

Decision maker:	Chief Finance Officer
Decision date:	Thursday, 24 May 2018
Title of report:	Landscaping at the Master's House, St Katherines, Ledbury
Report by:	Project Development Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To approve the spend of section 106 public realm monies received in respect of planning application P160606/F - Land at Galebreaker House, Leadon Way, Ledbury, Herefordshire, HR8 2SS for the purposes set out in this report, together with an explanation of the considerations that have been taken into account in reaching this recommendation.

Recommendation(s)

That:

- (a) subject to securing planning consent, approval is given to undertake landscaping works in accordance with the landscape master plan at appendix 2, at a cost of not more than £120,000 including fees; and**
- (b) the Chief Finance Officer be authorised to take all operational decisions necessary to implement the above recommendation.**

Alternative option

1. The council could decide not to progress with landscaping project, however the monies secured are specifically landscaping at the Master's House which means that if we do not undertake this work in line with the terms of the legal agreement, there is a requirement that the contribution is refunded in full, if it is not spent in accordance within the terms of the agreement unless otherwise negotiated with the relevant developer/landowner.

Key considerations

2. The council enters into legal agreements with developers and landowners under section 106 of the Town and Country Planning Act 1990 (as amended) to enable mitigation of the impacts of development and to enable the delivery of necessary infrastructure. Funds received through the section 106 agreement process must be used for the purposes specified within the agreement.
3. Planning permission was granted on the 31st October 2016 for an extension to existing factory building and erection of a limited assortment discount food store (Class A1), car parking, landscaping and associated works on land at Galebreaker House Leadon Way Ledbury Herefordshire HR8 2SS. A section 106 agreement was signed on 26th October 2016 in relation to this planning permission that secured a public realm contribution of £120,000 for landscaping improvements to the Masters House being a grade II * listed building within the public realm in Ledbury Town centre.
4. A working group was established including representatives from the local community, the Friends of the Master's House, the Town Council, Ledbury and District Civic Society, Ledbury in Bloom, the Ledbury library development group and other interested organisations and individuals, along with Herefordshire Council staff.
5. Following a meeting of the working group in April 2017 a procurement process was undertaken to secure the services of a landscape design company to develop a landscape design for the site. One Creative Environments Ltd was awarded the contract for work which has a value of £11,920. This sum has been taken from the £120,000 section 106 funding for the project as it is directly linked to the landscaping work.
6. One Creative Environments Ltd developed an initial design proposal which was presented at a working group meeting on 31st October 2017. The proposal was then displayed in the Master's House for a period of public consultation for two weeks during November 2017. The opportunity was promoted through social media and feedback was requested via a survey. 63 responses were received through the consultation process, in addition to the feedback from the working group.
7. This information was used to inform the next phase of the design process and a further consultation was undertaken with the working group to test this design.
8. Planning permission will be sought by depositing the plans as an amendment to the long-standing undetermined application (number 150041) without attracting a further Planning fee.
9. A contractor for the construction works will be procured through Herefordshire Council's property services team. The project will incur a fee for this service, along with ongoing project management, of 5% of the contract value. This will not exceed £5,000.
10. The financial value upper limit for procurement of works through our current service provider is £100,000. It is anticipated that this scheme will be on or around this figure so a full tender package will be prepared and the council's e-tendering portal used, in

accordance with the current contract procedure rules, to procure a contractor. Another option would be to test the market through BBLP's supply chain who would benchmark against other services to demonstrate value for money and select the contractor.

Community impact

11. The use of section 106 monies for the construction of landscape improvement to the public realm around the Master's House will provide the community with safe access to this grade II* listed public building as well as enhancing its setting for service users and visitors to the town. This contributes positively to the council corporate priorities in enabling residents to live safe and healthy lives.
12. The recommendation does not give rise to any direct health and safety implications, but the appointed contractor would be briefed to ensure that any work is compliant with relevant legislative requirements.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duties outlined above requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

15. The budget for this project has been secured through section 106 monies. £11,920 of the £120,000 has been allocated to the design element of this project and a further £5,000 will be paid to Herefordshire Council property services for contract and project management of the construction works. The remaining £103,080 will be used towards construction and maintenance costs directly linked to the landscaping. The s106 funds are held by Herefordshire Council.

