

Bath & North East Somerset Council

DECISION MAKER:	Cllr Mark Roper, Cabinet Member for Economic Development, Regeneration and Growth	
DECISION DATE:	On or after 1st April 2023	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3340
TITLE:	Radstock Regeneration	
WARD:	Radstock	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Brunel Shed Planning conditions yet to be discharged		

1 THE ISSUE

- 1.1 B&NES Council has been informed by Norton Radstock Regeneration Company (NRR) that they intend to wind up their company imminently. In this eventuality, the company Memorandum of Association states that assets (specifically their remaining financial assets and the Brunel Shed building) must be transferred to an organisation with 'similar regeneration objectives'. NRR has completed the redevelopment of former Radstock railway lands to provide a new road layout, commercial space and housing on three areas within the town.
- 1.2 NRR has indicated that it has discharged all other liabilities and delivered on all planning conditions as part of the development. The local Planning Authority has confirmed that only conditions relating to the NRR regeneration site and the Brunel Shed have not yet been discharged (details can be found in **Appendix 1**), all other planning conditions have been met. The conditions for the Brunel Shed are due to be discharged prior to occupation of the building under the application 17/00773/FUL (consent for community café & cycle hire which is extant) and would be superseded by any new planning application.
- 1.3 The Brunel Shed is the only remaining built asset owned by NRR. Planning consent for its redevelopment was secured and development commenced, however this use has proved unviable to date and no end user has been identified. The building is of solid construction but is not in a condition suitable for re-use without significant further investment. The Shed also contains bat roost mitigations which must be retained as part of the planning conditions for the site. One side of the building is currently open and is covered with hoardings. The building is of local heritage interest, it has no established connection to Brunel.
- 1.4 NRR are now looking to B&NES Council to acquire the Brunel Shed along with a transfer of their remaining financial assets, as an organisation with similar regeneration objectives. Due diligence has been undertaken to confirm the condition of the building,

clarify on legal issues associated with the property title and related holding costs and liabilities. Further due diligence work is also required, therefore, it will not be possible for a decision to be made in line with NRR timescale for winding up the company at the end of the 2022/23 financial year. However, in principle support is sought to progress an acquisition through this report.

- 1.5 The final parts of this single member decision relate to the proposal to fully approve provisionally approved funding: (i) to support community regeneration aims emerging from the Radstock Town Centre Regeneration Action Plan (capital funding) and (ii) accept capital grant funding for the installation of a new Changing Places Toilet in Tom Huyton Park during the 2023/24 financial year.

2 RECOMMENDATION

The Cabinet Member is asked to;

Proposal 1:

Note the intention of Norton Radstock Regeneration Company (NRR), to wind up their company, noting that their legal liabilities, obligations and planning conditions have been fulfilled (aside from the final disposal of their remaining assets and planning conditions relating to the Brunel Shed) and thanking NRR Board Members for their work to deliver the regeneration scheme in Radstock;

Proposal 2:

To approve the acquisition of the Brunel Shed, for £1, and provide agreement in principle, to delegate responsibility to the Director of Regeneration & Housing, in consultation with the Cabinet Member for Resources, the S151 officer and the monitoring officer, to;

- a. Resolve the financial terms associated with the acquisition of the Brunel Shed by B&NES Council, from NRR to form part of the corporate estate. The property acquisition associated costs including further legal advice & a full building survey (structural, utilities & environmental). This will be funded by NRR remaining budget to be transferred to B&NES.
- b. Complete the due diligence to confirm the condition of the building and land, legal issues associated with the property title and any related holding costs and liabilities.

Proposal 3:

To fully approve capital budget of £50k funded by third-party contribution to support regeneration projects identified in the forthcoming Radstock Town Centre Regeneration Action Plan, acquisition of the Brunel Shed and potentially including some capital costs associated with the redevelopment of the Brunel Shed and/or Trinity Church.

Proposal 4:

To fully approve capital budget of £54.5k funded from Changing Places UK Government grant for provision of an accessible toilet in Tom Huyton Park, Radstock. This will be owned by B&NES and managed by Radstock Town Council with B&NES the accountable organisation administering the grant.

