

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 September 2017
Subject:	Petition - Land at Lincoln Green Lane, Tewkesbury
Report of:	Simon Dix, Head of Finance and Asset Management
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Finance & Asset Management
Number of Appendices:	Four

Executive Summary:

A petition has been received by the Council from Sarah Balsdon-Joy. The petition requests that the Council reverses the decision of the Executive Committee to sell a parcel of land on the corner of Lincoln Green Lane to Aldi Stores Ltd.

The Council has an agreed process for dealing with petitions, the detail of which is set out in Paragraph 1.3 of the Petition Scheme, which is attached as Appendix A.

This report has been produced to enable Members to consider the request of the petitioners.

Recommendation:

The Council is asked to determine:

- **whether it supports the action requested in the petition to reverse the decision of Executive Committee to sell land at the corner of Lincoln Green Lane, Tewkesbury to Aldi Stores Ltd; or**
- **whether to note the petition and proceed with the sale of land.**

Reasons for Recommendation:

To determine an appropriate course of action as required by the Petition Scheme.

Resource Implications:

If the Council proceeds with the sale of land to Aldi Stores Ltd, the Council will receive a capital receipt for the disposal. The value of disposal is significantly in excess of the valuation of the site for its current use. The actual value is subject to commercial and contractual confidentiality and should the Council wish to discuss the detail, the debate will need to move to confidential business.

Legal Implications:

The petition must be considered in accordance with the Council's Petition Scheme. The Scheme sets out a number of options for the Council following consideration of the Petitioner's request.

Risk Management Implications:

None.

Performance Management Follow-up:
None.
Environmental Implications:
As detailed within the report.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council's Petition Scheme; approved 28 September 2010 (based on the national model scheme), is designed to allow the public to have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a Council debate should a certain number of signatures be achieved. Tewkesbury Borough Council has set that threshold at 100 signatures. The current petition qualifies for a Council debate.

1.2 The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another Committee where the matter is not one reserved for Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition is made at that Council meeting but to increase the transparency of the decision-making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the Petition organiser and public to attend. It also ensures that local people know their views have been listened to and they have an opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject of the petition.

2.0 THE PETITION

2.1 The petition was received on 30 August 2017 from Sarah Balsdon-Joy. It has 767 signatures, which is in excess of the 100 signatures required to trigger a Council debate.

2.2 The Council is therefore required to debate the petition in accordance with the Petitions Scheme. The process for dealing with petitions, agreed by Tewkesbury Borough Council is attached at Appendix A. Paragraph 5.1 of the Petitions Scheme states that the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council's response to a petition will depend on what a petition asks for, and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- holding an enquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;

- referring the petition for consideration by the Council's Overview and Scrutiny Committee;
- calling a referendum; or

- writing to the petition organiser setting out the Council's views about the request in the petition.

2.3 The petition statement is contained at Appendix B for members' information. In summary, the petition objects to Executive's Committee's decision to sell the land to Aldi Stores Ltd, citing the following reasons for objection:

- Loss of public benefit.
- Increase in air and noise pollution.
- Lack of demand for additional car parking.
- Impact on Tewkesbury Battlefield.
- Impact on the water table.

The petition asks for Council to reverse the decision for the benefit of residents.

3.0 BACKGROUND INFORMATION TO THE SUBJECT OF THE PETITION

3.1 A report on the potential disposal of land at the corner of Lincoln Green Lane, Tewkesbury to Aldi Stores Ltd was presented to Executive Committee on 12 July 2017. As the report contained commercial information it was considered under confidential business.

3.2 The report detailed the extent of the Council's land holding, outlined a draft scheme design, confirmed an independent valuer's opinion and discussed the objections received in response to the public consultation.

3.3 The scope of the site under consideration is detailed for Members on the red line plan contained at Appendix C. Also detailed at Appendix D is an initial feasibility scheme design provided by architects working on behalf of Aldi Stores Ltd. The scheme design details an increase of 15 parking spaces provided for the store (an increase of 23%), taking total provision to 79 spaces. The design also highlights the retention of a number of trees, particularly along the boundary to the residential properties, and the replanting of trees, particularly to the west of the site, to partially offset the loss of mature trees.

3.4 It should be noted that the scheme design is only for feasibility at this stage. The development of the site will require a planning application and therefore a final scheme design, based on the principles highlighted and the requirements of planning regulations, will be required. This requirement also provides a further opportunity for the public to challenge and object to a scheme as proposed by Aldi Stores Ltd. The transfer of land to Aldi would be subject to a successful planning application.

3.5 In accordance with the Council's statutory duty under Section 123(2A) Local Government Act 1972 the proposed disposal of land was advertised in the Gloucestershire Echo and The Citizen on two consecutive occasions in June 2017. As a result of that consultation, 16 objections were received and considered by Executive Committee. The objections focussed on the environmental impact, particularly in light of the works undertaken by Western Power Distribution to the hedge surrounding the sub-station on the opposite corner to Lincoln Green Lane, but also highlighted concerns around the devaluing of property and access to the proposed parking extension.

