

Moulsham Lodge Community Centre Action Group

Chair - Ros Webb and Vice Chair - Lorna Fuller
6 Sandpiper Walk, Chelmsford, CM2 8XJ. 01245-290277

8 July 2009

Room 3/16,
Eagle Wing, Temple Quay House,
2 The Square,
Temple Quay,
Bristol, BS1 6PN

Appeal by Essex CC, Moulsham Lodge Community Centre, Waltham Glen, Chelmsford APP/W1525/A/09/2104429/NWF

1. We **oppose** Essex County Council's (ECC) appeal against the decision of Chelmsford Borough Council (CBC) under the above reference and urge you to support CBC's decision.
2. The Moulsham Lodge Community Centre Action Group is drawn from the 3000 homes in the Moulsham Lodge and Tile Kiln neighbourhoods of south Chelmsford. The group was formed to pursue the above objective but intends to continue as the Moulsham Lodge Community Association if and when successful in regaining control of the Moulsham Lodge Community Centre (MLCC) site. A profile of the committee who oversee the Action Group is contained in the Annexes to our business plan.
3. We believe that much that is said in the Statement of Case on behalf of Essex County Council is either inaccurate or misleading. In this representation we will address these items.
4. We support the statement of CBC on this matter and so, in this representation, we have set out to not repeat significant content from their statement.

Summary

5. We believe that the condition against which ECC is appealing is essential in order to implement CBC Policy DC37, which has recently been approved after public examination as part of the new Local Development Framework.
6. Policy DC37 is designed to protect essential community facilities such as the MLCC. In this representation we aim to establish that, contrary to the assertions of ECC:
 - a. the building is not redundant
 - b. the use is economically viable
 - c. the use cannot be provided elsewhere in the locality
 - d. the facility is required in relation to the planning permission for a new development

The ECC grounds of appeal (p.9, ECC statement)

7. D1 use may accord with development plan policy but their appeal is against imposition of the condition, not D1 use.
8. The condition is reasonable in order to deliver the new policy DC37.
9. The proposed use would have a detrimental amenity affect on the community in that it would replace a facility open to widespread use with one of little or no use to the community around the site. The proposed use as a private clinic would be detrimental to neighbouring properties in that all,

or virtually all, of the clients and staff of the centre would come to the site by car from locations across mid Essex. It would therefore not contribute to the development of sustainable communities, as required in Policy DC37 (see p19, ECC statement final paragraph).

10. The restriction is in order to deliver the new policy DC37. The user groups displaced from the centre would return if it were reopened and others would form, all as set out in the draft business plan attached to the CBC submission.
11. The last bullet point on p.9 states that the use proposed by ECC does not seek to prevent future use of the site for community centre use. However, this would be the practical effect of opening up a private clinic. The building layout submitted with the planning application uses the whole building for the clinic proposal. The remainder of the site has little scope for additional building due to the underground rainwater storage tanks that take up much of it.

Assessment of material considerations (p.10, ECC statement)

a) Redundancy - or not (DC37 i)

12. ECC states (p.3) that the building was 'abandoned by the tenant in 2005', implying that the building was redundant. However, the latter does not follow from the former. The centre was in use by a number of community groups at the time. Sadly, two officers of the committee abused the finances of the association. It being an unincorporated body, there was no way for the remaining members of the association to regain control and the groups using the centre were abandoned.
13. At no time since the above events has ECC sought to find a new body of trustees to re-establish a community association – despite a clear desire by some to do so (see paragraph 19 below). ECC was determined to realise an asset, as part of a general council policy.
14. It is misleading for ECC to state that the offer from the Royal British Legion was 'very considerably below market value'. The market value to which they refer can only apply AFTER a grant of planning permission to allow a commercial use. There is little or no market value for a community hall. The offer from the Royal British Legion was in fact in excess of the amount now likely to be realised from the sale of a (dilapidated) community hall.
15. The reference to 'best value obligations under the Local Government Acts' is no longer the priority it once was. The Government has established the **Asset Transfer Unit** (ATU) that will "provide expert advice and guidance to support the transfer of under-used land and buildings from the public sector to community ownership and management". See Local Government Association website: <http://www.lga.gov.uk/lga/core/page.do?pageId=840789> and central Government: <http://www.communities.gov.uk/news/corporate/councilsurged>
16. A number of groups that had used the MLCC have continued in existence but have had to find venues elsewhere in the Chelmsford area – there being no realistic alternatives within the local community. They would like to return, and thereby contribute to the development of sustainable communities, as required in Policy DC37 (see p19, ECC statement final paragraph). Many of these are referred to in the annexes to the draft business plan and have made their own representations.
17. Reference is made (in para 3 of ECC statement p.4, and elsewhere) to further or other community use of the site and the possibility of additional building on the site. This is intended to demonstrate that community use might be possible alongside a private clinic. However, the scope for additional building is limited due to the underground tanks referred to above.
18. ECC asserts (p.10 para 5) that there is no distinction between public and private community facilities. This flies in the face of plain common sense. It is true that a privately owned and commercially run facility can provide a public service. A GP surgery would be a good example.