Proposal 5:

To fully approve capital budget of £100k to be grant funded towards capital costs of retrofitting Trinity Church for use as a community hub, to be funded by a strategic CIL provisional budget allocation for 2023/24.

In addition, note that we anticipate further capital funding for Trinity Church to be funded by grant from the UK Shared Prosperity Fund for 2023-25.

3 THE REPORT

NORTON RADSTOCK REGENERATION COMPANY

- 3.1 Norton Radstock Regeneration Company (NRR) was formed in 1998 as a private company limited by guarantee with a broad agenda relating to regeneration within a benefit area of Norton Radstock. In 2001, the 8-hectare former railway lands site was purchased with funding from the Single Regeneration Budget. In December 2002, funding was granted for masterplanning and consultancy services jointly with the South West Regional Development Agency (SWRDA). The Directors managed to identify a second developer to develop the scheme following the financial crash of 2008 and an unsuccessful Judicial Review. An agreement was also entered into between NRR and Linden Homes to develop the site and to sell it once complete.
- 3.2 Outline planning permission was approved in 2006 (06/02880/EOUT- application made by Bellway Homes & NRR) and full permission approved in 2013 (13/03786/EFUL – application by Linden Homes) for the mixed use redevelopment of former railways lands to provide residential units of various sizes on three areas, retail & commercial floorspace, conversion of the Brunel Shed for D1 uses (non-residential use), car parking, works to various existing roads, new roads to service the development, a new footbridge, public realm works, ground remediation, works to trees and habitat areas, new children's play areas and a new Sustrans sustainable travel route.
- 3.3 Full permission (13/03786 – application by NRR) was approved in June 2014 for demolition of existing structures and redevelopment of former railway land to provide mixed use development including up to 70 residential units, up to 282 sqm of retail floor space (use classes A1-A5); up to 84 sqm of community uses (use class D1), public car park, associated highways works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities. See **Appendix 1** for outstanding planning clauses/S106 obligations.
- 3.4 When set up NRR, had 12 Directors/ Members who have performed various roles on behalf of the company. The regeneration work has been completed. The NRR board has only a few remaining members, who have indicated that the company should now be wound up, ideally by the end of the financial year 2022 /2023 or as soon as the remaining assets (Brunel Shed & financial assets totalling in the region of £28k) are disposed of.

It is noted that in 2018, the NRR development was a finalist in the Royal Town Planning Institute SW Award in the 'excellence in planning delivery' category, acknowledging the work of the Norton Radstock Regeneration Company to deliver this regeneration scheme. The hard work, efforts and achievements of the NRR Board Members and staff, and the personal commitment of many individuals to this scheme, over more than a decade, is through this report formally recognised, acknowledged and appreciated by the Cabinet Members and officers in B&NES Council. Thanks to their tireless effort of the Board Members, the scheme has been delivered and not only introduced much needed new housing but also a new Dentist Surgery. The Brunel Shed being the final piece of the jigsaw.

THE BRUNEL SHED

- 3.5 The Brunel Shed is the only remaining built feature of the NRR site's former historic railway use; all other railway buildings have either been demolished or removed to facilitate the redevelopment. The Brunel Shed is a Victorian engine shed, while it is not listed it is nonetheless considered to be an undesignated heritage asset of significance within the Radstock Conservation Area.
- 3.6 The Brunel Shed is located within an area of suburban housing development, although it sits just outside of the Radstock housing development boundary. It is a small rectangular engine shed constructed in local natural stone with large openings at each end through which engines and wagons would have entered and exited. The building is located on the estate road which serves the housing development. To the immediate west of the shed is Kilmerston Brook, a main river (Environment Agency designation) and a wooded corridor of ecological value. The Shed is noted as a site of a compensatory bat roost, this was delivered as part of the wider planning consent for the site and this function should be retained.
- 3.7 Planning Application 17/00773/FUL was approved on 31st October 2017 for the erection of a single storey extension, alterations to the roof and change of use of the Brunel Shed for bike hire, café, offices and a community centre. The consent appears to be extant. Despite NRR's best endeavours, a viable use or occupier for the shed building have not been found.
- 3.8 Works to the Brunel Shed to date include the construction of one solid end wall, re-roofing and repairs to the building including the clerestory, the creation of a bat roost, works to services (drainage) and landscaping. An extension to the building to accommodate toilets is also partially complete.
- 3.9 As NRR has indicated their intent to wind up their company imminently, they would like B&NES Council to acquire the Brunel Shed (valued at £50k) and transfer their remaining financial assets to the Council (in the region of £28,000). If B&NES does not take on these assets NRR will have to find another party with similar regeneration values to dispose of them to.

