

17 December 2009

Thank you for your recent letter on the Cinema Site and the Conservation Area.
I hope that the following comments are helpful.

QUESTIONS re: Cinema Site

16 July 2009

- Daniel Bech, RTW Town Forum Community Champion / Telephone House Neighbours Association, to Councillor Leonard Price, Culverden Ward, Royal Tunbridge Wells and Mayor of the Borough of Tunbridge Wells.

The RTW Town Forum has in their objectives as first issue: Royal Tunbridge Wells is becoming clear of 'Grot Spots' with priority on the Ritz Building / Cinema Site by 2010.

Cinema Site

It is important to remember that this site is entirely in private ownership and thus the Council has no formal control over the progress of demolition or the new development. Having said that if, in the light of what I say below, progress is not evident during the early part of next year, it may be appropriate for the Council to consider whether it should assume greater control, either via the Regeneration Company, or through the service of a Compulsory Purchase Order.

Business rates

When the RTW TF objectives were endorsed, we had been made promises that demolition of the cinema site would commence in January 2009. Up to then the usual excuse was that business rates are paid and after demolition that would not be the case anymore, therefore a demolition would not be in the best interest of the Council. This was suggested at various Town Forum meetings in 2007-2008 by former Cllr Wakefield, Sean Clark, Robert Cottrill and the Leader of the Council Roy Bullock (his online-blog). However on asking for the exact amount of business rates paid, Sean Clark revealed that no business rates are charged.

- Would it not have been (and still is) the duty of the Council, that if business rates were applicable for the Cinema site, that the owners would have been charged business rates?

Your understanding of the position with regard to business rates is fundamentally wrong. The Council has never taken the view that demolition would not be in its best interests as this would mean that business rates would not be paid. It is certainly the duty of the Council to collect business rates where they are payable, and then to pass them to Government [they are not retained by the Borough Council]. It is the case that business rates are not payable on the empty cinema itself as that is exempt because it comes under the rateable value threshold.

Once demolition starts, the owners can apply to the Valuation Office to have assessments taken out of rating. Until that time, where appropriate, rates are payable.

Demolition

As obviously the excuse of business rates did not hold,

- what other possible delays could there be?

Mr Swann, representing the developer had told members of the Town Forum that he as well would be glad to see a demolition asap. This was in February 2008 and reconfirmed in September 2008.

A further problem to implement the plans for the site seems to be two claimed rights of way.

- Are these rights confirmed now and if, is the developer going into appeal?
- How long could such a procedure take?
- In case of the rights becoming lawfully established will a new planning application be needed?

The delay in the scheme progressing has been as a result of the claim that publically used rights of way exist across the site and the need for these to be altered to fit in with the new development. The necessary amended planning permission was granted in October, but formal approvals under other legislation were also required. Unfortunately the new routes attracted objections which, if not removed, could require a public inquiry and consequent substantial further delay. I am pleased to say that through negotiation these were recently withdrawn and as a result Planning Committee was able, on Wednesday of this week, to agree to the making of the formal Order confirming the new routes. Providing that Order does not attract further objection as a result of the required 28 day advertisement, that will be the last of the necessary technical approvals in place. I believe that demolition could then be carried out.

- What is the position of Network Rail?
- Is it confirmed by now that there will be no complications to the tunnel and that Network Rail has given its consent?

My understanding is that no further approvals are required from Network Rail.

Construction

Among the many rumours we heard was that the developer has not found yet an operator for the planned hotel section and they have difficulties to find a management company for the office block.

- If it is confirmed that contracts with these parties are signed, would it be possible for you to let us know who they are.

In the current climate I would expect some pre let of space to be essential before construction takes place. I understand that agreement has been reached with a hotel operator but I am not able to confirm their identity.

Trevor Gasson
Interim Director of Development and Planning
Tunbridge Wells Borough Council

17 December 2009

QUESTIONS re: RTW Conservation Area at Risk

16 July 2009

- Daniel Bech, RTW Town Forum Community Champion / Telephone House Neighbours Association, to Councillor Leonard Price, Culverden Ward, Royal Tunbridge Wells and Mayor of the Borough of Tunbridge Wells.

Of the 25 Conservation Areas in the Borough of Tunbridge Wells, the only declared to be at Risk – is the one of **Royal Tunbridge Wells**. This verdict might have a wide impact on economy, house prices and tourism.

- What is the Council intending to do to reverse this?

Here is what English Heritage suggests:
What Local Authorities can do

- Make sure that Article 4 Directions are being used where they can help protect the local character.
- Take rapid Enforcement Action against unauthorised development to maintain standards and consistency.
- Make sure each conservation area has had a Character Appraisal carried out which will identify clearly and specifically which buildings and features contribute towards the area's character and which don't.
- Provide each conservation area with a Management Plan that includes policies for its streetscape, highways, landscapes and public spaces. They help ensure that the special character is protected when making decisions on planning applications or in identifying projects of enhancement to the public spaces.
- Use the guidance of English Heritage's Streets for All to make sure the streetscape is managed in an integrated way.
- Identify historic buildings at risk within the conservation area and prepare an action plan for their repair and reuse.
- Make sure they appoint an elected member Heritage Champion and listen to the views they gather from meeting local people.
- Give residents and local businesses information about the benefits and restrictions that come with Conservation Area designation and work with local groups on the long-term stewardship of the area.

Conservation Area at Risk

The Borough Council fully recognises the various pressures on the Royal Tunbridge Wells Conservation Area.

Looking specifically at the supplied list taken from English Heritage and the suggestions of what a Local Authority can do in its conservation areas:

- Article 4 - The Council has already over recent months examined the issue of article 4 directions and where this sits in the already significant demands placed on its Heritage Service. The tragic death of a member of staff and maternity leave has recently severely depleted current capacity. As the Town Forum and the Civic Society are aware, it is intended to initiate a partnership approach with them, in preparing article 4 directions in the New Year.
- Enforcement – The Council already has an enforcement strategy which prioritises Listed Buildings and Conservation Areas.
- Character Appraisal - Royal Tunbridge Wells has a Conservation Area Appraisal which was carried out in 2000.
- Management Plans – These are a relatively new suggestion. The Council is currently piloting these in two other conservation areas in the borough. It is intended that the Town Centres Area Action Plan

currently being prepared should utilise any best practice particularly regarding streetscape and public realm matters, as these are considered particularly strong characteristics of Royal Tunbridge Wells.

- Streets for All guidance - The borough council fully support the English Heritage Streets for All guidance. Indeed it should be highlighted that we actually contributed to its preparation and are featured in the document for our good practice in looking after streetscape and for ensuring careful attention to local detail.
- Buildings at Risk - The Borough Council pioneered a survey of all its listed buildings to identify those at risk according to the assessment criteria. In 1996 we developed a Buildings at Risk strategy and allocated funding to help tackle those identified, in combination with use of statutory notices - a carrot and stick approach. Whilst this has effectively addressed all those buildings we still try to monitor new long term vacant properties. We did also develop a specific Grave Risk Project for the many tomb chests and churchyard monuments that had been identified through the survey. This has been highly successful and featured in heritage magazines.
- Member Champion - The Borough Council actually has elected two Heritage Champions.
- Local group liaison / information - Officers and Members regularly attend Town Forum meetings and generally three specific meetings with the Civic Society each year. The Council's web site has information and links on 'conservation of the built environment' pages.

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