

# Heritage Culture and Leisure Committee

4<sup>th</sup> April 2017

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## Disposal of Land at Richmond Way, South Ward

<b>Final Decision-Maker</b>	HCL Committee
<b>Lead Head of Service</b>	Head of Regeneration and Economic Development
<b>Lead Officer and Report Author</b>	Jason Taylor, Parks and Leisure Manager
<b>Classification</b>	Public
<b>Wards affected</b>	South Ward

### **This report makes the following recommendations to this Committee:**

1. That the Committee considers declaring the open space at Richmond Way, outlined in red on the attached plan in **Appendix I**, as surplus to operational requirements.
2. If it is considered appropriate to designate the land in Richmond Way as surplus to operational requirements, that the committee authorises the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972.

### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – This would allow North Loose Residents Association to be responsible for this green space in its area.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Heritage Culture and Leisure Committee	4 <sup>th</sup> April 2017
Policy and Resources Committee	If the option to declare this land as surplus to operational requirements is progressed then the final decision to dispose of the land would be passed to Policy and Resources Committee.

# Disposal of Land at Richmond Way, South Ward

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report gives the Committee background information to enable them to take the decision on whether or not to declare the open space at Richmond Way as surplus to operational requirements.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 North Loose Residents Association (NLRA) and a number of Councillors have approached Officers to request that the open space at Richmond Way, as shown in **Appendix I**, be transferred to NLRA.
  - 2.2 NLRA would like this land to enable them to control the green space within their local area.
  - 2.3 The area of open space at Richmond Way is 2,043 square meters in size (approximately a third the size of a football pitch), it currently comprises grass, a number of recently planted trees and a metalled footpath.
  - 2.4 The maintenance of the open space which consists primarily of grass cutting is currently done by Maidstone Borough Council (MBC).
  - 2.5 If the site is deemed to be surplus to the operational requirements of Parks and Open Spaces, then it could be recommended to Policy and Resources Committee that a 99 year lease is given to NLRA for the site.
  - 2.6 As shown in **Appendix I**, the land immediately to the South-West of the site has planning consent to build 62 houses. This development is included in the Maidstone Borough Local Plan February 2016 (Page 109, Policy H1 (24) Postley Road, Tovil).
  - 2.7 Access to this development will be by what is currently a narrow track that runs along the south side of Richmond Way Open Space. There is a possibility that when the development is built out, a small strip of the open space will be required to allow a footpath to be built or for the road to be widened. It is hoped that this will not be the case but for this reason it is recommended that a six meter buffer strip is retained by MBC until after the residents have moved in to the new development, when a further lease of the additional land could be granted on the same terms. This proposed buffer strip is shown edged in blue in **Appendix I**.
  - 2.8 **Appendix II** shows the location of Richmond Way in South Ward.
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### **3. AVAILABLE OPTIONS**

- 3.1 The committee has the following options:
- 3.2 To declare Richmond Way Open Space, as outlined in red in Appendix I, as surplus to operational requirements, and authorise the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972. Any comments from the public notice will then be passed to Policy and Resources Committee, or the Chief Finance Officer under delegated authority if appropriate, to make the final decision on the disposal.
- 3.3 To not declare Richmond Way Open Space as surplus to operational requirements and for MBC to continue to maintain the open space in the future.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 This proposal is not supported by Officers:
- There is no rationale within the Council's strategy and policies for concluding that the open space is surplus to requirements.
  - Notwithstanding the retention of the strip of land described at paragraph 2.7, the proposal may complicate the delivery of an important allocated site within our emerging Local Plan.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Consultation will be through the publication of the Section 123 Notice.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 Following the placing of a public notice, pursuant with Section 123 of the Local Government Act 1972, the final decision on disposal of the land will be taken either by Policy and Resources Committee or the Chief Finance Officer under delegated authority if appropriate.
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### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	No Implication.	
<b>Risk Management</b>	No Implication.	

<b>Financial</b>	The cost of maintaining the open space is minimal so there would be no significant financial benefit from ceasing to do so.	Section 151 Officer & Finance Team
<b>Staffing</b>	No Implication.	
<b>Legal</b>	Legal will need to produce Lease and Licence documents	Team Leader Property and Regeneration
<b>Equality Impact Needs Assessment</b>	No Implication.	
<b>Environmental/Sustainable Development</b>	No Implication.	
<b>Community Safety</b>	No Implication.	
<b>Human Rights Act</b>	No Implication.	
<b>Procurement</b>	No Implication.	
<b>Asset Management</b>	This asset could be transferred to another organisation.	Parks and Leisure Manager

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- **Appendix I:** Plan of Richmond Way Open Space showing the proposed areas to be leased, the buffer strip and the housing development site.
- **Appendix II:** Richmond Way Open Space location

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## 9. BACKGROUND PAPERS

*No background papers.*