Legal implications

16. As this report notes, the funds allocated for this scheme have been secured through a s106 contribution from a developer and the council will be liable to return those funds to

the developer should they remain unspent against the timescale set out in the s106 legal agreement. A procurement process will be run to appoint the contractor for the works. There are no other specific legal implications identified for this scheme.

Risk management

17.

Risk / opportunity	Mitigation
Environmental constraints prevent the scheme going forward.	The scheme has been professionally designed to take accounts of environmental considerations including the sites proximity to listed buildings.
Refusal of planning permission.	Pre-planning engagements indicates that the scheme is seen as credible by local planners.
Build costs exceed available funds.	If the landscaping schemes costs are in excess of the budget allowance, a decision will be made by officers about which elements of the project are able to proceed. Regular budget control meetings are required between the contractor and Herefordshire Council to give assurance on budget.
Amendments to design necessary due to existing statutory undertaker's equipment hindering construction.	Design to be undertaken with consideration of stats. Any amendments to design will be worked through with design consultants and contractor.
Availability of contractors to deliver project within timescale.	The Councils e-tendering portal or benchmarking through BBLP's supply chain will be used to procure the services of a contractor.
Community and stakeholder co-operation – specific requests/ objections from local community / town.	The Council has already engaged with the community and stakeholders in the development of this project and will continue to be involved in its progress.
The quality of the finish not as expected or the soft landscaping does not thrive.	The contract with the contractor will include maintenance clauses; this is likely to be 1 year for hard landscaping, 2 years for soft landscaping and up to 5 years for mature plants such as trees.
The landscape is not maintained	The site is currently maintained by Integral. The Council will soon be going out to tender to procure a new Service Provider starting from September 2018 so if there are any special requirements around maintenance

for the site we can include them in the tender documents.

18. Risk will be managed through a working group which will include the contractor once they have been procured.

Consultees

19. A community and stakeholder meeting was held at the Masters House in May 2017. It group included representatives from Ledbury Town Council, Ledbury in Bloom, The Friends of the Masters House, Ledbury Cycle Forum, Ledbury Library user group, local business owners and staff from Ledbury Library and the ward member. It was agreed at this meeting that the services of a professional landscape designer should be procured in order to advance the project.
20. An outline plan was produced by One Creative Environments Ltd and a consultation was undertaken during November 2017 on these proposals. 63 responses were received, along with feedback from a community and stakeholder meeting held during this time.
21. The feedback from this consultation was used to inform the next version of the plans which were the community and stakeholder group were also asked to feedback on.
22. Comments from this feedback have informed the detailed master plan design and the associated design and access statement.
23. These plans will be submitted for planning permission which will provide the community with another opportunity to support or object to the plans.
24. Specific consultation in writing has been carried out with Historic England, The Dean and Chapter who own St Katherine's Hall and Chapel and the ward member. The specific feedback from Historic England was around materiality and questioned the rational for the proposed archway which was reinforced by the planning officer has subsequently been removed from the plans. The use of Corten for the planters and benches has also been proposed as a result of this feedback. The Dean and Chapter confirmed that they were content with the scheme and have no plans to re-open either of the historic entrances to St Katherine's Hall in the foreseeable future. The ward member asked a range of questions about the process and has received answers to all queries; no further queries has been received. Comments from all parties have been incorporated into the revised plans ready for an application for planning permission to be submitted.

Appendices

- Appendix 1 - section 106 agreement for planning application P160606/F.
- Appendix 2 – Landscape Master Plan
- Appendix 3 – Design and Access Statement.

Background papers

None.