



## CONIGRE HILL CAR PARK

COMMUNITY ASSET TRANSFER APPLICATION



BoA Area Board, July 2012

# History & Current Concerns

## 1.1 History of the hillside

There are some 70 households on the hillside terraces of Middle Rank, Tory, Tory Place and Wine Street Terrace in Bradford on Avon. Most residents live in cottages built for workers in the weaving industry in the late 17th and early 18th centuries.

By the late 1950s, many of these cottages had fallen into disrepair, but a national campaign saved them from demolition. The then Bradford Urban District Council secured funding to regenerate the area. Much of the housing was compulsorily purchased, upgraded and rented to council tenants.

At the same time, the Council acquired Conigre Hill car park as "a most important part" of the regeneration scheme. It was seen as a vital resource for residents. In April 1959, the council clerk wrote, "it is essential to have some vehicular access to the hillside area as otherwise it will not attract people to live there".

That, we believe, remains true today. Our surveys suggest that around 30 households on the terraces regularly use Conigre Hill as their nearest vehicular access point and parking facility.

In the 1970s, council-housing stock in the terraces was transferred to the new West Wiltshire District Council (WWDC). Some homes were later purchased by tenants under the "right to buy" policy.

In 2001, WWDC sold the remaining affordable housing to West Wiltshire Housing Society (WWHS). WWHS passed some of this on to private buyers, a practice continued by its successor association Selwood Housing.

## 1.2 History of the car-park site

The parcel of land now known as Conigre Hill car park has, we believe, been in community use for the best part of two centuries – as a place of worship, a source of building material for postwar reconstruction and, for the last 52 years, a vital transport hub for residents of the hillside terraces.



*Then and now: Tory, Middle Rank and Newtown before their regeneration in the 1950s (top), Tory today (above)*



It started this period of its life as the Zion Baptist Chapel, built in 1793. Services were moved to the current but older church, formerly the Grove Meeting House, in 1939.

The chapel fell into disrepair after the war and was demolished, apparently by a local builder, Bert Doel, who bought it from the chapel trustees in 1954. It appears to have been sold on fairly rapidly, and in 1959 – after the Reconstructed Bath Stone Company had stripped the site of all usable building materials – Bradford UDC bought it, along with 25 houses in Tory and Middle Rank.

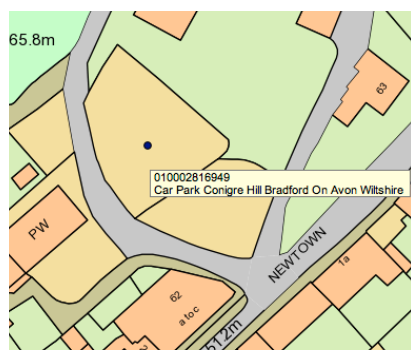
It is subject to a 1920 covenant about allowing rights to light and air, although it is not clear who might benefit from that. The 1959 deed prohibits gaming and the sale of intoxicating liquor. According to Wiltshire County Council, it is covered by conservation area policy C17 and town policy limit H1.

In 1976 there was an application to change the use from vacant site to temporary car park, but this was withdrawn. In 1985 an application to erect one dwelling was withdrawn – as was a 2006 plan to build two as part of an affordable housing scheme.

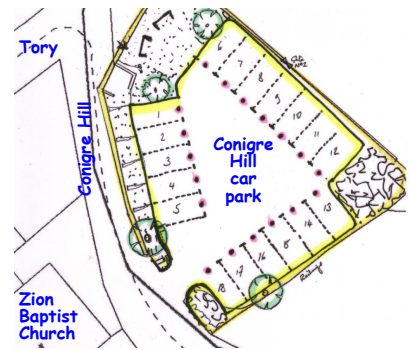
The plot – number 250 in the 1837 drawing below – is shown alongside a contemporary location map and a 2007 proposal from West Wiltshire District Council for how the car park could be laid out.



Location of the Zion Baptist Chapel, 1837



The car park site today



A West Wiltshire council layout proposal

### 1.3 Current concerns

Space in the car park has come under increasing pressure of late following changes to the charging regime elsewhere in Bradford. People who work in the town have begun using it during the day, squeezing out hillside residents returning from shopping trips or their own jobs.

