

Committee:	Cabinet	Date:	Thursday, 12 July 2018
Title:	Nomination of the Clubhouse, Millibar Cafe, ancillary buildings and carpark, Andrewsfield Airfield as an Asset of Community Value		
Portfolio Holder:	Councillor Susan Barker, Portfolio Holder for Environmental Services		
Report Author:	Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk	Key decision:	No

Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
 - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

or

 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The purpose of this report is to enable members to determine:

- a) Whether there is a valid nomination;
- b) Whether the use of the building (current or recent past) furthers the social wellbeing or interests of the community;
- c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.
- d) In considering these questions, members need to consider principal, rather than ancillary, uses of the building.
- e) If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

Recommendations

- 6. Recommended for Listing: On the basis that there is a valid nomination and the current use of, or there is a time in the recent past when, the clubhouse, café, ancillary buildings and car park furthered the interests of the community, and it is realistic to think that in the next 5 years the building could further the interest of the community, officers would recommend that the site be listed as an Asset of Community Value
- 7. The nomination form in full and maps can be viewed on the website under currently nominated assets.

Financial Implications

- 8. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
- 9. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

- 10. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
- 11. The submission for consideration as Assets of Community Value and any representations available on the website at [currently nominated assets](#)

Impact

- 12.

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Felsted and Stebbing
Workforce/Workplace	No impact

Situation

a) Is this a valid nomination

13. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.
14. The nomination has been made by Stebbing Parish Council to both Uttlesford District Council and Braintree District Council. The premises are located within the parishes of Great Saling, Braintree District and Stebbing Parish, Uttlesford District.
15. A parish council has a local connection with land in another parish council’s area if any part of the boundary of the first council’s area is also part of the boundary of the other council’s area. (Assets of Community Value (England) Regulations 2012 regulation 4(2)(a))
16. Section 102 of the Localism Act 2011 states that if different parts of any land are in different local authority areas, the local authorities concerned must cooperate with each other in carrying out functions under this Chapter in relation to any land or any part of it. There is no guidance on the form co-

operation should take or on what happens if two authorities reach different conclusions.

17. Braintree District Council is determining the nomination in accordance with their agreed practice.

18. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator's eligibility to make the nomination.

19. If it meets these requirements it is a valid nomination under S89(2)(i). The nomination being considered is validly made.

b) Does the use of the building (current or recent past) further the social wellbeing or interests of the community?

20. The nomination form sets out how it is considered that the Inn furthers the social wellbeing or interests of the community.

21. Recreational and Tourism Asset: It states that it is a popular local amenity not just for pilots but cyclists, motorcycle clubs walkers and historic aircraft enthusiasts and as a tourist point for visitors to the area. A large community of the pilots live within the local community and use the clubhouse and café to socialise with fellow pilots.

22. Many locals from the close surrounding villages use the Milli Café as a meeting point during the week and weekend so meet with friends and family for coffee, lunch or drinks. It continues to open daily providing a valuable service as a social gathering place for many local residents being licensed with excellent catering facilities. The villages of Little and Great Saling no longer have a public house and so therefore this could be taken as their local.

23. Cultural Asset: The club house formed a valuable part of the first East Anglian USAF airfield in World War II and is a significant link to a vital period in British and American co-operation.

24. The clubhouse provides an important link with the extensively documented history of the American Air Force by the Imperial War Museum with Andrewsfield as part of the tourist trail of wartime airfields.

25. The local Stebbing Historical Society holds a photographic archive evidence on the airfield during its active years and the clubhouse provides a fitting backdrop to hold future exhibitions to honour the American airmen who gave

their lives in dangerous missions in the 'flying fortresses' over Scandinavia and Germany.

c) Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.

26. The nomination form explains that if listed and placed on the market for sale, Stebbing Parish Council would be prepared to apply for funding via a PWLB, appropriate grants approaching community shareholders, etc. or a local group could have the opportunity to apply for Heritage Lottery Funding to create a centre dedicated to the 'special relationship' between UK and USA within a unique setting.
27. Stebbing Parish Council would work with other parishes and interested groups to support enterprise and provide stewardship, which would be staffed by local volunteers. They would work with local schools and other bodies to educate all ages in the history of the East Anglian Airfields.
28. They anticipate that the building would become self-funding and be run by a management team of volunteers, with Stebbing Parish Council as custodian. Stebbing Village Hall and Friends Meeting House are already managed in this manner and run successfully.

Representations

29. The Council has not received any representations regarding the proposed assets of community value. Any representations received after publication of the report will be reported to Members at the meeting.

Planning History

30. The site falls within an area of search for a new garden community at land West of Braintree as identified in the Regulation 19 Pre-submission Local Plan 2018.
31. A larger site, encompassing the airfield, open space and club house, was nominated by Great Saling Parish Council as an asset of community value in December 2017. Members of the Assets of Community Value Sub Committee considered the nomination on 24 January 2018. The nomination was rejected because there was insufficient information to conclude that the airfield, and open space uses passed the test for listing. It was felt however that from the evidence presented the clubhouse use met the test for an asset of community value and a new nomination was invited.

Conclusion

32. Valid nominations have been made to the Council.
33. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.

34. Members need to consider whether it is realistic to think that the property can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
35. Consideration of these issues will lead the Cabinet to determine whether the Club house, Café, ancillary buildings and car park should be listed as an asset of community value for a period of five years.

Risk Analysis

36.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	<p>The owner has rights of internal review and appeal and can claim for compensation.</p> <p>The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.</p> <p>If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.