

CANNOCK CHASE COUNCIL

COUNCIL

4 MARCH 2009

REPORT OF DEPUTY CHIEF EXECUTIVE

PROPOSED RELOCATION OF RUGELEY WAR MEMORIAL - RUGELEY TOWN CENTRE

1. Purpose of Report

- 1.1 To seek scheme approval to the proposed relocation of the War Memorial to Anson Street Rugeley.

2. Recommendations

- 2.1 That subject to the receipt of planning consent Council approves a scheme to relocate the War Memorial to Anson Street.
- 2.2 Subject to 2.1 above Council approve the use of Section 106 funds sufficient to meet this Council's contribution towards the cost of the scheme up to the sums as identified in the report.
- 2.3 That the Deputy Chief Executive (or anyone authorised by him) in consultation with the Portfolio Leader for Town Centres, be authorised to undertake all necessary measures steps and actions(including entering into legal agreements) as deemed appropriate and necessary give effect to the chosen option.

3. Conclusions and Reason(s) for the Recommendation(s)

- 3.1 Cabinet at its meeting on the 21 August 2008 expressed a preference for the War Memorial to be sited in Anson Street and supported in principle the construction of a water feature in Brook Square, however, the full cost implications were not known at the time
- 3.2 The County Council as Highway Authority is responsible for the cost of reinstating Brook Square and the War Memorial following the collapse of the culvert, but the District Council as owner of the memorial must share some of the additional costs of the scheme to relocate the War Memorial to Anson Street. As such therefore Council approval is sought to the scheme to re-locate the War Memorial to Anson Street and to the identified contribution needed to meet the Council's obligations.

4. Key Issues

- 4.1 The collapse of the culvert in Brook Square, Rugeley has led to the temporary removal of the war memorial. The memorial is the responsibility of the District Council but as Brook Square is part of the highway the County Council agreed initially to meet the cost of removal and reinstatement of the memorial as part of the repair works.

- 4.2 Removal of the memorial exposed the brook course beneath Brook Square resulting in calls through the media for a “water feature” to be retained, a call which was supported by some Members and led to a suggestion that the war memorial be returned to its historic location in Anson Street where there is more space. Following the recent Remembrance Day Parade a letter suggesting the Market Square as a more appropriate location for the War Memorial was received.
- 4.3 There were initial objections to the re-location of the Memorial to Anson Street from Severn Trent Water Plc due to the existence of a major sewer. However these were subsequently withdrawn subject to their agreeing the final foundation design. As a consequence at its meeting on the 21 August 2008 Cabinet considered a report concerning the relocation of the War Memorial to Brook Square and having expressed dissatisfaction with the water feature as presented (Appendix 1) resolved:-
- (A) That, in the light of the additional information provided by the Deputy Chief Executive, it be noted that Cabinet’s preference would be to have the Memorial permanently located to Anson Street, Rugeley.
- (B) That approval be given, in principle, to the construction of a water feature in Brook Square and that a report on this matter be submitted to a future meeting of the Council for consideration.
- 4.4 Following on from the Cabinet decision a meeting was held attended by Members and Officers of the District Council, Officers of the County Council, The Royal British Legion, Environment Agency (EA) and others where it was agreed that due to time constraints the British Legion were agreeable to only part of the War Memorial being erected in Anson Street for the Remembrance Day Parade, the work being undertaken by the County Council. Meanwhile works to repair the culvert in Brook Square would commence but not so as to prejudice the provision of an open watercourse.
- 4.5 The Rising Brook is classed as “Main River” and therefore the water feature proposal as shown on the County’s revised visualisation Appendix 2 is considered to be covered by “permitted development” rights under the Planning Acts. Planning permission would not therefore be required but bearing in mind the sensitive location of the site in Rugeley Town centre within the Conservation Area, where a high quality of design and materials will be necessary, some prior public consultation is vital. Drawings would be required to enable effective pre “permitted development” consultation to take place with, for example, Rugeley Town Council, the Landor Society and properties around Brook Square. Comments could then be fed back into the final scheme.
- 4.6 Concerns over certain Health and Safety issues in relation to the above proposal means that further consultation is required in respect of the Water Feature. Meanwhile a planning application has been submitted for consent to relocate the War Memorial to Anson Street.
- 4.7 The increased cost due to the ongoing delays has become an issue for the County Council as had the proposals for a water feature and re-location of the Memorial not occurred then the County had programmed to have re-erected the Memorial and completed re-surfacing of Brook Square in time for the Remembrance parade. As it is additional storage/insurance costs for the Memorial of £350.00 per month are now being incurred together with the cost of providing a temporary memorial in Anson Street for the Remembrance Day Parade.