In addition, the Communities Secretary's map of publicly owned assets – sometimes referred to as Eric Pickles' Domesday list – has revived concerns about possible sale for redevelopment. Councillors may remember the strength of local feeling when this was mooted five years ago.

The purpose of this business plan is to propose a mechanism for securing the long-term future of the car park for the benefit of the community, and to set out the detail of how this could be carried out.

# Life on the hillside

## 2.1 The community

For the purposes of this application, the community is defined as those households who rely on use of the car park, primarily because their dwellings do not adjoin a public highway where on-street parking could be available.

A total of around 70 homes in the hillside area (in Middle Rank, Tory, Tory Place, Wine Street Terrace and a few properties off Conigre Hill) are reached via footpaths. Some 30 residents use the car park daily and more need it for unloading purposes. Worshippers at Zion Baptist Church use approximately four spaces during Sunday and other services.

## 2.2 Community need

The Hillside Action Group consulted the community in May 2007 about their need and aspirations for Conigre Hill car park. These themes were most common:

- a) The predominant use should be for car parking
- b) No matter how it is laid out, there is likely to be insufficient space for all hillsiders
- c) Ability to pay should not determine right to park – some residents are elderly, some have young families, some are tenants
- d) Provision should be made for worshippers of Zion Baptist Church
- e) A service bay should be made available for deliveries and ambulances
- f) Some attempt should be made to deter town-centre shoppers and workers from using the car park. They do so merely because it is free, not because they need access to the hillside
- g) The car park could be arranged more effectively to meet the community's needs and reflect patterns of use. This could be done by clearing the site and drawing up a set of agreed usage rules including double parking
- h) It could be a community resource for other activities, such as a community garden and area for recycling collection.



*Middle Rank: a popular tourist stroll*

## 2.3 Community commitment

The hillside area community shares the daily challenges of living along a network of footpaths set on steep slopes. It is passionate about the people, the hillside and its heritage.

The community has already shown its initiative and commitment. Residents:

- invested time and money improving Conigre Hill car park
- cleared rubbish on the site
- hired a skip to remove a fridge and other accumulated junk
- painted iron railings
- trimmed overhanging trees
- planted a green area
- keep the green area tidy (with churchgoers)
- ensure the grit bin is kept full.



*Recycling: sometimes a bit of a challenge for hillsiders*

In 2006, the community worked together very effectively when the viability of hillside life was threatened by proposals to remove car parking spaces. It continues to do so in an attempt to ensure the car park remains a resource for:

- residents & their visitors
- churchgoers
- health & emergency services
- other services such as postal deliveries and refuse collection/recycling
- tradesmen for the upkeep of hillside homes.

The community plays a key role in the tourist economy of the town. Its members maintain the historic houses at their own expense and through their own efforts.

Tourists enjoy looking at our well-tended homes and gardens, and talking to residents about the history of the area as they trail up the footpaths to St Mary Tory. They appreciate the fact that the picturesque footpaths – publicised both by the council and the "walkers are welcome" scheme – house a living community going about its daily life.

## Looking to the future

### 3.1 Policy background

We believe our application is fully in line with current national and local government policies on community empowerment and transport management.

A lead objective of the Localism Act, which received Royal Assent last November, was to "make it easier for local people to take over amenities and keep them part of local life". This echoed existing Wiltshire Council policy to "promote the transfer of assets it owns to community groups".

One of the key aims of the county's local transport plan is "to meet residents' needs for car parking near their homes". Our application would help meet those needs, by facilitating an actual increase in available parking spaces while reducing both the council's liabilities and potential future calls on council tax.

### 3.2 Support

Wiltshire councillors who have expressed interest in and support for our application in principle are: Malcolm Hewson, Rosemary Brown and Trevor Carbin.

Bradford on Avon town council recognises the vital need for vehicular access to sustain a viable hillside community. As a body, it has said "the area is in dire need of extra parking and new garages to rent"<sup>1</sup>.

Individual town councillors who support our application in principle are: John Potter, Peter Leach, Isabel Martindale, Vicky Landell-Mills and Gwen Allison.

Our plan has been received backing in principle from Jim Lynch, chairman of the Community Area Network; Gerald Milward-Oliver, chairman of the Development Trust; and David Moss, chairman of the Preservation Trust.



