

Cheltenham Borough Council

Cabinet

14 October 2014

2 Gloucester Road

Accountable member	Cabinet Member Finance, Councillor John Rawson
Accountable officer	David Roberts, Head of Asset and Property Management
Ward(s) affected	St Peters
Key Decision	No
Executive summary	<p>2 Gloucester Road is a new retirement development that is owned and being built by Rusty Shilling Limited. They are building 54 retirement flats with various ancillary recreational facilities for the flat owners. The proposed scheme is set to be completed by March 2015.</p> <p>The Council's planning department has stipulated that as part of the scheme a bridge from the block of flats onto the Honeybourne line needs to be constructed. This will allow the flat owners easy access onto the line and create a pleasant environment.</p> <p>In order for the bridge to be built, Rusty Shilling Limited needs the council's permission as owner of the Honeybourne line. The bridge will oversail onto the council's land as shown in green on the plan (see Appendix 2).</p> <p>Rusty Shilling Limited has also expressed an interest in acquiring a lease of the area highlighted blue on the plan, to ensure that it is kept tidy and well maintained in keeping with their retirement complex. This area is currently uncultivated scrub land which is very steep and hard to access.</p> <p>The land is identified as Open Space and a public notice has been advertised in accordance with S123(2A) of the Local Government Act 1972 and it is confirmed that no objections to the disposal were received</p>
Recommendations	<p>That Cabinet</p> <ol style="list-style-type: none">1. Agrees to declare surplus the parcels of open space land outlined in green and blue on the attached plan (attached as Appendix A) to approve the grant of a lease in respect of these two areas of land (together with necessary ancillary rights) to Rusty Shilling Limited for a term of 20 years:2. Delegates authority to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the leases and authorises the Borough Solicitor to enter into such documents as she considers necessary or advisable to reflect the terms agreed, and upon such other terms as she considers appropriate to reflect the agreement reached.

Financial implications	<p>The lease of the land at 2 Gloucester Road will result in additional income of £100 per annum with any costs of maintaining the site being incurred by the tenant.</p> <p>Contact officer: Nina Philippidis, Accountant nina.philippidis@cheltenham.gov.uk, 01242 264121</p>
Legal implications	<p>As the land is public open space, the council is obliged to advertise its proposed disposal and consider any relevant objections before deciding whether or not to dispose.</p> <p>The council also has a statutory duty, when disposing of land by a lease of 7 years or more, to obtain the best consideration that is reasonably obtainable.</p> <p>Contact officer: Rose Gemmell , rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
Key risks	<p>There is a risk that the bridge falls into disrepair or the proposed tenant fails to keep the embankment tidy. The lease provisions would deal with these risks, the ultimate sanction being termination of the lease. The lease provisions will require a removal of the bridge (if the council requires) insofar as it oversails the council's property if the lease is terminated. Prior to such action being taken the council would have to consider the implications in respect of the planning permission.</p> <p>In the event of termination of the lease the responsibility for the embankments would return to the council</p>
Corporate and community plan Implications	None
Environmental and climate change implications	As set out in the report.

1.0 Background

- 1.1** Rusty Shilling Limited is building 54 retirement flats with on site recreational facilities. The site is situated in the corner of Gloucester Road and Tewkesbury Road and adjacent to the Honeybourne Line. They are aiming for the build to be completed in March 2015.
- 1.2** Part of the planning consent was that a bridge be built from the first floor accommodation onto the Honeybourne Line. The bridge will touch the wall leading onto the Honeybourne line but will not touch the walkways. The bridge is to allow residents of the retirement home easy access onto the Honeybourne Line as well as it creating an artistic feature. The bridge is designed to ensure that there will be no

interference with the future use of the Honeybourne Line, a route which is protected in the Local Plan and reserved for a potential bus/tram service

- 1.3 Rusty Shilling Limited have expressed a interest in acquiring a lease of the embankments coloured blue on the plan, they are intend to use these embankments for landscaping. The embankments are very steep and lead from their site to the Honeybourne Line. The areas are currently overgrown and are prone to litter. They would like to maintain this area as they consider that in its current condition it will detract from the development.
- 1.4 It is proposed that we lease the spaces shown blue and green on the plan to Rusty Shilling Limited for a term of 20 years. At a rent of a £100 per annum, with 5 yearly rent reviews and the Landlord will have a three month rolling break.
- 1.5 The land is Open Space and the appropriate Notice detailing the proposed leasehold disposals pursuant to S123 (2A) of the Local Government Act 1972 was placed in the Gloucestershire Echo on 8th August and 15th August. The Notices gave details of the proposed disposals and asked that if there were any objections to send them in writing to the Borough Solicitor by 9am on 29th August 2014. No objections were received.

2. Reasons for recommendations

To allow the developers of 2 Gloucester Road to create a more pleasant living environment for the residents of the retirement apartment and to keep the areas shown ion the plan in a clean and tidy state.

2.1 Alternative options considered

- 2.2 Cabinet could decide not to agree to the leasehold disposals contained but this would result in the area remaining over grown and littered and would lead to the developers seeking to get the planning consideration for the bridge dismissed.

2.3 Consultation and feedback

- 2.4 Ward members and senior council officers have been consulted about this proposal and no adverse comments received,

Performance management –monitoring and review

- 2.5 Not Applicable

Report author	Contact officer: Rebecca Conway rebecca.conway@cheltenham.gov.uk, 01242 775148
Appendices	1. Risk Assessment 2. Location Plan
Background information	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the lease is not granted to the developers then they will not be able to fulfil their planning obligations.	DR	11 Sept 2014	2	1	2	Accept & Monitor	To ensure that the lease is satisfactorily completed and the subsequent works carried out correctly.	March 2015	RC	