RADSTOCK TOWN CENTRE REGENERATION ACTION PLAN

- 3.10 Bath and North East Somerset Council has been successful in obtaining funding from the West of England Combined Authority Housing Regeneration Enabling Fund to prepare a regeneration action plan for Radstock Town Centre, working in partnership Radstock Town Council, landowners and stakeholders. This will facilitate delivery and access funding to support the infrastructure needs arising in communities including in response to strategic growth.
- 3.11 Early engagement took place in September and October 2022 and feedback from this has inform the priority projects that will be taken forward in the action plan. Further consultation took place in February 2023 asking for feedback on the following projects
- Working with Radstock Town Council to develop Trinity Methodist Church as a community hub
 - Cultural programme
 - Event space for hosting outdoor events
 - Tree planting in the town centre
 - Green energy & green & blue infrastructure
 - Parking, signage & pedestrian improvements
 - Improve the town centre offer (public toilet provision, promotion of historic environment, better mix of shops, public realm & streetscape & digital infrastructure)
 - Management of vacant properties (eg. meanwhile uses for vacant shops)

- Brownfield site redevelopment

3.13 Priority projects will be included in the Action Plan which will be developed and approved in April 2023.

3.14 Sites have been identified as having potential for improvement, redevelopment and repurposing as part of this work, including the Brunel Shed. An architect has been appointed through the Council's Framework to carry out an assessment of the sites and produce concept designs and likely costs for several development options for each site. The work will be completed at the end of March 2023. Options currently being tested for the Brunel Shed are as follows:

- Option 1 – planning consented mixed use including café, bike hire and community space;
- Option 2 - commercial (split use including small retail/office unit with parking and small café unit with parking)
- Option 3 – accessible housing (2 residential units with dedicated parking spaces)
- Option 4 – B2/B8 (industrial & storage & distribution) .

3.15 It is noted that Options 2, 3 & 4 would all require an alternative planning consent to be secured. There are a number of planning conditions and restrictive covenants on the land title that would need to be addressed prior to completion of any development. It is hoped that a viable use will be found for the Brunel shed building through the Radstock Town Centre Regeneration Action Plan.

3.16 The £50,000 capital funding noted in proposal 3 will be utilised to support community regeneration priorities emerging from the Radstock Town Centre Regeneration Action Plan, e.g. capital works to support projects such as the community acquisition and refurbishment of the Trinity Church building, or could cover some of the costs associated with acquisition and redevelopment of Brunel Shed, should it be approved. £100k CIL funding will also be grant funded towards of the cost of refurbishment of Trinity Church.

3.17 An early outcome of the Town Centre Regeneration Action Plan in Radstock has been an identified need for an accessible toilet in the town. A funding bid was recently submitted by B&NES Council working with Radstock Town Council, which has been successful. An award of £54,500 capital funding has been offered by UK Government's Department for Levelling Up, Housing & Communities from the Changing Places Fund. It is recommended that this funding is accepted by B&NES and the facility is installed in Tom Huyton Park towards in early 2024. The facility will be managed and maintained by RTC, and a community asset transfer is anticipated during FY 23/24.

3.18 Over 250,000 severely disabled people do not have access to public toilet facilities that meet their needs in England, and this facility will offer a toilet with an adult changing bench and hoist as well as extra space for carers in Radstock Town Council. This will allow severely disabled people and their carers to access the Town Centre, Tom Huyton Play Area and local cycle paths and greenways.