*Community values: our aim is to sustain and strengthen them*

Bradford Tourist Association has also expressed support for the hillside community's fight to secure car-parking spaces.

### 3.3 Options

In its efforts to come up with a realistic solution to its current concerns, the community has in the past considered a range of alternatives. These are set out in Appendix A.

#### 3.3.1 Our preferred solution – a CIC

After reconsidering all those options, the community's overwhelming response was to seek to transfer the freehold of the site to a Community Interest Company (CIC). Community members have pooled their skills to formulate the basis for such a solution according to the headings below.

#### 3.3.2 Purpose

The main objective of the CIC would be to provide vehicle parking spaces for residents of the hillside terraces. The right to park in such spaces would be determined by an annual licence issued by the CIC.

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<sup>1</sup> There is currently a waiting list for rented garages in the Budbury area.



The CIC would be operated on a not-for-profit basis, with any revenues being re-invested for the benefit of the community. It would have the power to hold land, raise funds and, where necessary, let contracts. The sole purpose of these powers would be to:

- a) sustain the hillside terraces as a viable community
- b) promote community strength and cohesion
- c) strengthen the role that this community plays in preserving the town's heritage and maintaining its attractiveness as a tourist destination.

### 3.3.3 Parking scheme

The CIC will set up a parking scheme for the Conigre Hill site. The principles of this scheme would be:

- a) Membership will be open to those living in Middle Rank, Tory, Tory Place, Wine Street Terrace and those properties at the lower end of Conigre Hill who do not have vehicular access to their premises, and to worshippers at Zion Baptist Church.



*Keeping costs down: a CIC could call on voluntary labour*

- b) Membership is available for all residents, regardless of their gender, age, ethnicity, sexual orientation or tenure of occupation (i.e. owner-occupiers, or affordable (Selwood) or private tenants).
- c) Membership is not limited to those with private cars – even those without vehicles of their own have visitors and deliveries.
- d) There will be no charge for membership, but a fee will be levied to cover
  - i) ongoing maintenance of the car park surface and equipment
  - ii) public liability insurance
  - iii) a sinking fund designed to accumulate for the replacement of equipment at the end of its useful life and long-term maintenance items, such as the retaining wall adjoining the property.
- e) The rules of the scheme will be governed by these principles:
  - i) No member will be paid for their involvement
  - ii) The scheme will be managed by a committee nominated by eligible scheme members
  - iii) Committee elections will be held every three years
  - iv) Scheme members will be entitled to attend committee meetings and make proposals
  - v) The committee will consider proposals and provide a written response to members
  - vi) Changes in the purpose of the scheme will not be made if, following a written consultation, over 25% of the members of the scheme vote against the committee's proposals.

### 3.3.4 Operation

The CIC will lay out the car park to maximise the available spaces but still give access for emergency vehicles, refuse and recycling collections and deliveries.

In the short term, we will use clear signage to discourage parking by others who do not hold an annual licence. In the long term, the CIC will consider installing a rising kerb or similar system to prevent unlicensed use of the car park.

The latter option, however, would cost about £20,000 for equipment and a power supply. Ongoing maintenance would have to be budgeted for (in the region of £750 a year). So any decision to install such equipment will be taken only in light of the CIC's experience in its early years of operation.<sup>2</sup>

Fundraising will be undertaken to provide for the initial costs of setting up the equipment, layout and surfacing. By arrangement the car park, or parts of the site around its edge, could be used for other community activities.