3.6 Having considered the issues and objections raised, the Executive Committee approved the disposal of land subject to confirmation of no additional access from Lincoln Green

Lane being granted and that a proportion of the capital receipt be reinvested in community facilities for this neighbourhood. The decision was subject to call in but no call in was made during the available period.

- 3.7** Following the decision at Executive Committee, the Council has received a Community Right to Bid for the parcel of land, a request for tree preservation orders on site, a number of freedom of information requests relating to the sale, a letter from Tewkesbury Civic Society objecting to the sale and the petition presented within this report.
- 3.8** At the time of writing, the Community Right to Bid is under consideration by the Borough Council. If accepted, the nominating group will be invited to make a bid for the parcel of land. The group has six weeks to make the decision that it wishes to bid and a further six months to accumulate the funds and make a bid. The landowner is not under a duty to accept this bid and is free to sell the land to whomever they wish.
- 3.9** The request for tree preservation orders is also being considered. If accepted, this will require anybody wishing to develop the land to submit an enhanced environmental statement as part of the planning application.
- 4.0 CONSIDERATION OF THE PETITION**
- 4.1** The petition received lists a number of reasons, as detailed at 2.3, objecting to the sale of the land. These reasons are touched upon within the following paragraphs as well as other points of consideration for Council.
- 4.2** In terms of evaluating the loss of public benefit, Members may wish to consider a number of aspects. These include:
- The provision of open space available across the whole of the Battle Estate and neighbouring sites including the fields to the rear of the Council offices.
 - The intended use of the site is for the benefit to the wider community of Tewkesbury and surrounding areas who may wish to shop at Aldi and currently find parking on site an issue.
- 4.3** The intended scheme will retain a number of mature trees and ensure the replanting of a number of felled trees. The increased parking provision will help shoppers find spaces quicker during peak demand and thus avoid the unnecessary running of car engines whilst waiting for spaces.
- 4.4** The Council does not have empirical evidence to support the need or otherwise for additional car parking on site and only has casual visual observations and issues raised regarding parking in the area to support the disposal. From this evidence, it is apparent that demand to use the store can be high. It should also be noted that Tewkesbury and the surrounding area continues to see development of additional residential properties whose residents may wish to shop in Aldi therefore applying additional pressure to the current 64 space provision.
- 4.5** The local management of the Aldi Store has also confirmed that they regularly receive complaints regarding queueing traffic and customers parking outside of the designated store car park. In addition, Aldi has confirmed that its new store strategy requires a minimum car parking provision of 100 spaces, regardless of the size of the store, and it is actively looking across the country for additional land purchases to boost the parking provision at stores not currently meeting this requirement. Whilst this potential sale would increase parking provision to 79 spaces, Aldi is content with that level and is not actively looking for any other locations within the Tewkesbury area.
- 4.6** A review of the Historic England website in regards of the battlefield reveals that the current designated battle site (last updated in March 2017) excludes the site in question.

The designation specifically excludes this site along with the developed area of the Battle estate, the Aldi store itself and a number of residential properties along Gloucester Road.

- 4.7** A review of the Environment Agency's flood map tool reveals that this site is situated within flood zone 1. This is the lowest designation and reflects a low probability of flooding. Only residential properties to the rear of the estate fall into flood zone 2. Issues with regards to flooding and water drainage would be picked up during the planning process and would highlight any water attenuation requirements.
- 4.8** The Council has previously been approached regarding the potential for a partial private sale to a local resident for the intended purpose of extending private garden space. These approaches were considered but rejected due to the intended private use. Where officers felt that the offer from Aldi differed to the previous inquiries was that the intended use still benefited the wider community through the parking provision.
- 4.9** Members are asked to consider the petition and the points raised within this report and decide what course of action to take, if any, to reflect the best interests of the Borough Council and Borough residents.
- 5.0 OTHER OPTIONS CONSIDERED**
- 5.1** Options available to the Council following receipt of a petition are detailed at 2.2.
- 6.0 CONSULTATION**
- 6.1** The Council is required to advertise its intended disposal of public open space in line with Section 123 of the 1972 Local Government Act. This requirement has been fulfilled.
- 7.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 7.1** Asset Management Plan.
- 8.0 RELEVANT GOVERNMENT POLICIES**
- 8.1** None.
- 9.0 RESOURCE IMPLICATIONS (Human/Property)**
- 9.1** As detailed within the report.
- 10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 10.1** As detailed within the report.
- 11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 11.1** None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 As set out in Section 3 above.

Background Papers: Land at Lincoln Green Lane report – Executive Committee 12 July 2017.

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Appendices: A – Petition Scheme.
B – Petition Details.
C – Site Plan.
D – Draft Scheme Design.