

## **RESPONSE TO ISSUES IDENTIFIED IN PETITION RELATING TO NEW ASH GREEN VILLAGE CENTRE SUBMITTED TO FULL COUNCIL**

### **Cabinet 17 September 2015**

Report of	Chief Officer Communities & Business
Status:	For consideration and decision
Referred by:	Council 21 July 2015
Key Decision:	No

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#### **Executive Summary:**

Council resolved that the petition be referred to the Cabinet, where the Council's approach could be coordinated across the Council and communicated to residents, with a report back in six months

The petition contained over 1,500 signatures and will be presented to Full Council for consideration, as part of The Petition Scheme at Appendix Y of this Council's Constitution. It set out a number of issues of dissatisfaction for local residents and businesses within the village centre and calls upon the Council to "take a more active role" and take "urgent steps" to make sure that the landowners in New Ash Green bring the Village Centre "up to an acceptable standard".

This report summarises the issues raised in the petition and action taken by the Council to date and recommends the focus for the Council's future involvement in matters relating to New Ash Green Village Centre. Appendix A sets out the actions taken to regenerate the centre and deal with enforcement issues.

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**Portfolio Holder** Cllr Hogarth

**Contact Officer(s)** Mark Bradbury Ext. 7099 and Alan Whiting Ext. 7446

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#### **Recommendation to Cabinet**

- (a) That the Council's focus for future involvement in the village is agreed as defined within paragraphs 9 and 10 of this report.
  - (b) Members' views are also sought in respect of the Council's response to the issues raised by the petition.
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#### **Reason for recommendation:**

To appropriately define the Council's future involvement in matters relating to New Ash Green Village Centre and to set out coordinated action taken by the Council in response

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to concerns raised by the lead petitioner.

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## **Introduction**

- 1 On 21 July, a petition was presented to Full Council for consideration as part of The Petition Scheme at Appendix Y of this Council's Constitution.
- 2 The petition contains over 1,500 signatures and calls upon the Council to "take a more active role" and take "urgent steps" to make sure that the landowners bring the Village Centre "up to an acceptable standard"

## **Background**

- 3 Appendix A sets out a full briefing on steps the Council has taken to engage the landowners, deal with issues in the centre and secure a viable regeneration scheme for the Village Centre. These fall into the following broad areas:
  - Appropriate steps the Council has been able to take within the statutory powers available to it to seek necessary improvements to be made by landowners.
  - Non-statutory and ongoing community work we are involved in through the New Ash Green Town Team, which is facilitated by the District Council make small improvements to the Village Centre and improve footfall.
  - Ways in which we have encouraged a mixed use regeneration of New Ash Green through the statutory planning processes.
  - Ongoing efforts of Officers within the Communities & Business Team to engage landowners, improve communication between landowner and secure benefits for the Village Centre.
  - Action taken by Environmental Health and Planning Enforcement.

Appendix A sets out the full background of the Council's involvement and brings Members up to date with current issues.

The Village Centre is defined in Appendix 5 of the Council's Allocations Development Management Plan (H2 (e) New Ash Green Village Centre, New Ash Green). There are three main landowners with interests in New Ash Green Village Centre. Piperton Finance is the largest landowner, and holds the contract on behalf of the other landowners to maintain the village centre.

Piperton Finance is represented in the UK by Richmond Lodge. Piperton Finance is an overseas company with its Head Office currently based in the British Virgin Islands. The other two landowners within the Village Centre are Gableholt (an overseas company) and the Co-operative Group (Co-op) who also have agents managing their interests.

**Summary of issues identified within the petition and the action taken by the Council:**

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<b>Issues identified in the petition</b>	<b>Action taken</b>
<p>“Upper Street South: semi derelict appearance of the walkways/paving slabs/empty units. Rat traps left for 2+ years without being changed/removed, rats living in empty units with pest control not carried out regularly. Trees/plants growing where they shouldn’t be. Bridge over Link in very poor condition, stairs and railings covered in pigeon droppings.”</p>	<p>A full investigation was carried out by Environmental Health:</p> <ul style="list-style-type: none"> <li>• They found no evidence of an ongoing rat infestation at New Ash Green Shopping Centre</li> <li>• Following a site inspection of the pigeons within the units 18 to 27 in Upper Street North, New Ash Green Shopping Centre undertaken on 14th July 2015 at 11:00am, Environmental Health confirmed that Gableholt (via their agent Lee Baron) have removed the pigeons, cleaned the bird faeces and sealed the access points to the units</li> </ul> <p>The Council has granted permission for 2 planning applications in respect of conversion of empty storage units to flats – 3-5 Upper Street South to x 2 flats and 2A,B&amp;C Upper Street South to 3 flats.</p> <p>Richmond Lodge (Managing agent for Piperton Finance) has now installed new anti pigeon spikes throughout the village centre to deter pigeons.</p> <p>The Council carried out a site inspection in April 2015 to look at areas that could be detrimental to visual amenity and S215 notice has now been issued in relation to areas of concern identified. . The notice was served on 16/7/15 and came into effect on 17/8/15. Compliance is not due until 17/9/15</p> <p>Full details are set out in Appendix A.</p>
<p>“Upper Street North: derelict, evident</p>	<p>See above</p>

