

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**COUNCIL**

**11 JULY 2017**

**Report of the Management Team**

**Part 1 - Public**

**For decision**

**1 PETITION – KEEP RIVER LAWN GREEN**

**Summary**

**This report presents Members with a petition submitted on behalf of the Keep River Lawn Green organisation. The petition relates to intended disposals of land owned by the Council at River Lawn Road and at 1-4 River Walk, Tonbridge.**

**1.1 Introduction**

1.1.1 On 2 June 2017 the Council received via email a petition on behalf of the Keep River Lawn Green organisation.

1.1.2 The petition calls on the Borough Council to '*stop their plans to sell off River Lawn and old CAB building in River Walk until a proper public consultation has been held.*' The petition also comments as follows –

*'It has emerged that they plan to sell the River Lawn itself and allow luxury flats to be built there. This will not help to reduce the waiting list for families in need of housing and it is unacceptable to build on our recreational land.*

*The River Lawn and former CAB building are being redeveloped to provide riverside apartments. When we need homes for over 900 families waiting to be housed in Tonbridge & Malling they are providing them for the highest bidders'*

1.1.3 It is not known what status the 'Keep River Lawn Green' organisation has.

1.1.4 At the time of initial submission the petition had 1,576 signatures. On 3 July the Barden Road Residents Association submitted an electronic copy of the petition on behalf of Keep River Lawn Green, with 1,617 signatories (attached as **Annex 1**), together with a separate paper petition containing a further 1,601 signatures. The provisional total is therefore 3,218, although it is not been possible to verify (as of 3 July) the total number, or whether the 2 versions of the petition contain any duplicate signatures.

1.1.5 A copy of the paper petition will be made available for Members to view prior to the Council meeting.

- 1.1.6 In accordance with the Council's adopted petition scheme (a copy of which is attached as **Annex 2**), petitions containing more than 1,500 signatures will be debated by the Full Council. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.
- 1.1.7 In the present case, the issue being raised in the petition is one on which the Council's Cabinet is required to make the final decision. The role of the Council is therefore limited to a decision as to whether to make recommendations to the Cabinet to inform that final decision. In accordance with the Petition Scheme Council may recommend the following:
- to take the action requested
  - not to take the action requested, for reasons put forward in the debate
  - to commission further investigation into the matter
- 1.1.8 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.

## **1.2 Background**

- 1.2.1 For the assistance of Members the background to the issue raised in the petition is set out below.
- 1.2.2 On 9 February 2017 the Cabinet considered the report of the Management Team in relation to the strategic asset review of Tonbridge Town Centre. A copy of the report is attached as **Annex 3**. Members are reminded that due to the commercial nature of the proposals set out in the report, details of the financial arrangements and the terms of any proposed agreements are set out in the private annexes under the provisions of Schedule 12A to the Local Government Act 1972.
- 1.2.3 The report provided Members with an update on the progress of negotiations with the Tonbridge Medical Group and developers acting on their behalf (Assura) to purchase land at River Lawn Road (on the site of the Teen and Twenty Club) for the purposes of constructing a new medical centre. These proposals had previously been reported to Cabinet in March 2015.
- 1.2.4 The report also set out further proposals to dispose of land adjacent to the site of the proposed medical centre and vacant office land at 1-4 River Walk. The latter of these sites was formerly occupied by the Citizens Advice Bureau and a private company, both of whom had vacated the building to occupy other properties owned by the Council. The Citizens Advice Bureau moved in the summer of 2016 to Tonbridge Castle, with the private company (Jawatte) having relocated to the Gibson Building at Kings Hill at around the same time.

- 1.2.5 For the assistance of Members, photographs of the sites in question are attached as **Annex 4**. These include aerial photographs of the open space at River Lawn and adjoining areas of open space owned by the Borough Council.
- 1.2.6 At the meeting on 9 February Cabinet authorised the Director of Central Services to
- (a) complete the contract for the sale of freehold land with Assura on terms substantially as set out at Annex 3 to the report together with all other necessary agreements in order to implement the proposals, including the Car Parking Lease and the Compound Lease. Any amendments to the documents at Annex 3 to be agreed in consultation with the Leader and Deputy Leader;
  - (b) advertise the intention of the Borough Council to dispose of the River Lawn Land;
  - (c) Subject to the completion of the agreement(s) with Assura under (a) above and the receipt of no objections in response to (b) above, proceed with the disposal of the River Lawn Land (shown edged in red and marked '3' on the plan at Annex 1 to the report) as set out in paragraph 1.7 of the report, such authority to include (but not be limited to) advertisement of the land, negotiation of terms and completion of any necessary legal agreements; and
  - (d) Proceed with the disposal of land at River Walk (shown edged in red on the plan at Annex 5) as set out in paragraph 1.8 of the report, such authority to include (but not be limited to) advertisement of the land, negotiation of terms and completion of any necessary legal agreements