However, the proposed private IVF clinic is a minority community need and only accessible to people with significant private wealth. It is a community facility only in the same way as the Savoy hotel.

19. Community support for the project is widespread. In May 2005 Lorna Fuller wrote to ECC on behalf of one of the user groups, calling on them to retain the centre in community use. Later she sent in a petition to the council containing 700 names from the local community, wanting the centre reopened. See letter attached as Appendix 1.
20. At just a few days notice, over 300 people turned out for a public meeting on 26th February 2009. In the last week, the Action Group has received donations from a range of local individuals towards the campaign. At the time of writing, these are already in excess of £200.

b) Economic viability (DC37 i)

21. ECC states (para 3 p.10) that it is clear from the failing of the old Association that the use was not economically viable. However, one does not follow from the other. As stated above (para 12) there were groups willing to pay for use of the centre and provide an income but the funds were abused.
22. The current Action Group has secured the voluntary expertise of a range of people across various disciplines that will help secure the centre's viability. These include professional fundraising, public relations, marketing and design. All of the local borough and county Councillors are behind the campaign too.
23. The draft business plan demonstrates the thought, preparation and determination that has gone into this campaign. Indeed ECC Councillor Peter Martin, the ECC cabinet member for property services, has recognised as much.
24. Cllr. Martin and his staff have held meetings with the Moulsham Lodge Community Centre Action Group (on 1/12/2008 and 18/3/2009) to discuss the draft business plan. Therefore, not only do ECC know of a plan to bring the centre back into viable community use they have actively encouraged it in the last few months.
25. In an email on 21 April 2009 Cllr. Martin's assistant, Peter Fairley, welcomed the business plan and stated that it was being considered by ECC's Community Planning & Regeneration Directorate. This has been followed up by an email (dated 2 July 2009) and attached as Appendix 2 at the end of this statement.

c) The use cannot be provided elsewhere in the locality (DC37 iii)

26. It follows from the ECC statement at p.10 final para that, if the site is not redundant OR is viable (i.e. the foregoing of our statement IS accepted) then there is no need to address DC37 (iii). However, since ECC does address the subject, we do as well.
27. There are other local facilities (as shown on the locality map supplied by CBC). ECC queries (p.11, para 1) why these are deemed unsuitable. They are unsuitable because:
 - a. They are all booked all or much of the time. (See letters of support in the annex to the business plan and the specific separate representations to you from St. Luke's Church via their Reader Bob Wood and vicar Rev. Carol Smith.)
 - b. In none of these facilities is alcohol able to be sold, essential for party hire, and indeed a club bar which is the cornerstone to financial success in many community associations. In most of the available facilities, alcohol is not even permitted to be brought on to the premises.
28. ECC suggests (p.11 para 4) that facilities in the wider Chelmsford area merit consideration. However, this is not relevant if we are concerned about the development of sustainable communities, as required in Policy DC37 (p19, ECC statement final paragraph).

29. This community centre serves a neighbourhood of over 3,500 properties with a strong sense of community, which is separated from the remainder of Chelmsford by the (urban distributor) Princes Road, formerly the A12 trunk road (shown on the northern edge of the CBC-supplied map).

d) The facility is required in relation to the planning permission for a new development

30. The recent housing development in and around Burghley Way and Waterson Vale (described in detail towards the end of Section 4 of the CBC statement) is a new community of around 500 homes, which have come into occupation since the community centre closed. They are located to the north of the appeal site and therefore the centre is now surrounded by houses that would benefit from being able to access its facilities.
31. The local Councillor for Moulsham Lodge, Philip Firth, and others took part in the debates over the planning permission for these new houses. Cllr. Firth states (in his own representation to you) that everyone was aware at the time that the developer of this area was not required to provide community facilities (as would be expected under normal s106 requirements) on the grounds that the Moulsham Lodge Community Centre would provide for those needs.
32. CBC sets out the background to this planning decision and development and so we do not repeat it.
33. In conclusion, it should be clear from the foregoing that the building, far from being redundant, is required as an important community facility, for services that cannot be provided elsewhere in the locality. The attached business plan shows a commitment to make it viable for the future.

