

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

23 October 2006

Report of the Director of Planning & Transportation

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 CAPITAL PLAN PROGRESS

This report updates members on two schemes mentioned in the progress report to the July meeting of the Board. The section on Woodlands Parade details a welcome move forward towards implementing the scheme. The section on Station Road/Priory Grove Footway outlines the feasibility study which has been undertaken and recommends that no further action is taken to progress this scheme.

Woodlands Parade Enhancement, Ditton

1.1 Introduction

- 1.1.1 At the July meeting of this board, the difficulties in gaining agreement to proceed with proposals were reported. An integral part of the scheme provided for the Council to lease the land at each end of the Parade in order to implement proposals for environmental improvement and more ordered customer parking. Members then requested that consideration be given as to how the scheme might be expedited, including whether compulsory purchase might be appropriate in the wider interests of the community
- 1.1.2 Following a site meeting with the land owner, a letter was received from him indicating willingness to move forward and requesting to see a draft lease agreement. This is excellent news after such a long period when the scheme appeared to be irretrievably stalled.
- 1.1.3 Accordingly, the Central Services Director has been preparing the draft lease and, assuming that the terms are agreeable to the land owner, member approval of those terms will be sought from Cabinet in November.
- 1.1.4 With a legal agreement in place, it is anticipated that the timescales for design and procurement would enable the scheme to be implemented in the first quarter of 2007/8.

1.2 Legal Implications

1.2.1 The scheme is entirely dependent upon obtaining the lease for the parking areas.

1.3 Financial and Value for Money Considerations

1.3.1 Provision for the scheme is contained within current Capital Plan budgets.

1.4 Risk Assessment

1.4.1 Until the lease is signed, there is still a risk that the scheme will not be able to proceed, in which case other options, including compulsory purchase would need to be considered. The risk of having to invoke more radical steps has reduced as the land owner has already signalled that the heads of terms for the lease are generally satisfactory. An additional risk factor arises from third parties who have rights of access across the land in question. Again this is judged to be low risk because the proposed works will directly benefit those who hold the rights and it is in their interests to support the proposals.

Station Road / Priory Grove Footway, Ditton

1.5 Introduction

1.5.1 Between nos. 40 and 72, Station Road, the absence of a footway on the eastern side of the road gives pedestrians the options of either walking in the carriageway, crossing to the western side or using the private access roads which run parallel to Station Road. There are two of these access roads, one on either side of Priory Grove. One of the access roads is surfaced; the other is unmade and uneven.

1.5.2 For several years, the Capital Plan has included an allocation, currently £23,000, which was originally set up as a contribution towards a possible scheme by Kent County Council to provide the 'missing' footway. In the event no scheme ever came forward in the County Council programme of small improvement schemes owing to the low priority rating that the proposal scored when this was assessed for funding. An additional critical consideration was the fact that any scheme in this location requires land that is currently privately owned land and agreement of all the residents was unlikely.

1.5.3 At Capital Plan Review 2004/5, following the dissolution of the Kent Highways Partnership, members resolved to retain a small number of highway related schemes within the Capital Plan List A because, even though such proposals had never been properly feasibility tested, they were already scheduled in List A. The proposal for the footway at Station Road was one such scheme and it was retained pending a report on its feasibility. Since that time, work has been carried out on surveying the site, preliminary designs and discussion/consultation with residents to enable this report to be brought forward.

- 1.5.4 In summary, this is a scheme to provide a footway where there is already some degree of public access. It has very little priority from the point of view of the highway authority and current funding in the Capital Plan is significantly below the amount that would be required to implement the work. It could only be promoted if significant additional funding were to be provided by the Borough Council or if another source of funding were to be found.

1.6 The Proposals

- 1.6.1 A plan of the proposals is shown in **Annex 1**. The essential part of the scheme is the construction of a standard width footway linking the existing footways at each end of the scheme to those emerging at the Priory Grove junction. The new footway has individual dropped kerbs for each property at the appropriate location obviating the need for the set back access roads. This would allow residents to extend boundary fences up to the back of the new footway and 'gain' additional front garden space previously occupied by the communal use access roads. The majority of the land beneath the proposed footway is currently owned by the individual residents.
- 1.6.2 Differences in level between Station Road and the access road, particularly towards the northern end of the scheme, require that works are needed to accommodate the footway. These 'accommodation' works are typically low retaining walls holding soil back from the footway and from sloping driveways.
- 1.6.3 Accommodation works have been included for no. 74 Station Road which consists of a new driveway and access onto Station Road. Although this property is outside the limits of the 'missing' footway, the resident gains access to his property across the frontage of no. 72 and the resident of no. 72 insists that this feature be part of any footway scheme.