### **1.3 Consultation on intended disposal of open space land at River Lawn Road**

- 1.3.1 Officers advertised the intended disposal of open space land at River Lawn Road via public notices in the Kent Messenger on 24 February, 3 March, 23 March & 30 March 2017. The notices also appeared in the online edition of the newspaper (Kent Online) and on the Council's website.
- 1.3.2 The notices placed in the Kent Messenger on 24 February and 3 March related to a small area of the open space at River Lawn Road required in connection with the proposed medical centre development. A plan showing the extent of this area is attached as **Annex 5**. The land in question covers an area of 432 sqm.
- 1.3.3 The notices placed in the Kent Messenger on 23 March and 30 March related to the larger area of open space at River Lawn Road. A plan showing the extent of this area is attached as **Annex 6**. This land covers an area of 2184 sqm.
- 1.3.4 The notices met the requirements of section 123 of the Local Government Act 1972, which provides that a principal council may not dispose of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be

advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

- 1.3.5 The Council is under no legal obligation to advertise the intended disposal of land at 1-4 River Walk, as it is not held as public open space. In that regard the Council is in no different a position to any other landowner. No public advertisement was therefore given in relation to this proposed sale.
- 1.3.6 The Council received no objections to the notices pertaining to the smaller area of open space i.e. that detailed at paragraph 1.3.2 above.
- 1.3.7 The Council received a total of 59 objections to the statutory notices pertaining to the larger area of open space at River Lawn Road. Cabinet is required to consider these before any final decision can be made about disposal of the area of open space in question. The objections were due to be considered by Cabinet at its meeting on 28 June but in light of receiving the petition on 2 June 2017 it was felt appropriate to defer consideration until after Council had first determined whether it wished to make any recommendations to Cabinet to inform that decision. The objections will be considered at the next meeting of Cabinet.
- 1.3.8 In summary, the issues raised within the objections are as follows:-
- Loss of green space
  - Impact on public services serving the area (Schools, Doctors)
  - Lack of or incorrect public consultation
  - Improvements required to River Lawn
  - Flooding / drainage concerns
  - Objection to flats being constructed
- 1.3.9 Members are reminded that any development proposals arising from the disposal of any site referenced in this report will need to be the subject of conventional planning applications, including public consultation in the normal way and any applications will be determined by the Area Planning Committee.

## **1.4 Other considerations**

Members will be aware that the Council has led on the delivery of a number of recent projects designed to enhance Tonbridge Town Centre and to encourage local growth. These are summarised below.

### **River Walk Improvement Scheme**

- 1.4.1 The recent enhancement of the surfacing and street furniture will encourage more people to use the riverside walk and will promote the use of shops and amenities in and around the town centre.

### **Tonbridge Memorial Gardens**

- 1.4.2 A capital plan scheme for refurbishment of this area was undertaken during 2014 in consultation with the Tonbridge Memorial Garden Trust. The company appointed to deliver the scheme later won an award in the British Association of Landscape Industries (BALI) National Landscape Awards

### **Tonbridge High Street**

- 1.4.3 Members will recall that a significant scheme for improvement of Tonbridge High Street was delivered during 2016 in partnership with Kent County Council. The key elements of the scheme included widened footways, a 20mph speed limit, environmental improvements and improved street furniture.

### **Town Lock**

- 1.4.4 A scheme for enhancement of the open space adjacent to the river was undertaken in partnership with the Environment Agency during 2015/16. This scheme provided a high quality area of open space, a boathouse for use by the Environment Agency and river users and a new telemetry station to provide the Agency with information on river levels. It also ensured that important works could be undertaken to maintain flood defence levels.

