of the funds.