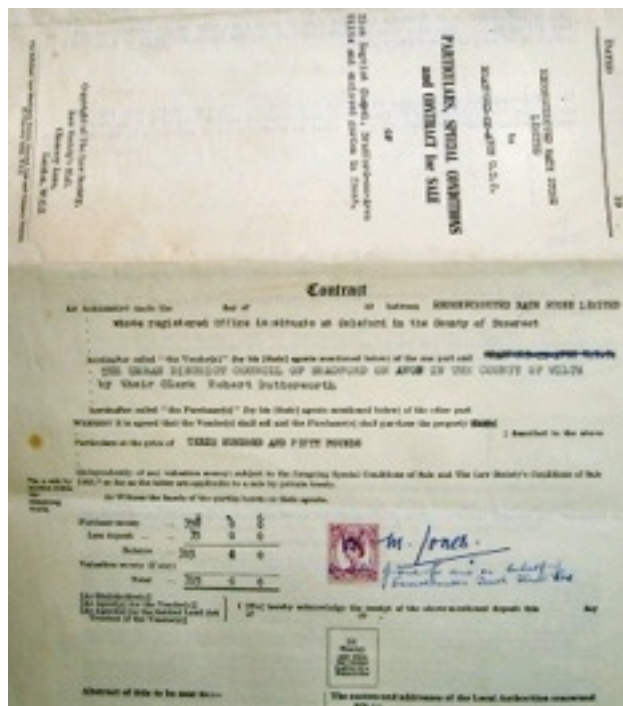
## Costs & constraints

### 4.1 Title constraints

An investigation of the title has been made using a common title route of an adjoining owner. There appear to be two restrictive covenants in existence in respect of this land:

By virtue of a deed dated 2 June 1920 made between John Edward Stanley Saunders and Herbert William Bryant, there are restrictions on the rights of light and air in favour of H J Saunders and his successors in title. The dominant hereditament is not clear from the title deeds, but there are no adjoining properties capable of benefiting from the covenant. In any event, the CIC would not engage in any activities likely to breach this covenant

In a deed dated 8 February 1954 and made between The Wilts and East Somerset Baptist Association and Herbert Randolph Doel there is a prohibition on the conveyed property being used for the sale of intoxicating liquor, as a dance hall, as a cinema or as a place of public worship.



*Changing hands: the UDC's 1959 purchase contract*

<sup>2</sup> It will, in any case, require a realistic assessment of how to site it so that emergency, service and other vehicles will still be able to turn around safely.

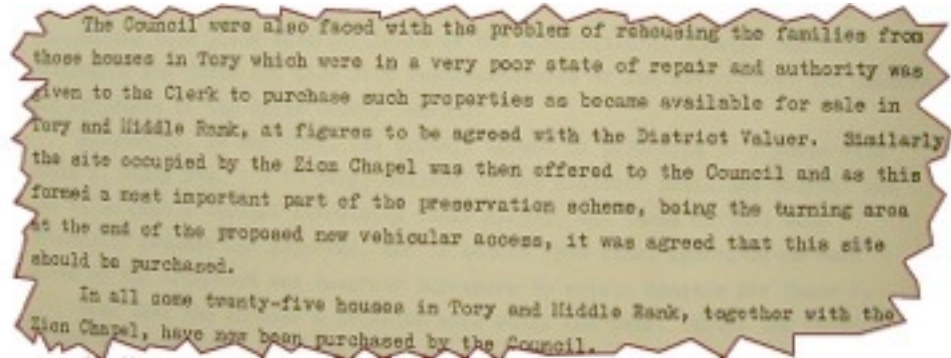


These covenants are contained in the title deed under which the site was originally sold to the Bradford Urban District Council. No potential breach of either covenant is likely. In any event, the beneficiary of the latter covenant, Zion Baptist Church, proposes to be a member of the parking scheme.

#### 4.2 Revenue costs

A survey has been undertaken of the car park to establish the initial liabilities that will be adopted by the CIC so that a full assessment can be made as to their condition, and the cost and likely timing of their replacement.

The main physical liability likely to be passed over by WC relates to the retaining wall to the south of the car park. The wall to the north falls to the adjoining owner, who also proposes to be a member of the scheme. The walls adjoining Conigre Hill have been maintained by WC and are thought to be its responsibility as the local highway authority.



*Access point: why the council bought the car park site*

The general condition of the south and west walls is believed to be good. The south wall ranges from 1.5 to 2.5 metres high and retains the car park, topped by iron railings. Best estimates indicate that it is not likely to need replacement in the foreseeable future if properly maintained. Maintenance and bi-annual inspections will have minimal cost as these skills are available within the hillside community. The replacement cost for the south wall at Q4 2011 prices is £25,000 and the western wall is in the region of £15,000.

Public liability insurance has been costed at £300 per annum for £1 million. Zion Baptist Church is investigating how much it will cost to extend their existing public liability insurance to cover the car park.

