Cheltenham Borough Council  
Cabinet Meeting – 10\textsuperscript{th} July 18  
Appropriation of land at Monkscroft Villas from ‘open space’ to ‘housing’  
(Permission to Appropriation of Open Space) 

<table>
<thead>
<tr>
<th>Accountable member</th>
<th>Cabinet Member for Finance, Councillor Rowena Hay</th>
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</thead>
<tbody>
<tr>
<td>Accountable officer</td>
<td>Head of Property &amp; Asset Management, Dominic Stead</td>
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<td>Ward(s) affected</td>
<td>Hester's Way</td>
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**Key/Significant Decision**  
Yes

**Executive summary**  
To incorporate land currently considered General Fund Open Space and appropriate to HRA Housing in order to form part of a wider plot area for development.

The site to be appropriated currently has an access road off Princess Elizabeth Way leading to a rectangular plot currently with hardstanding, dilapidated storage units/garages – much of the site is overgrown with vegetation.

The site has been used for storage on an ad hoc basis by the parks team and an alternative site has been found.

The site measures approximately 0.31 acres. Please see plan with site shown with a red outline.

Although the land is held as open space it is not generally accessible by the public. The appropriation is to create additionality when linked to the adjacent Monkscroft site in order to provide much required new homes for social tenants.

**Recommendations**  
That Cabinet RESOLVES

1. To authorise the Head of Property in consultation with the Cabinet Member Finance and the Borough Solicitor to appropriate the site from open space to housing in order to provide additionality when linked with the adjacent Monkscroft villas site in order to provide much needed social housing in Hesters Way Ward.
| Financial implications | The site is yet to be valued. This will be determined once it is confirmed what potential development options are viable.  

The site is currently unoccupied and no income received from the site.  

Should this appropriation not proceed it is likely to prohibit development opportunities of the adjacent Monkscroft Villas site.  

**Contact officer:** Andrew Knott, Andrew.knott@cheltenham.gov.uk, 01242 264121 |
| Legal implications | The property is currently held as public open space. In these circumstances, where an appropriation is proposed, under s122(2A) of the Local Government Act 1972 the Council has to advertise the proposed appropriation and consider objections before making the appropriation.  

In order to be relevant, objections to the appropriation should relate to the loss of the property as public open space.  

**Contact officer:** Rose Gemmel, Rose.Gemmel@tewkesbury.gov.uk, 01684 272014 |
| HR implications (including learning and organisational development) | Not applicable  

**Contact officer:** , @cheltenham.gov.uk, 01242 |
| Key risks | If the land is not Appropriated it will potentially be detrimental to the development of the adjacent Monkscroft villas site and therefore limit the viability of a significant social housing provision on the site. |
| Corporate and community plan Implications | 1. The site is to be used to provide or support the provision of social housing within the Cheltenham Borough. |
| Environmental and climate change implications | 1. All considerations for environmental and climate change will be undertaken at the planning stage.  

2. Although the plot is designated as open space it does not form part of Hesters Way park.  

3. Predominantly the site constitutes hardstanding and dilapidated storage buildings. |
| Property/Asset Implications | **Contact officer:** Dominic.Stead@cheltenham.gov.uk |
1. **Background**

1.1 To incorporate land currently considered General Fund Open Space and appropriate to HRA Housing in order to form part of a wider plot area for development.

1.2 The site to be appropriated currently has an access road off Princess Elizabeth Way leading to a rectangular plot currently with hardstanding, dilapidated storage units/garages – much of the site is overgrown with vegetation. The site measures approximately 0.31 acres. Please see plan with site shown with a red outline.

1.3 The site has been used for storage on an ad hoc basis by the parks team and an alternative site has been found.

1.4 The decision to appropriate the plot from Councils open space has been advertised for 2 consecutive weeks as a ‘disposal of open space’ pursuant to s.122 of the Local Government Act 1972 in the public notices section of the Gloucestershire Echo.

2. **Reasons for recommendations**

2.1 The site is to be appropriated from open space to housing in order to provide additionality when linked with the adjacent Monkscroft villas site in order to provide much needed social housing in Hesters Way Ward.

2.2 No income is being received from the site.

2.3 There is shortage of social housing within the Cheltenham Borough and the Monkscroft villas site is deemed as a key site with development potential.

2.4 Although the plot is designated as open space it does not form part of Hesters Way park and not accessed by the public.

3. **Alternative options considered**

3.1 Alternatively the site could remain as open space however it will prohibit the future potential development opportunities.

4. **Consultation and feedback**

4.1 Members of the public and ward councillors have been advised of the appropriation.

4.2 Two objections have been received, and considered, however are deemed to have little relevance to the appropriation of public open space.

5. **Performance management –monitoring and review**

5.1 The Borough Solicitor in consultation with the Property and Asset Management Team will undertake the appropriation.
<table>
<thead>
<tr>
<th>Report author</th>
<th>Contact officer: Harry Lea, <a href="mailto:Harry.Lea@cheltenham.gov.uk">Harry.Lea@cheltenham.gov.uk</a>, 01242 264112</th>
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<tbody>
<tr>
<td>Appendices</td>
<td>1. Risk assessment</td>
</tr>
<tr>
<td></td>
<td>2. Plan showing site area outlined in red</td>
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<td></td>
<td>3. S.122 appropriation objections</td>
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<tr>
<td>Background information</td>
<td>1. None</td>
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## Risk Assessment

### Appendix 1

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<tr>
<th>Risk ref.</th>
<th>Risk description</th>
<th>Risk Owner</th>
<th>Date raised</th>
<th>Impact 1-5</th>
<th>Likelihood 1-6</th>
<th>Score</th>
<th>ControlAction</th>
<th>Deadline</th>
<th>Responsible officer</th>
<th>Transferred to risk register</th>
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<tr>
<td></td>
<td>If land is not appropriated no additionality will be created when linked with Monkscroft villas site and therefore limiting options for future development of social housing.</td>
<td>Harry Lea</td>
<td>6.06.18</td>
<td>5</td>
<td>2</td>
<td>10</td>
<td>Accept &amp; monitor</td>
<td>Ensure cabinet approval is granted for the appropriation in order to provide Cheltenham Borough Homes with a potential developable site in order to provide much needed social housing.</td>
<td>14.06.18</td>
<td>HL</td>
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### Explanatory notes

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close