- 4.8 The proposed scheme includes re-locating the War Memorial to Anson Street opposite the Library, the relocation of street furniture and replacement of 7 trees some of which are in poor condition with 3 heavy standard trees (Appendix 3) so creating an open area around the memorial for the Remembrance Day Parade.
- 4.9 The County Council's position has always been that it was prepared to fund works equivalent to the costs that would have been incurred to store and then re-instate both the war memorial and re-culvert Brook Square with additional cost over and above these being met by the District Council, including costs attributable to the delays that have been incurred. As a consequence therefore the County are seeking a contribution of £7,000 towards the storage costs and provision of the temporary Memorial. In addition the proposed scheme requires the provision of compensatory tree planting to replace those lost to the scheme which will add a further £11,000 making a total of £18,000 in all.
- 4.10 The scheme is to be funded from Section 106 monies identified for use to improve open spaces within the Rugeley area.

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Section 1

Background

Following the collapse of the culvert in Brook Square Rugeley in May of last year it was necessary for the War Memorial to be placed in temporary storage. Whilst the Memorial is the responsibility of this Council, as Brook Square is adopted highway and the culvert is a County Council structure then as such the County Council at the time accepted that it was their responsibility to meet the cost of removal and re-erection of the Memorial in Brook Square.

Having removed the Memorial and exposed the water course beneath there were subsequently calls through the media for the "water feature" to be retained a call which was supported by some Members. However this raised the questions that if the stream was to remain exposed then where should the War Memorial be re-sited, can this be achieved by November and who will meet the costs involved?

A meeting was held in May 2008 of representatives of the County Council, Town Council and The Royal British Legion. The outcome of the meeting was as follows:-

- The British Legion were not averse to the War Memorial being re-sited in Anson Street close to its original location to facilitate the water feature idea. Their only concern was that the Memorial be in place for November.
- The County confirmed they would meet the costs relating to the War Memorial providing they could be contained within the budget identified to re erect the War Memorial in a reinstated Brook Square.
- The County further agreed to investigate the feasibility of a re-location to Anson Street by first ascertaining any possible constraints posed by existing Utilities.
- If feasible the District would submit the necessary planning application in respect of a re-location to Anson Street.

At a meeting on 12 June 2008 the County reported that the main problem to siting the Memorial in Anson Street appeared to be two sewers in the middle of the street which require a 5 metre easement due to their size and depth. It may be possible to build over the sewers with the consent of Severn Trent (STWA) and the County agreed to progress the initial consultations with STWA. The County reported back to a further meeting on 3 July 2008 that STWA had confirmed in writing that they would not allow the Memorial to be built over the sewer. Due to the cost of any diversion works being prohibitive the decision was made to re-site the Memorial back in Brook Square at a location to be agreed with the Royal British Legion.

As a consequence Cabinet at its meeting on 21 August 2008 received a report concerning the relocation of the War Memorial to Brook Square. The report also had attached an artist's impression of a water feature (Appendix 1) which the County considered could be accommodated in Brook Square alongside the Memorial. In terms of cost the County advised that they would meet the cost of works equivalent to the value of reinstating the culvert following the collapse including reinstating the Memorial. Were the costs involved in providing a water feature to exceed those identified for the reinstatement works identified above, any additional cost would have to be met by others.

Although the County Engineers thought the savings achieved in not covering the culvert may allow for facing the walls of the culvert and the placing of railings this was by no means certain nor would the money available necessarily allow for a "quality" finish.

However at the August meeting Cabinet were verbally advised that STWA had since withdrawn their earlier objections to the Memorial being located over their sewers in Anson Street subject to their confirming the integrity of the sewers by undertaking a survey and their agreement to the detailed design of the Memorial foundations to ensure no loading was placed on the sewers.

In view of this additional information Cabinet having considered the report expressed their disappointment with the design of the water feature as proposed and resolved:

- (A) That, in the light of the additional information provided by the Deputy Chief Executive, it be noted that Cabinet's preference would be to have the Memorial permanently located to Anson Street, Rugeley.
- (B) That approval be given, in principle, to the construction of a water feature in Brook Square and that a report on this matter be submitted to a future meeting of the Council for consideration.

Section 2

Details of Matters to be Considered

Following the Cabinet decision at a further meeting of stakeholders, including the Environment Agency (EA) the following was agreed:-

- Due to time constraints the British Legion agreed to only that part of the Memorial containing the plaques being temporarily erected in Anson Street for the Remembrance Day Parade in November 2008. The work to be undertaken by the County Council.
- Once a suitable location for the War Memorial is identified Officers of the District Council to submit a planning application.
- Works of repair to the culverted watercourse to continue in Brook Square but not so as to prejudice the provision of an open watercourse should this be agreed by Council.

In response to the Cabinet comments on the design the County produced an amended visualisation showing an enhanced water feature (Appendix 2) taking in some of the space previously taken up by the War Memorial and incorporating steps down to the waters edge. As the Rising Brook is classed as "Main River" the water feature proposal as currently shown on the County's latest visualisation is considered to be covered by "permitted development" rights under the Town and Country General Permitted Development Order (GPDO) 1995 Schedule 2 Part 15 Class A (b) in that it comprises development by/or on behalf of the EA in/on any watercourse required in connection with the improvement, maintenance, or repair of that watercourse.

Some initial concerns have been raised regarding certain Health and Safety issues to the Public associated with the design resulting in the need for further consultation. In the meanwhile an application has been submitted for consent to relocate the War Memorial to Anson Street (Appendix 3).