1.7 Acceptability to Residents

- 1.7.1 The development of the proposals was informed by discussion and communications with residents from time to time. It became clear at an early stage however that there was some opposition to any change. The views put forward against the scheme included the fact that money had been spent surfacing one of the access roads and also that the roads were useful as visitor parking. The provision of a proper footway is not dependent upon removal of the access roads although naturally, a consensus is needed on whether they stay or go.
- 1.7.2 A brief but formal consultation of all residents affected was undertaken during September to determine support for the scheme, desirability of retaining the access roads and the expectation of compensation for land take and legal costs.
- 1.7.3 The collated results are found at **Annex 2**. Members will note that there are two outright objections to the scheme and additionally I need to explain that two of the 'yes' votes are heavily conditioned by the future content of the scheme. One

conditional acceptance concerns paragraph 1.6.3 above, whereas the other concerns a level of detail not available at this stage of design.

- 1.7.4 The fact that this scheme does not have overall resident support is critical to how feasible the scheme is in practice. The only way that the scheme could progress in that situation is through a Compulsory Purchase Order (CPO) route, a process in which the highway authority would have to be intimately involved. Yet the highway authority has already some time ago judged the scheme to be a low priority when considered against other such schemes. Even if sufficient funding were to be identified, the prospects for justifying and succeeding in compulsory purchase acquisition are poor.

1.8 Conclusions

- 1.8.1 Setting aside for the moment the practical issues on funding and land acquisition, there are two further fundamental elements of this proposal that merit examination. The first of these is a response to the question of whether the scheme is really necessary in road safety terms. Given that there is no evidence in the highway authority's crash data base of a long term problem with pedestrian safety and the fact that pedestrians do have the opportunity to walk along the service road, separated from the traffic on Station Road, there is little to justify the scheme from the point of view of pedestrian road safety. The residents do have concerns about traffic speeds and access into and out of drives but these are matters for the highway authority to address. They are not directly relevant to the strict focus of this proposal on providing additional facilities for pedestrians. It may well be the case that such pedestrian access along the service road is unwelcome to the residents but the fact is that it happens and is tolerated to a greater or lesser degree.
- 1.8.2 The second issue is whether the scheme is acceptable in street design terms. Certainly the immediate visual effect of constructing a new footway would be to harden up the streetscape considerably and this would be a complete contrast to the soft informal hedging trees and verge that exist now. There's an edge of town character to this stretch of Station Road and this is reinforced by the trees and sports fields opposite. The verge between the service road and Station Road could arguably be better maintained but it nevertheless contributes significantly to the character of this part of the neighbourhood. I believe removing it and replacing with footway would prejudice that character and would have a deleterious urbanising effect.
- 1.8.3 The inevitable conclusion for all this analysis is that the prospects for the scheme, taking all factors into account are not good. Consequently, it would seem appropriate not to commit any further resources on the project and recognise that, on this occasion, no further progress can be made.

1.9 Legal Implications

1.9.1 As the scheme only has a value in its entirety and none in parts, it is clear from the consultation that the only way to currently proceed would be to obtain the footway land by Compulsory Purchase Order. Implementation would require the Borough Council to enter into a Highways Act Section 278 agreement with Kent County Council.

1.10 Financial & Value for Money Considerations

1.10.1 The current scheme estimate is £120,000 which includes allowances for legal work and land purchase. This is unavoidably a very provisional figure at this stage. For a scheme such as this, a more refined estimate would require a significant level of detailed examination, investigation and the results of legal negotiations. The feasibility of the proposal is questionable and it is hard to justify any further potentially abortive expenditure when a broad indication of likely budget requirement of £120,000 is already available to inform an “in principle” judgement on the scheme. The Borough’s current allocation is £23,000 and Kent County Council does not currently have any funds allocated to the scheme.

1.10.2 The high costs of the scheme are attributable to the need to acquire land and to the need for substantial accommodation works. Because of this, the scheme represents poor value for money and arguably should compete for funds against other locations in the Borough where similar improvements are desirable.

1.11 Risk Assessment

1.11.1 This report details a preliminary or feasibility stage investigation into the viability of this scheme. To implement the scheme requires various statutory, legal and technical processes which introduce many unknown factors affecting cost. There is a high risk therefore that estimates of financial commitment may be exceeded.

1.12 Recommendations

That:

1.12.1 No further action **BE TAKEN** to progress this scheme, and

1.12.2 The Capital Plan provision for the scheme of £23,000 **BE DELETED** at the next review stage.

Background papers:

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Nil

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