## **1.5 Site of former Teen & Twenty Club, River Lawn Road – Tonbridge Medical Group**

- 1.5.1 The proposed sale of land to Assura for the development of a medical practice has progressed since the Cabinet meeting on 9 February, with agreements for sale of the freehold shortly due for exchange.
- 1.5.2 At the time of preparing this report the CCG had announced that they were to hold a public exhibition at the Angel Centre on 5 July 2017 to invite the public to view their proposals for the medical centre.
- 1.5.3 Subject to obtaining the necessary planning consent, we understand that building work on site would commence during the spring of 2018.
- 1.5.4 The agreement for sale with Assura includes the smaller area of open space referred to in paragraph 1.3.2 above.

## **1.6 1-4 River Walk**

- 1.6.1 In accordance with the resolution of Cabinet dated 9 February 2017, Officers proceeded to instruct Hartnell Taylor Cook LLP to act on behalf of the Council in progressing the advertisement and disposal of 1-4 River Walk. However, no steps

have been taken to market the property pending the outcome of the consideration by Council of the petition.

- 1.6.2 It is intended that the disposal of this site will take place via tender, so as to achieve the best price available on the open market (see paragraph 1.7 below for the duty to obtain best value). It will therefore be perfectly possible for any interested party to bid for the land, including any social housing provider. Subject to obtaining planning permission, a social housing provider would be able to develop the site for either a mix of private and affordable housing or solely for affordable housing should it wish to do so. The disposal of the site does not preclude a number of possible uses being pursued, subject of course to obtaining the appropriate planning consent.
- 1.6.3 Should Council decide not to make any recommendations to Cabinet for further action in response to the petition then the marketing of the site would commence without further delay.
- 1.6.4 It is not proposed to repeat in this report the rationale for disposal of 1-4 River Walk, this having been set out in the previous report to Cabinet dated 9 February 2017. The supporting development appraisal for disposal was included in a private annex to that report (Annex 7).

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 In accordance with Section 123 of the Local Government Act 1972, the Council must not, except with the consent of the Secretary of State, dispose of land (other than by way of a short tenancy) for a consideration less than the best that can reasonably be obtained. The overriding consideration in determining what constitutes the best consideration that can reasonably be obtained is the commercial value of the disposition to the authority.
- 1.7.2 The specific financial considerations arising from the proposals were set out in a private annex to the report to Cabinet (Annex 4 to the report dated 9 February 2017).
- 1.7.3 It is intended that any capital receipts obtained from the sale of the land detailed in this report would be re-invested into property investment funds, so as to provide a long term revenue stream to support the continued delivery of services. The use of property funds for long term investment was previously considered and endorsed by the Audit Committee, Cabinet and Council during January and February of this year, with the use of such funds authorised for inclusion in the Annual Investment Strategy for 2017/18.
- 1.7.4 Members will also be aware that 'Asset Management' is one of the themes of the adopted Savings and Transformation Strategy 2016/17 to 2020/21 (which sits alongside the Medium Term Financial Strategy). A key consideration for the Council in the delivery of this theme is to consider the opportunities to realise capital and/ or increased income streams from our existing asset base. The

proposals in relation to River Lawn and River Walk are therefore directly relevant to this theme.

## **1.8 Legal Considerations**

- 1.8.1 Cabinet is required to consider the objections received in response to the statutory notices relating to the proposed sale of the larger area of open space at River Lawn Road (as set out in paragraph 1.3.7). This must be done before any final decision is taken on the disposal.

## **1.9 Risk Assessment**

- 1.9.1 Any financial risks arising in connection with the proposals were considered in Annex 5 to the report to Cabinet dated 9 February 2017.

## **1.10 Equality Impact Assessment**

- 1.10.1 The proposed medical centre scheme will deliver considerable benefits to the community. As such, the scheme will provide a positive contribution to promoting equality. As specific elements of the development programme are taken forward, detailed consideration will be given to ensure potential impacts are identified and, where appropriate, action is taken to mitigate them in accordance with the Equality Act 2010 and supporting guidance.

## **1.11 Recommendation**

- 1.11.1 Members are requested to consider the petition at Annex 1 and decide whether they wish to make any recommendations to Cabinet.

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Background Papers: