1. **Reason for report**

The report seeks authority for the release of funds obtained via a section 106 legal agreement with Taylor Wimpey. The funds are required to pay the fee for a reserved matters planning application for a heritage centre on a site currently owned by Taylor Wimpey on the west side of Main Road, Biggin Hill adjacent to Vincent Close. Funds will also be needed for the preparation of a business plan to test the feasibility of the fundraising required and the future running of the heritage centre.

2. **RECOMMENDATION**

The Portfolio Holder is recommended to release up to £15,000 from the funds obtained via a legal agreement with Taylor Wimpey under section 106 of the Town and Country Planning Act 1990.
Corporate Policy

Existing policy:

______________________________________________________

Financial

1. Estimated cost £15,000
2. Non-recurring cost
3. Budget head Legal agreement with Taylor Wimpey under Section 106 of the TCPA 1990
4. Total budget for this head £760,000

Staff

1. Number of staff (current and additional) – 2 current; no additional
2. If from existing staff resources, number of staff hours – average 8 hrs pw

Legal

1. No statutory requirement or Government guidance
2. Call-in is applicable

Customer Impact

Estimated number of users/beneficiaries (current and projected) - Estimated visitors to heritage centre - 30,000 per annum; membership of Battle of Britain Supporters Club - estimated 300,
3. **COMMENTARY**

3.1 A legal agreement associated with the redevelopment of the former RAF Married Quarters (now Leavesden) was completed in March 2005 with Taylor Woodrow Developments (now Taylor Wimpey). The agreement provided a contribution of £760,000 to be paid in stages for facilitating a heritage centre. The final staged contribution was paid in March 2008 and the money can be spent on bringing about a heritage centre within three years, with a further 2 yrs when a wider spending in the Biggin Hill area is possible. Any money unspent by March 2013 must be returned to the developer. There is no requirement to return any money spent on a heritage centre which subsequently fails or is not completed.

3.2 The same legal agreement provided for the transfer to the Council of land on the west side of Main Road just to the north of Vincent Close for the purposes of constructing a heritage centre. The site would transfer only after it can be confirmed, before March 2011, that the Council has the total financial contributions necessary to procure the design and construction of the heritage centre. If the site does not transfer to the Council then it could be released for residential development and there would be a further contribution to enable the heritage centre to be built elsewhere.

3.3 In October 2007, Development Control Committee approved after consultation a Framework Plan for West Camp, Biggin Hill that incorporated a heritage centre in one of the former RAF buildings. It was expected that the owners of West Camp would follow up the Framework Plan with a planning application for hangar and other development that would provide the heritage centre in an existing building. Whilst there have been some negotiations with the owners, progress has been slow and the present draft plans could present some planning difficulties. There is no immediate prospect of a planning application.

3.4 After discussion with the Biggin Hill Trust and the Battle of Britain Supporters Club (BBSC) it is considered now best to promote a scheme on the Taylor Wimpey site to enable the Trust with the BBSC to run an appeal to raise funds. The benefits of the site are that it is highly visible from Main Road, it is near to the Chapel which receives many visitors and the historic RAF buildings across the road can be clearly viewed.

3.5 There is already an outline planning permission for a heritage centre for the site (submitted by Taylor Wimpey as part of the Leavesden development). It is necessary to submit a reserve matters or detailed planning application to the Council in order to firm up on the size and scale of building envisaged as well as access, landscaping, layout and materials. These plans and the design and access statement can be drawn up by Council staff. It is expected however that the application will be submitted by the Trust.

3.6 The reserved matters application requires a fee estimated to be £4,800 depending on the amount of floorspace in the final scheme.

3.7 After detailed planning permission has been secured the Trust in partnership with the BBSC will run an appeal to raise funds to build the centre – expected to be in the order of £3m. Assuming the fundraising appeal is successful and there are sufficient funds to procure the construction of the centre then the land will transfer to the Council who can then consider leasing it to the Trust who could run the centre with the help of volunteers.

3.8 A robust business plan is required to cover not only the feasibility of the appeal but also the future running costs and potential revenue streams for the heritage centre itself. Such a business plan needs to be prepared in partnership with the Trust by a consultant with expertise in the cultural sector. The brief for the business plan will ensure that there is no further financial commitment from the Council over and above that which is available through s106 agreements.
and that there is no future liability placed on the Council in the event of the heritage centre having to close. The estimated consultant’s fee for the business plan is £10,000.

4. POLICY IMPLICATIONS

4.1 There is a longstanding aim of the Council to promote a heritage centre at Biggin Hill. This is reflected in the Policy Aims for the airport set out in the UDP.

5. FINANCIAL IMPLICATIONS

5.1 The total estimated costs associated with the submission of a planning application and consultant costs for preparing a business plan will be £14,800. It is proposed that this cost is funded from the money received from the Section 106 agreement with Taylor Wimpey of £760,000 which was for facilitating a Heritage Centre.

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<tr>
<th>Non-Applicable Sections:</th>
<th>Legal Implications; Personnel Implications</th>
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<tbody>
<tr>
<td>Background Documents:</td>
<td>None</td>
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<td>(Access via Contact Officer)</td>
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