Cost is now becoming an issue for the County Council as had the proposals for a water feature and re-location of the Memorial not occurred then the County had programmed to have re-erected the Memorial and completed re-surfacing of Brook Square in time for the Remembrance Day Parade. As it is, additional storage/insurance costs for the Memorial of £350.00 per month are now being incurred together with the cost of providing a temporary memorial in Anson Street for the Remembrance Day Parade.

As stated previously the County Council's position has always been that it was prepared to fund works equivalent to the cost that would have been incurred to store and then re-instate the war memorial and re-culvert Brook Square assuming the current proposals for a water feature and re-located Memorial had not manifested themselves. Any additional cost over and above these are to be met by the District Council and to this end the County are seeking a contribution of £7,000 towards the additional cost of storage and provision of the temporary Memorial.

In addition the scheme to relocate the Memorial will result in the loss of trees and shrub planting and as a consequence some compensatory tree planting is to be provided (Appendix 3). The estimated cost of the landscaping works is £11,000 and will be carried out by the Council in the next available planting season. This gives a total cost of £18,000 to be met by the Council with the County meeting all other costs associated with relocating the Memorial.

Subject to receipt of planning consent approval is sought to proceed with the scheme to relocate the War Memorial to Anson Street to be funded from Section 106 funds identified for improvements to open spaces within the Rugeley area..

Section 3

Contribution to CHASE

Provided both the relocation and exposed watercourse schemes are designed and constructed to a high quality, either will contribute to the Environment objectives of CHASE.

Section 4

Financial Implications

Council at its meeting of the 25 February 2009 approved the Section 106 Capital programme 2009-12.

The above scheme which utilises Section 106 funds identified for improvements to open spaces within the Rugeley area had not been finalised as at that date and hence Councils approval is now sought.

The total cost of the relocation and landscaping is estimated to be £18,000

Section 5

Human Resource Implications

There are no identified Human Resource implications arising from this report.

Section 6

Legal Implications

Section 137 of the Local Government Act 1972 enables local councils to spend a limited amount of money for purposes for which they have no other specific statutory expenditure. The basic power is for a local council to spend money (subject to the statutory limit) on purposes for the direct benefit of its area, or part of its area, or all or some of its inhabitants.

The Council also has the power to expend resources where it considers it would promote the well-being of the inhabitants of the District. This power is contained in s.2 Local Government Act 2000, which provides:

- (1) Every local authority are to have power to do anything which they consider is likely to achieve any one or more of the following objects –
 - (a) the promotion or improvement of the economic well-being of their area,
 - (b) the promotion or improvement of the social well-being of their area, and
 - (c) the promotion or improvement of the environmental well-being of their area.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of –
 - (a) the whole or any part of a local authority's area, or
 - (b) all or any persons resident or present in a local authority's area.
- (3) In determining whether or how to exercise the power under subsection (1), a local authority must have regard to their strategy under section 4.
- (4) The power under subsection (1) includes power for a local authority to –
 - (a) incur expenditure,
 - (b) give financial assistance to any person,
 - (c) enter into arrangements or agreements with any person,
 - (d) co-operate with, or facilitate or co-ordinate the activities of, any person,
 - (e) exercise on behalf of any person any functions of that person, and
 - (f) provide staff, goods, services or accommodation to any person.
- (5) The power under subsection (1) includes power for a local authority to do anything in relation to, or for the benefit of, any person or area situated outside their area if they consider that it is likely to achieve any one or more of the objects in that subsection.

The Council can use s.106 funds that have yet to be expended under a s.106 agreement provided that the wording of the S106 agreement enables the funds to be used for this purpose. In the event that surplus funds remain after the Council has discharged its obligations under a s.106 agreement, then providing there is no contractual limitation or bar, the Council would be able to use such surplus funds for alternative purposes providing such expenditure could satisfy s.137 and/or s.2 of the Local Government Act 1972 and 2000 (respectively).

Section 7

Section 17 (Crime Prevention) Implications

There are no implications under Section 17 arising from the recommendations to relocate the War Memorial in this report.

Section 8

Human Rights Act Implications

There are no implications under the Human Rights Act 1998 arising from this report.

Section 9

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 10

Risk Management Implications

Whilst not attempting to pre-empt any Council decision in order to minimise any further delays and potential costs a planning application has been lodged in respect of the re-location of the War Memorial to Anson Street.

Section 11

Equality and Diversity Implications

There are no Equality and Diversity implications arising from this report.

Section 12

Other Options Considered

The War Memorial could have been relocated back to Brook Square but during the course of consultations the British Legion indicated that the growing popularity of the Remembrance Day Parade was such that Brook Square was no longer an ideal location and that an alternative should be sought. A letter was also received regarding re-locating the Memorial to Market Square, however, this would have had a negative effect upon the operation of the Open Market.

Section 13

List of Background Papers

Annexes to the Report

Appendix 1: Artist's Impression of Water Feature v1

Appendix 2: Artist's Impression of Water Feature v2

Appendix 3: Proposed Scheme for relocation of War Memorial to Anson Street

Report Author Details

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APPENDIX 2