#### 4.3 Capital costs

These will largely depend on the final details proposed, which are subject to further consultation, and will be undertaken in phases.

Some of the capital costs will be raised from members of the scheme directly as cash or labour. The CIC will undertake specific fund-raising activities. These are already being planned and would commence in the summer. Other sources of grant funding will also be approached where their criteria are in line with the objectives of the CIC.

Initially the car park will be cleared and the painting of the railings completed.

Until very recent moves by Wiltshire Council to lay a surface on the car park, it had been our intention to upgrade it either with stone-coloured tarmac, gravel or grasscrete. It was generally felt the best option for durability and suitability for the conservation area would be grasscrete. However, we had planned to

undertake further research and consultation on this issue. The cost of surfacing the car park and identifying parking bays in grasscrete had been estimated at £7,000 plus the cost of laying the appropriate 150mm type 1 sub-base and the necessary statutory permissions.

The possible installation of a security system with keypad entry has already been discussed in 3.3.4 above. This is not considered to be an immediate requirement.

#### **4.4 Service charge/cashflow**

The above information has been incorporated into capital and revenue budgets for the CIC and a cashflow produced over a 25-year period. The latter is attached at Appendix B and indicates that the annual charge to cover costs would need to be £4,680 per annum. Assuming maximum membership, this equates to £154 per member per annum.

#### **4.5 Steering group**

After an initial meeting of all the households on Middle Rank, plus representatives from adjoining properties on Newtown and Conigre Hill, proposals for the CIC and car-park scheme have been drawn up on their behalf by a steering group.

The steering group has been able to draw on a wide span of professional expertise amongst residents of the hillside area. Professions represented include solicitor, architect, surveyor, financial management, IT consultant, media consultant, landscape gardening and, in a voluntary capacity, running a Charitable Trust.<sup>3</sup>

It is, perhaps, also worth mentioning that most residents in the hillside area cheerfully lend a hand with manual tasks.

## **Our proposal**

#### **5.1 Transfer terms**

We propose that WCC transfers the freehold of Conigre Hill car park to the CIC on the following terms:

- a) A consideration of £1
- b) The title to encompass the existing liability for the retaining wall to the south, and any others which may become apparent after detailed title investigations and searches
- c) The CIC would accept an absolute covenant against development of the site beyond that necessary for community purposes (e.g. a recycling shed)<sup>4</sup>.

#### **5.2 Advantages for WCC**

The car park was originally bought for use by residents of Tory and Middle Rank. Transfer to a CIC would keep faith with that original intention and ensure its long-term use for local residents.

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<sup>3</sup> While paid-for professional services will be needed, it is felt that – with this level of available expertise – such services as are required can be deployed explicitly and efficiently.

<sup>4</sup> It is accepted that WCC would not wish to convey land for £1 with the possibility that a future owner could sell at a price which reflects another, more valuable use.

A transfer would be in accordance with the council's own policy on community asset transfers, and would be a good example of how this policy is being made to work in practice.

The formation of a CIC is in keeping with the government's agenda for stronger communities and social cohesion. WC support for it would send a strong message that it is committed in practice to preserving and maintaining sustainable communities.

Transfer of the site to a CIC would facilitate an expansion of parking provision in the area, at no cost to the council. This would enable it more fully to meet its transport-plan aim to provide adequate parking for residents.

A transfer would release WC from management and maintenance costs, thus freeing up scarce resources for other services.

The retaining south wall is an ongoing liability that at some stage will need costly repairs or replacement. It retains the car park against the adjoining private land and cannot be allowed to fall into disrepair because of the consequent liabilities to the adjoining owner.



*As it was: the Zion Baptist Chapel in 1910*

Bradford is one of the principal destinations for tourists in West Wiltshire. As such, it contributes to the county's economy. Parking is generally difficult in Bradford, so besides the benefits described in 2.3 above an expansion of parking provision on Conigre Hill should help free up short-stay parking for visitors on adjoining streets.

## **Appendix A: Alternatives considered**

### **Council operated parking**

In the past, the parking project manager for West Wiltshire District Council on several occasions met representatives of the hillside residents. They appreciated his thoughtful, professional approach and keen desire to work with them. He produced a plan for Conigre Hill car park that indicated a potential for 18 spaces.

