

**Cheltenham Borough Council**  
**Cabinet-9 December 2014**  
**Land Adjacent to 6 Saville Close**

<b>Accountable member</b>	<b>Cabinet Member for Finance Councillor John Rawson</b>
<b>Accountable officer</b>	<b>David Roberts (Head of Asset and Property Management)</b>
<b>Ward(s) affected</b>	<b>Pittville</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>➤ Albemarle Orchard Garden, a voluntary association of local residents, would like to take a lease for 5 years on the land adjacent to 6 Saville Close. They would like to use it as a community orchard which will be open to members of the public. The lease will be at peppercorn rent. The proposal has the support of Asset Management Working Group The land is identified as Open Space and has been advertised in accordance with S123(2A) Local Government Act 1972 and it is confirmed that no objections to the disposal have been received</p>
<b>Recommendations</b>	<p><b>That Cabinet :-</b></p> <ol style="list-style-type: none"> <li><b>1. Agrees to declare surplus the land adjacent to 6 Saville Close and shown edged red on the plan accompanying this report</b></li> <li><b>2. Delegates authority to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease</b></li> <li><b>3. Authorises the Borough Solicitor to complete the lease upon the terms negotiated by the Head of Property and Asset Manager, together with such other ancillary terms and documents as she may consider necessary or advisable</b></li> </ol>
<b>Financial implications</b>	<p>The land is currently unused and not generating an income to the council. Following the granting of a lease, the maintenance responsibility for the land will be that of the tenant.</p> <p><b>Contact officer: Nina Philippidis, Accountant</b>  <b>nina.philippidis@cheltenham.gov.uk, 01242 264121</b></p>
<b>Legal implications</b>	<p>As members of the public have had access to the land and apparently used it for the purposes of recreation, it has been considered prudent to treat the land as open space and comply with the obligations contained in section 123(2A) of the Local Government Act 1972, by advertising the proposed disposal in a local paper and consider objections (if any).</p> <p>Whilst a lease for this rent would normally be within the delegated authority of the Director of Resources, because of the possibility that this land is open space it has been considered appropriate to bring this report before Cabinet in order to authorise its disposal.</p> <p><b>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</b></p>
<b>Key risks</b>	None as there have not been any objections to the advertisement.

<b>Corporate and community plan Implications</b>	None
<b>Environmental and climate change implications</b>	

## **1.0 Background**

- 1.1** The land adjacent to 6 Saville Close (shown edged red on the plan accompanying this report) is an undeveloped garden site which was previously used as a turf nursery. It extends to some 0.09 ha. The land is currently secluded from the roadway by a 2 metre high hedge and is accessed via a gateway along Saville Close, which is an adopted public highway.
- 1.2** Options have been considered previously for the site and it has been considered that a community orchard would best suit the site at this current time. This approach was supported by the Asset Management Working Group on the 25<sup>th</sup> September 2014.
- 1.3** The Albemarle Orchard Garden group wishes to create and manage a community orchard garden. The orchard will host an apple day, various community gatherings and horticulture shows. The group have come up with a business plan and have secured funding through the Council's Community Pride scheme and are currently seeking the appropriate planning consents.
- 1.4** The group would like to carry out the planting of the trees in early January 2015, so would like a lease to start as soon as possible.
- 1.5** The land is considered to be open space within the statutory definition, as it is understood that members of the public have used it for the purposes of recreation. The appropriate Notice detailing the proposed leasehold disposals pursuant to S123 (2A) of the Local Government Act 1972 was placed in the Gloucestershire Echo in October 2014. The Notice 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 21 November 2014. No objections were received.

## **2. Reasons for recommendations**

- 2.1** To allow the Albemarle Orchard Garden group a lease of the land adjacent to 6 Saville Close which is currently unused.

## **3. Alternative options considered**

- 3.1** Cabinet could decide not to agree to the leasehold disposal but this would mean that the Council would need to carry on maintaining the land and continue with any liability associated with it.

## **4. Consultation and feedback**

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

## **Performance management –monitoring and review**

- 4.2** Not Applicable

<b>Report author</b>	<b>Contact officer: Rebecca Conway</b> <b>rebecca.conway@cheltenham.gov.uk,</b> <b>01242 775148</b>
<b>Appendices</b>	1. Risk Assessment 2. Location Plan
<b>Background information</b>	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 disposal of the public open space is not granted then it may mean the land remains under used	DR	14-10-2014	33	1	33	Accept & Monitor	Recommend the grant a new lease		RC	