



Philip Callow  
Head of Asset and Property Management  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

**By Post and Email: philip.callow@york.gov.uk**

Your Ref:  
Our Ref: MEG/SLLB/2007641/190  
*Please quote this when replying*  
Date: 30 October 2014  
Please ask for: Marian Griffiths  
Ext: 571723  
Direct Dial: 0113 204 1723  
E-mail: Marian.Griffiths@dwf.co.uk  
Direct Fax: 03333 20 44 40

Dear Mr Callow

### **Asset of Community Value Nomination - New Earswick and District Bowls Club, Huntington Road**

I refer to your letter of 9 October 2014 concerning the above matter and addressed to my clients Joseph Rowntree Housing Trust ("JRHT") which is the owner of the site which is the subject of the application ("the Site") by the New Earswick and District Bowls Club ("the Club"). My client considers that the application made by the Club does not demonstrate that the land and building which is the subject of the application is of community value.

#### Lease to the Club

The Club has been a tenant of part of the Site since 1994 and the lease was renewed last year for another ten years. The part of the Site which is leased to the Club is shown hatched red on the attached plan. The initial lease granted in 1994 restricted the use of the premises to use as a private members indoor bowls club but when the lease was renewed last year, the user clause in the lease was amended to allow the premises to be used to host non-member community based activities. JRHT was keen to see a wider use for the premises which would benefit the community and therefore was happy to agree to the amendment.

JRHT therefore acknowledges and encourages the use of the premises not only for bowling and social events related to the Club but wider more community based activities. However, whilst these activities are undoubtedly of community value, they are restricted to part of the Site and it is this aspect of the application which causes JRHT concern.

#### The Extent of the Use

The attached plan shows the extent of the building which is used by the Club. The building is on two floors and part of each floor (outside the areas shown hatched red on the plan) is occupied by JRHT as a depot and offices. There is a separate entrance on the ground floor into those offices from the eastern side of the building. The majority of the land outside the building is currently in use as a car park. The plan therefore

42000383-2



Philip Callow

30 October 2014



clearly demonstrates that a significant part of the Site is not being used for purposes which would "further the social wellbeing or the social interests of the local community" and therefore cannot be considered to be of community value.

The Localism Act 2011 ("the Act")

Section 90 of the Act provides that a Council must accept a community nomination if the land nominated is in the Council's area and is of community value. If they accept the nomination, the Council must also include the land in the list of assets of community value. As a significant part of the Site is not of community value, there is insufficient evidence to justify the acceptance of the nomination and the Council has no alternative under the legislation but to advise the Club that their nomination has been unsuccessful.

The Council may be aware that JRHT is considering proposals to redevelop that part of the Site which is not the subject of the lease to the Club. Indeed, it seems likely that these proposals have been the catalyst for the Club making the application in the first place. JRHT recognises that the existence or otherwise of its redevelopment proposals is not a matter which is directly relevant to the Council's consideration of the question as to whether the Site has community value and that the Council has to base its decision on the nature of its current use. As we have already demonstrated, a large proportion of the Site is not of community value. Nevertheless, the Council can be assured that, as can be seen from the recent changes to the permitted user in the lease, JRHT are extremely supportive of the Club's activities in the community and their redevelopment plans will be designed to ensure that the Club's activities and their lease remain unaffected. The Club (and the Council) therefore need have no concerns that JRHT's future redevelopment plans will limit their community based activities.

I look forward to receiving your confirmation that the Council has decided not to enter the land on the list of assets.

Yours sincerely

A handwritten signature in black ink that reads 'Marian E. Griffiths'.

**Marian Griffiths**  
**Director - Technical**  
**for DWF LLP**

Enc