

## Proposed disposal of the freehold interest of Montpellier Lodge

### Consideration of formal objections received following public consultation

#### First letter of objection

- 1.1 A formal letter of objection was received on 5th April 2011 to the proposed disposal of the premises for use as a restaurant/cafeteria following press adverts issued in a local newspaper in late March.
- 1.2 The letter was from Proun Architects Ltd. in London – copy attached
- 1.3 Seven separate objections are raised in the letter.

#### The responses of the Head of Property and Asset Management and Head of Legal Services to each of the seven objections are detailed below

- 2.1 Objection 1 *The Lodge is part of a public open space. The sale of the property will result in an area of public land being lost to private developers.*

Response Although part of the park, the Lodge has and remains inaccessible to the public as it was the former park keepers private residence. For many years the Lodge, it's gardens and rear courtyard have been fenced off from the wider park gardens and entrance to the premises are kept locked at all times. This will change if a restaurant /cafeteria opens, as the the site will be opened up for the public to use during opening hours. Therefore, no public land will be lost as the proposed sale will actually make the Lodge, garden and courtyard physically accessible to the public.

- 2.2 Objection 2 *The Lodge is owned by the public and should remain as such. It is an asset for future generations*

Response The Council has no current or known future need for the Lodge. Keeping it as an unused asset would be increasingly costly, the estimated preventative maintenance costs to simply keep the premises up to a reasonable standard over the next 20 years being £141,000, which would clearly be wasteful expenditure of public monies

- 2.3 Objection 3 *Any sale should be through auction with both the end use and finance taking equal stance*

Response This is not relevant as the objection does not relate to the potential loss of public open space.

- 2.4 Objection 4 *The Park is a place of relaxation. A small cafe exists. A large cafe will destroy the ambience*

Response The Lodge is situated in the western corner of the park and is in a small fenced off area. As well as being inaccessible to park users (as mentioned 2.1 above) either with or without the presence of the Lodge, this particular area of the park could never be regarded as a place of relaxation or to provide an ambience due to it being in close proximity to both Montpellier Walk and Montpellier Terrace and also very near to a busy roundabout where traffic queues build up. Also a bus stop exists right outside the front of the premises on what is a busy

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transport route and, to the right of the building is the main access road to the Gardens and just beyond that the public toilets.

A conversion of the Lodge to the proposed use is therefore most unlikely to have any greater adverse effect on any perceived ambience than the above, and to many a south facing conservatory style extension at the rear of the Lodge would provide both an ambience and a place for relaxation in all weathers.

Not all users wish for the park just to be a place of relaxation. It is a public space and different users may wish to use it in different ways. People may well see the new use as an additional benefit to the park and it is further anticipated having the Lodge converted and extended to the proposed use would actually attract more people into the park itself as the entrance to the premises is at the side of the building beyond the actual entrance gates to the Gardens.

- 2.5** Objection 5 *A further restaurant/café is not required in Cheltenham. There are numerous opposite the Lodge.*

Response This is not relevant as the objection does not relate to the potential loss of public open space.

- 2.6** Objection 6 *Smells from cooking on the premises will infiltrate the gardens*

Response This is not relevant as the objection does not relate to the potential loss of public open space.

- 2.7** Objection 7 *There has been inadequate public consultation on the sale of a public asset*

Response The Council has followed the provisions laid down in s123 (2A) of the local Government Act 1972 and has thus provided adequate public consultation.

## **Second letter of objection**

- 3.1** A second letter of objection was received during the consultation period from the tenant of the Council's cafe nearer to the centre of the Gardens. These premises are identifiable on the site plan of the main report, being located just to the north of the square shaped childrens play area.
- 3.2** The letter stated an objection to another cafe opening in the Gardens in competition to the tenant's business.
- 3.3** The Head of Property and Asset Management and the Head of Legal Services consider this objection to be not relevant as it does not relate to the potential loss of public open space.
- 3.4** However, this very aspect has been the subject of discussion at the Asset Management Working Group meeting in December 2011 and it was considered that this particular cafe caters for a different type of customer to that of the proposed restaurant.
- 3.5** The letter is not attached as this came from a private individual as opposed to the first letter, which had a Company letterhead.

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