Appendix 1 - letter referred to in para 19.

Mr D Hall
Head of Capital Receipts
Finance and Performance
P.O. Box 11
County Hall
Chelmsford
Essex
CM1 1LX

6 Sandpiper Walk
Chelmsford
Essex
CM2 8XJ
01245 290277

7 October 2005

Dear Mr Hall

I am writing to you in regard of the Moulsham Lodge Community Centre in Waltham Glen, Chelmsford which closed its doors on 4th August 2005.

I used to run a parent and toddler group there which was very popular and getting quite well known. I was shocked and disappointed at the sudden closure of the hall in which I had to remove all my toys that same afternoon I was told.

Basically all I would like to say is it is very difficult to find a decent size hall such as this. It has facilities to do much more, there used to be a drama group, karate, keep fit, elderly residents meeting place as well as myself running the toddler group also the social club and hiring the hall for weddings and discos etc. I do understand that the hall was not running or should I say managed as well as it should or could have been but under good management it can be a really good social centre where local residents can meet up. Due to the increase of housing being built around this area, surely this would encourage that there is a need for places like this as more families are moving into the area and that this is an opportunity for people to meet up. I understand that there is a Community group that have joined together to make sure that given another chance, it will be run properly, (I would actually like to join it myself) If it gets well advertised and informs more residents that the hall is there (I do believe that being at the end of a close, new people moving into the area did not even know it existed) I am sure it will be well used.

I know that you will be having a meeting within the next week or so to discuss the Community Centres future, I will try and have a petition completed before then just to prove to you that I am not the only one that feels that I cannot give up on this. Please give it another chance before it gets sold to builders for more housing (sorry! but that's my opinion).

I would be grateful if you could take these reasons into consideration when meeting up with fellow councillors on behalf of the residents around this area.

Yours faithfully

Lorna Humberstone

Appendix 2 - email referred to in para 25.

-----Original Message-----

From: Peter Smith Finance Asset Management <Peter.Smith2@essex.gov.uk>

To: hlornandy@aol.com

Sent: Thu, 2 Jul 2009 10:36

Subject: Moulsham Lodge Community Centre.

Dear Lorna,

Mindful of the time that has elapsed since your meeting with Cllr. Martin I am taking the opportunity to update you on progress towards reaching a decision as to the future of the former Community Centre building.

Following a Cabinet reshuffle in wake of the recent Local Elections the Cabinet Member with responsibility for the building is now Cllr. Sarah Candy and we will be taking the opportunity to brief her in the coming weeks. We are also looking at the wider issues of ECC policy in respect of the provision and continued support of local Community Centres in general (we have a number of functioning ones in our property portfolio) and in some respects the outcome of this review will inform policy towards the Moulsham Lodge building.

ECC's planning appeal against the conditions imposed by Chelmsford Borough Council on grant of planning consent for change of use is ongoing with a decision expected later this year but as mentioned previously the decision here will not directly affect our consideration of your bid for the building. I am pleased to report your Business Case was well received and has subsequently been considered in more depth by colleagues not present at the meeting. Any more clarity that can be added to the availability of funding would be appreciated as there are some concerns at the ability of your organisation to raise £400,000+ in the current economic climate and any commitment or agreement in principle by outside bodies to help fund your proposal would undoubtedly strengthen your case. More clarity and detail of the actual end users would also help in our consideration of how the proposal links in with our own LAA targets.

Please forward any further supporting information that you can gather to me and I will ensure that it is brought to Cllr. Candy's attention although I do appreciate the difficulties of securing firm funding commitments in advance of a firm commitment on our part in respect of the availability of the building.

Kind regards,

Peter Smith MRICS
Property Disposals Manager
Finance Directorate

See also our Business Plan – appended as a separate document.