FURTHER IMPROVEMENTS TO RADSTOCK TOWN CENTRE

3.20 In addition, NRR have asked B&NES Council to note that there are further enhancements to improve the experience for pedestrians and cyclists in Radstock Town Centre that were not able to be realised as part of the NRR regeneration scheme. B&NES Council is committed to reviewing future opportunities for such improvements and is already gathering ideas to include in the Radstock Town Centre Regeneration Action Plan and within the CRSTS package for Bath/Somer Valley. Opportunities include improving pedestrian links and crossings within the Town Centre and reducing the highway dominance on key streets and junctions.

4 STATUTORY CONSIDERATIONS

- 4.1 The Councils **Corporate Strategy 2016 – 2020** – The overriding purpose of the Strategy is to improve people’s lives and the two core policies that shape everything that the Council does are tackling the climate and ecological emergency and giving people a bigger say. If a viable use can be found Brunel Shed, it would provide a valuable community facility within easy reach of the Town Centre.
- 4.2 **The Local Plan** highlights that Radstock hosts a range of services which are used by local people and residents from the surrounding villages. The placemaking principles for Radstock include an aim to protect and enhance heritage assets (such as the Brunel Shed). The built form should retain its historical and architectural value and its redevelopment should retain this heritage value.
- 4.3 The NRR site is largely within the Radstock Conservation Area. With respect to buildings in a conservation area, the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.
- 4.4 The **One Shared Vision** published in January 2021 sets out the 2030 Renewal Vision for Bath with North East Somerset (B&NES). An initial Framework for Action was developed based around the themes of a Fair, Green, Creative and Connected B&NES. The report recommends the development of 15 Minute Neighbourhoods with a focus on creating Local Connectivity Hubs for remote working and learning, these Hubs might also provide a focus for developing digital skills and creating localised green jobs by rebalancing opportunities for growth away from the urban centres. This could be an opportunity for the Brunel Shed, subject to viability.
- 4.5 **Legal Considerations** – NRR needs to ensure it follows due process to wind up the company. This is not a matter for the Council to advise on and the Council’s remit is focused on the acquisition of the Brunel Shed for community benefit. There is no longer a Council representation on the NRR board, as the remaining Council representative has resigned their directorship.
- 4.6 Any remaining company assets need to be transferred to an organisation with similar regeneration objectives (i.e. Brunel Shed).
- 4.7 B&NES Council has secured independent legal advice to assist them with the due diligence ahead of the intended acquisition of the Brunel Shed, this work is ongoing.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The following financial resource impacts are noted:
- a) the cost to the Council for officer time, technical work legal costs to support this report to date are estimated at £20,947 and are being charged to the WECA HREF grant as part of the Radstock Town Centre Regeneration Action Plan project;
 - b) The remaining assets of NRR are (i) the Brunel Shed (Value £50k) and (ii) Approx £28,000 funds.
- 5.2 Due diligence is underway to fully understand the financial implications of the acquisition of the Brunel Shed and will inform the final delegated decision, as to whether to acquire it.
- 5.3 A building survey was completed in Feb 2023, which indicates that the Brunel Shed requires capital investment of at least £273k to make the building fit for occupation (estimate which excludes energy efficiency measures, project and construction

management and contingency), the annual revenue maintenance estimated by NRR to be approx. £2-3k p.a. A full building survey (structural, utilities & environmental) will be undertaken which will cost in the region of £5k and be funded from remaining NRR budget.

- 5.4 The Brunel Shed was valued on 15th February 2023 at £50k (freehold with vacant possession). Information on restrictive covenants and potential contamination was not known at the time of the valuation. The valuer has been asked to review in light of this new information. The valuer was of the opinion that the market would perceive the property as having the potential for commercial development.
- 5.5 Initial legal advice is that the Brunel Shed title is complex and our solicitor could not advise proceeding without further analysis. As it stands redevelopment may be difficult, there are potentially service charge obligations, covenants obliging you to keep the property in good and substantial repair and condition, part of the property is sterilised due to utility services provision, the property is potentially subject to future unspecified rights and previous transfers impose overage and other positive covenants which we would need to ensure are no longer binding on the property. Further due diligence is required over and above the outline review provided. This legal work will cost in the region of £2k, to be funded from the remaining NRR budget.
- 5.6 Capital budget implications are the approval of:
- a) £50k funded by third-party contribution to support Radstock Town Centre Regeneration projects including purchase of the Brunel Shed
 - b) £100k funded by strategic CIL to be grant funded towards capital costs of retrofitting Trinity Church for use as a community hub.
 - c) £54.5k funded by Changing Places UK Government grant to install a new toilet unit in Tom Huyton Park.
- 5.7 Revenue budget implications consist of £2-3k per year for the annual revenue maintenance of the Brunel Shed if acquired. This was estimated by NRR and will be absorbed within existing service budgets.

