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Mr C Harrison
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria CA28 6SJ

Your Ref: -

Our ref:

Date 14 April 2021

Contact mts@goughs-solicitors.com

Direct Line 01946518321

Dear Mr Harrison

Re: Applications 4/20/2267/0F1 and 4/20/2290/DOC

Proposed Removal of Previously Approved Village Hall and replacement with Two Number Detached Dwellings and Detached Double Garage

Land at The Millfields, Lamplugh, Workington, Cumbria and corresponding Modification to S106 Agreement

I refer to the above applications submitted on the 13 July 2020 and 3 August 2020 respectively. Discussions have recently taken place between the Applicant and community stakeholders and this is an appropriate time to review the material issues.

Progression of the application

The Applicant's proposal is as set out in documents submitted with the Applications with some additional supporting information provided in my letter of the 26 November 2020. The key issues are the delivery of a new Village Hall for Lamplugh to reflect the aspirations of the community and successful completion of the housing development at The Millfields. Central to the planning application is the proposed financial contribution which must fall within the limitation of the use of planning obligations.

Lamplugh Village Hall Committee have continued to progress the re-development of the Village Hall on the existing site. There appears to be a consensus that development of two Village Halls in the village is illogical. The community appears to hold a preference towards the re-development of the existing site. There may be a number of reasons for this preference including; the community's ties to the existing facility, the fact that the proposed Village Hall at Millfields although available for public use would be privately owned and managed and long term management of the existing Village Hall site if two Village Halls existed.



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Senior management and interested Members of Copeland Borough Council have sought to establish the viability of re-development of the existing Hall proceeding. This has been protracted by the need to define exactly the estimated costs and available grant funding. On the 30th March 2021 Lamplugh Parish Council chaired a meeting of the stakeholders (Lamplugh Village Hall Committee, Lamplugh Parish Council, Copeland Borough Council and the Applicant). The progress of the new Village Hall project can be summarised as follows:

1. The LVHC have now acquired the land for the new Village Hall.
2. Planning permission has been granted.
3. Funding of £597,669.00 has been secured.
4. The total tender price for building the Hall is £811,296.00.

Assuming the Applications are approved (and the Household Model Calculation is applied) the available funding would increase by £36,685.32 to £634,354.32. On the basis of points 1,2 and 3 above (with the financial contribution added in) the LVHC appears to be in a very strong position to deliver the new Village Hall.

However, the estimated cost of the Village Hall appears to be excessively expensive and whilst this is strictly not a planning issue it does require further consideration. The issue the Local Planning Authority must consider is whether the financial contribution is fair and reasonable in the context of a planning obligation. In part the cost of providing community facilities is relevant only insofar as it relates directly to the development. A planning obligation cannot require the development to fund a financial shortfall of re-developing the Village Hall if those costs are unreasonable or not directly related to the development. In short, the Applicant cannot be required to provide an extraneous benefit.

The Application is supported by information from a Quantity Surveyor confirming the final account build costs of actual village halls in the locality. Based on the actual build costs (after indexation) the range of build rates is £1,620.00m² - £1,884.00m². The round figure of £1,800.00m² was used as the build rate to determine the financial contribution. Assuming the build rate of previous Village Halls, Lamplugh Village Hall should approximately cost £440k to £510k. This would be comfortably accommodated within the available funding. As an indicator, the National Lottery grant offer appears to anticipate costs within these parameters. The surplus funding with or without the financial contribution should adequately deal with any abnormal costs associated with the site. Based on the information provided by LVHC the build rate for the new Village Hall is £2,988.20m² substantially exceeding actual build costs for similar facilities.

The Applicant has not had sight of the tender documents for the Village Hall and therefore is unable to comment in detail. The cost of £1,000.00m² above the build rate of similar projects strongly indicates that the tender costs are excessively expensive. A value engineering and design exercise is likely to reduce the costs to within an accepted range. However, it is strictly a matter for the LVHC to decide whether the estimated costs represent value for money. In terms of the financial contribution the Council as Local Planning Authority must decide what represents a reasonable contribution based on the statutory tests.

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Revised Proposal

It appears that there is a strong community preference that the Village Hall is redeveloped on the existing site. Two methods of calculating the financial contribution are set out in the Planning Statement. These calculations are based on established methods of calculating financial contributions in planning obligations. The calculations allow the financial contribution to be fairly and reasonably related to the proposed development. Without prejudice to the comments above regarding excessive costs, the Applicant is willing to amend the calculations to include the build rate based on the tender cost of the LVHC proposal. For the purposes of the calculations the build rate has been rounded up to £3,000.00m2.

Based on the Population/Floor Area Model the contribution would be **£59,490.00**. The alternative Household Model gives a contribution of **£61,142.00**. Please treat this letter as a revision to the proposed financial contribution, based on the Household Model of **£61,142.00**.

In order to ensure the payment is applied properly for its planning purpose the contribution would be paid in escrow. The contribution would be released to the LVHC with 10 working days of a the LPA confirming the new Village Hall is structurally complete and ready to commence internal first fix works. The monies are to be held on escrow for a period of 36 months to reflect the relatively advanced stage of the Village Hall project.

The proposed contribution complies with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the NPPF. The revised proposed contribution is directly based on the tender price for the proposed Village Hall and follows a reasoned methodology. Whilst the financial contribution is arguably excessive in comparison to the typical build costs of similar facilities, on balance, it is within the reasonable parameters for a planning obligation.

If you require any further information please contact the Applicant's Agent.

Yours sincerely

M I Sandelands