<p>damage caused by water, damaged windows, walkways/paving slabs in a bad state, pigeons living/breeding inside the empty units (with many dead pigeons inside empty units and the floors thick with pigeon droppings), empty units not boarded up properly (being constantly ripped down by vandals), broken cladding, barbed wire hanging down, unsightly boarding, woodwork rotting, inside of the units in a derelict state”</p>	<p>Full details are set out in Appendix A</p>
<p>The Row: Many empty units which cannot be filled due to the derelict state of the interiors. Landowners will not spend money to bring them up to standard for tenants to move in. Security shutters dirty and unsightly. Rats have been seen. Pigeons roosting above shops, anti-pigeon spikes do nothing to deter them. Pigeons now laying eggs and breeding above shops. Canopies either filthy or missing, clock tower flaking paint. Bus stop in centre inhabited by rats. Boarded up toilets and doors near the bus stop. Overall appearance of the centre downstairs (most of upstairs is not accessible) is neglected and derelict/borderline derelict.</p>	<p>See above</p> <p>The toilets were closed by the Council following a decision by Members as it was no longer economically viable to keep undertaking repairs. The Council has a responsibility to ensure the area is safe and secured and has satisfied itself on recent inspections (August 2015) that this is the case. In addition, it should be noted that the Village Centre is continually monitored by tilt pan and zoom CCTV system.</p> <p>The architect appointed by the Richmond Lodge (managing agent for Piperton Finance) has stated their intention to submit a planning application to remove the canopies. At the time of this report, a planning application has not been received.</p>
<p>“The neglect and lack of care and maintenance over a number of years in the village centre has reached its limit and cannot be allowed to deteriorate any longer.”</p>	<p>The Council is fully committed to securing the regeneration of the village centre. The Allocation and Development Management Plan identifies New Ash Green as a mixed use regeneration zone with up to 50 enabling units of residential accommodation.</p> <p>The Council’s long-term strategy and commitment to working with landowners continues and has over the last year secured tangible benefits for residents and businesses alike. It has also now been confirmed the largest landowner has engaged an architect to produce a master plan for the village centre.</p>

	<p>The Council has taken appropriate enforcement through Planning and Health and Safety as well undertaken numerous Environmental Visual Audits inspections.</p>
<p>“The residents of Upper Street South, the village shop owners and the residents of New Ash Green are not prepared to tolerate the neglect and derelict appearance of the centre. It is affecting home owners and shop owners alike.</p> <p>We urge the council to ensure the landowners make the necessary improvements and regenerate the village centre as a matter of urgency.</p> <p>We urge the council to take urgent steps towards making sure the landowners achieve this so the village centre is brought back to an acceptable standard so it can thrive for the local community.”</p>	<p>It should be noted that the full range of the Council’s efforts as part of a long-term strategy relating to New Ash Green are set out in Appendix A. This includes extensive landowner engagement, facilitation of meetings between landowners.</p> <p>An architect has now been appointed by Richmond Lodge (as Managing Agent for Piperton Finance) to produce a master plan for the village centre.</p>

## Key Implications

### Financial

5 There are no financial implications for the Council Associated with this report

### Legal Implications and Risk Assessment Statement.

6 There are no legal implications for the Council associated with this report

### Equality Assessment

7 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### Community Impact and Outcomes

8 The weight of local feeling expressed in the petition submitted to Council on 21 July is acknowledged. The Council is fully committed to investigating the issues arising from the petition and ensure residents are made aware of appropriate information relating to the regeneration.

## **Conclusions**

- 9 The petition expresses concerns of the local community in New Ash Green in relation to the condition of the Village Centre. However, it is noted that many aspects of the concerns set out in the petition should in the future be more properly be referred to landowners or their managing agents as they relate to private business relationships or disputes between landowners, their representatives and tenants or leaseholders.

It is therefore not appropriate that the Council gets directly involved in:

- Private disputes or issues that relate to business relationships between landowner or their representatives and tenants or leaseholders.
- Private disputes between landowners on matters such as service charges

The Council will, however, in its ongoing discussions with the landowners continue to encourage them to respond quickly and appropriately to tenants concerns.

- 10 It is recommended that the Council's future involvement in the Village Centre in focused on:
- Supporting and bringing forward the regeneration of New Ash Green Village Centre and ensuring that the community is engaged in bring forward proposals
  - Supporting and facilitating the New Ash Green Town Team
  - Carrying out functions relating to its services including environmental health, building control, licensing and planning development.
  - Continuing to support Community Safety activities such as Environmental Visual Audits and the Community Safety Focus Group
- 11 This report sets out the coordinated action the Council has taken to address concerns within the context on the ongoing and long-term strategy set out in Appendix A.
- 12 Members' views are also sought in respect of the Council's response to the issues raised by the petition.

## **Appendices**

Appendix A – The Council's involvement in New Ash Green Village Centre

**Lesley Bowles**  
**Chief Officer, Communities & Business**