6 RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

A full EqIA has not been undertaken, as there is no decision proposed to indicate the use of the Brunel Shed other than the currently consented planning use and the winding up of NRR as no identified equalities impacts. Any future proposed change of use of the Brunel Shed would require consideration of equalities duties as part of the design or disposal processes.

There benefits of the Changing Places public toilet provision to people with disabilities, and their family, friends and carers is noted – this will have a positive impact and will allow more people to visit and enjoy Radstock town centre and it's amenities.

8 CLIMATE CHANGE

Any further works to the Brunel Shed once in B&NES ownership would need to consider the stated climate and nature emergency objectives as set out in the corporate strategy. The role of the shed as a compensatory bat roost and its location within a river corridor of

ecological value is an important constraint and the ecological value of the site must be retained.

9 OTHER OPTIONS CONSIDERED

Brunel Shed

9.2 NRR could seek to dispose of the building on the open market or to another organisation with similar aims e.g. for community use, however there are restrictive covenants which would make this very difficult. There has been no market interest in the building for 10 years and no community groups or similar that has made a viable proposal to take on the building.

9.3 Radstock Town Council are not interested in taking on the Brunel Shed, they have not identified a viable use for the building.

9.4 The favoured and remaining option is therefore, subject to due diligence being concluded, the acquisition of the Brunel Shed and transfer of the remaining finances of NRR, as the final remaining assets to Bath & North East Somerset Council. B&NES would then be in a position in future to (i) dispose of the asset on the general market; (ii) retain as a corporate asset or (iii) seek to find a new viable use for the building under lease. Any value generated would be returned to the corporate estate.

Changing Places Toilet

9.6 Not accept grant funding for a Changing Places Toilet facility. This is not a preferred option as the community has identified a need for this facility and RTC has funding to clean and maintain the unit with an asset transfer of the Tom Huyton Park to the community already being progressed by RTC.

10 CONSULTATION

10.1 The Chief Financial Officer and Monitoring Officer have reviewed this report and approved it for a decision.

10.2 Radstock Town Council and Ward Councillors and Cabinet Members are aware and are supportive of the proposals in this report

10.3 Engagement in the emerging Radstock Town Centre Regeneration Action Plan took place in September and October 2022 and feedback has informed this process. Further consultation on priority projects took place in February 2023.

Contacts	Simon Martin – Director Regeneration & Housing Cleo Newcombe-Jones – Regeneration Manager Caroline Lightfoot, Senior Development Officer, Regeneration Team
Background papers	RTPI SW Award - acknowledgement for NRR as finalists in the Delivery category (2018) https://www.rtpi.org.uk/media/2144/rtpi-annual-review-2018-final.pdf
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

Brunel Shed Planning conditions yet to be discharged

17/00773/FUL

The following planning conditions according to Council records have not been discharged:

- No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority. This condition should have been discharged prior to occupation of the development.
- Details of the proposed cycle parking/storage facilities shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the means by which the facility will be covered. The cycle parking/storage facilities shall be installed in accordance with the details so approved and shall be available for use prior to first occupation of the use(s) hereby approved. This condition should have been discharged prior to occupation of the development.
- No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the local planning authority. This condition is a bespoke trigger condition and only requires discharging in certain circumstances.
- The following details/specification shall be submitted to and approved in writing by the local planning authority prior to their installation/commencement:
 - o Vertical timber boarding (including finish/colour);
 - o Glass curtain walling;
 - o Window design;
 - o Any repair works to the external envelope (i.e. repointing)The development shall proceed in accordance with the details so approved. This condition should have been discharged prior to occupation of the development.

There is no section 106 agreement associated with application 17/00773/FUL.