WWDC's initial proposal was to rent 18 spaces with residents entering into a short-term licence arrangement on an individual basis. Each space would be chained for exclusive use at a cost of £360 per annum per space.

The Hillside Action Group consulted local residents on this proposal. The general feeling was that it failed to meet the needs of the community for several reasons:



It would exclude some residents, either because they are unable to secure one of the limited spaces or because they are unable to pay the fee set

A licence could be terminated and the licensees would have no security of tenure

If spaces are taken by owners of second homes, of which there are several on Middle Rank and Tory, they would remain unused while others are unable to park

Using normal car parking standards, the site would accommodate less than could be arranged with, for example, pre-agreed double parking.

### **Lease to community group**

The second proposal made by WWDC was that the county should lease the whole site to HAG to manage for the community. This proposal involved:

- a) A rental charge to HAG of £8,000 per annum
- b) Management costs to be borne by HAG
- c) HAG to provide public liability insurance of £2 million
- d) A potential liability for business rates
- e) Lease terminable on six months' notice
- f) Initial period of lease for three years and then subject to rent review
- g) Possibility of initial period of 10 years but still terminable as above.

This second proposal would have been very costly to residents. The rental for each of the 18 spaces identified by WWDC would have been £466.66 (i.e. an increase of around 25% on the rental in the first proposal, even though the Hillside would have incurred additional management costs).

If the 30 regular users had opted for that scheme, their rental per annum would have been over £260 – before operational and management costs are added in. That figure was well above the charge then being made for a residents' parking permit on Newtown.

It was felt that members of a HAG parking scheme would have less chance of parking in Conigre Hill car park than members of the Newtown residents' parking scheme had of parking in Newtown. The disproportionately high charges being sought for Conigre Hill car park and the lack of security were major concerns to HAG and the hillside community.

The responsibilities to be taken on, the potential insecurity and the very high costs to car park users was felt far to outweigh any potential benefits of this second proposal.

## Appendix B: CIC cashflow over 25 years

	Cost at Q4 2011-2012	Year 1	Year 2	Year 3	Year 4	Year 5	Year 10	Year 15	Year 20	Year 25	Total
No of permits	-	30	30	30	30	30	30	30	30	30	
Annual cost (inc'd by RPI 3%)	£3 per wk	156	160	165	170	175	203	236	273	316	
Total annual inc	-	4,671	4,811	4,955	5,104	5,257	6,094	7,065	8,190	9,495	170,297
<i>Sinking fund at start</i>	-	-	4,171	8,627	13,327	18,382	35,297	54,231	75,885	100,086	
Plus interest on invested SF at 2.5% pa net	-	-	104	216	333	460	882	1,356	1,897	2,502	28,797
Capital costs & inc											
Clear site, including dig out peripheral areas, paint railings	Nil	By residents									
Desirable improvements*	- 30,331	-	- 7,178	-	-	- 23,153	- 608	- 776	- 990	- 1,263	(46,864)
Fundraising for improvements	30,331	-	7,178	-	-	23,153	-	-	-	-	30,331
Replace sth retaining wall after 25yrs (5%pa)	- 25,000	-	-	-	-	-	-	-	-	- 84,659	(84,659)
Replace wst retaining wall after 25yrs (5%pa)	- 7,500	-	-	-	-	-	-	-	-	- 25,398	(25,398)
Annual costs											0
Public liability insurance	-	- 300	- 309	- 318	- 328	- 338	- 391	- 454	- 526	- 610	(10,938)
Signage	-	- 100	- 100	- 100	-	-	-	-	-	-	(300)
Repoint walls/remove ivy. Materials only, labour/training done by residents (5%pa)	-	- 100	- 50	- 53	- 55	- 58	- 74	- 94	- 120	- 154	(2,325)
Re-surface 5yrlly (5%pa)	-	7,000	-	-	-	-	-	-	-	-	(58,942)
<i>Sinking fund at end</i>	-	4,171	8,627	13,327	18,382	23,703	41,200	61,328	84,336	-	0

\* Could include a formal layout and some form of entry system to ensure only members can park. Capital costs to be met by fundraising and only work done when achieved