

Cheltenham Borough Council

Cabinet – 9 October 2018

Freehold Disposal of Public Open Space – Surplus Land Forming Part of King George V Playing Field

Accountable member	Cabinet Member for Finance, Councillor Rowena Hay
Accountable officer	Head of Property & Asset Management, Dominic Stead
Ward(s) affected	St Mark's
Key/Significant Decision	No
Executive summary	<p>The strip of land shown on the attached plan outlined in red forms part of King George V Playing Field which is designated as 'public open space' and is approximately 200m². The strip of land has overgrown vegetation and does not form part of the main recreational area.</p> <p>New Dawn Homes (a developer) acquired land adjacent to the strip of land and have recently submitted a planning application for 18 residential homes. The site is likely to be developed in the near future and will limit access to the strip of land in our ownership.</p> <p>The land has limited access at present and will be very challenging to manage trees and vegetation post development of the neighbouring site and therefore it is proposed we dispose of the land.</p>
Recommendations	<p>That Cabinet RESOLVES</p> <ol style="list-style-type: none">1. Delegation to the Head of Property & Asset Management (in consultation with the Cabinet Member for Finance) to dispose of the land for best consideration and upon such other terms as are deemed appropriate.2. Authorises the Borough Solicitor to prepare and conclude the necessary documentation.
Financial implications	<p>Should the land be sold this will generate a capital receipt.</p> <p>The impact on the revenue budget will be insignificant due to the nature of tree maintenance.</p> <p>Contact officer:</p> <p>Jon.Whitlock@publicagroup.uk , 01242-264354</p>

Legal implications	<p>The Council is under a statutory obligation under section 123 of the Local Government Act 1972 to secure the best consideration reasonably obtainable.</p> <p>In addition, where the property is public open space the Council must advertise the proposed disposal for 2 consecutive weeks in a local newspaper and consider relevant objections. Any objections will be reported at the cabinet meeting.</p> <p>The strip of land is not protected as 'field in trust'.</p> <p>Contact officer:</p> <p>rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	<p>Not applicable.</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	<p>Should the land not be sold to New Dawn Homes it will remain as a nuisance and cost for Cheltenham Borough Council to manage with access being very challenging.</p> <p>The land may also become a sheltered/enclosed area that may encourage anti-social behaviour.</p>
Corporate and community plan Implications	<p>None</p>
Environmental and climate change implications	<p>Chis Chavasse (Senior Trees Officer) comments from a previous planning application 17/02460/FUL;</p> <p>"To have such a narrow strip of land bordered on both sides by private housing would make it become very difficult to manage and the land would soon become (even more) derelict with tree management/surgery very difficult to achieve. It would be far more preferable to incorporate this strip of land into rear gardens of the proposed plots thereby giving more generous plot sizes as well as negating CBC's responsibilities."</p>
Property/Asset Implications	<p>As outlined in this report.</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

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Appendices	1. Appendix 1 – Risk Assessment 2. Appendix 2 - Plan

1.2 Background

- 1.3** The strip of land shown on the attached plan outlined in red forms part of King George V Playing Field which is designated as 'public open space' and is approximately 200m². The strip of land has overgrown vegetation and does not form part of the main recreational area.
- 1.4** New Dawn Homes (a developer) acquired land adjacent to the strip of land and have recently submitted a planning application for 18 residential homes. The site is likely to be developed in the near future and will limit access to the strip of land in our ownership.
- 1.5** The land has limited access at present and will be very challenging to manage trees and vegetation post development of the neighbouring site and therefore it is proposed we dispose of the land. The management of this land is also a cost to Cheltenham Borough Council.
- 1.6** The planning team have advised selling the land will not impact the planning decision however it will mean it can be incorporated within the gardens of new build residential properties. Trees identified will be incorporated into gardens.
- 1.7** It has been suggested that the land was retained by Cheltenham Borough Council as a pedestrian access route which is now no longer usable due to the surrounding land being developed.

2.0 Consultation and Feedback

- 2.1** As the property is public open space the Council must advertise the proposed disposal for 2 consecutive weeks in a local newspaper and consider relevant objections. It has been agreed the purchaser will be liable for these costs.
- 2.2** The planning team have advised selling the land will not impact the planning decision however it will mean it can be incorporated within the gardens of new build residential properties. Trees identified will be incorporated into gardens.
- 2.3** The Cabinet Member Finance, ward councillors and the Asset Management Working Group have been consulted and support the proposal.

3.0 Performance management – monitoring and review

- 3.1** Head of Property & Asset Management will negotiate the detail of the terms and the Borough Solicitor will prepare and conclude the necessary documentation.

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
	Should the land not be sold to New Dawn Homes Cheltenham Borough Council will continue to maintain the land however access will be very challenging.	Harry Lea	19/04/2018	2	5	10	Accept	Dispose of the land to New Dawn Homes	31/12/2018	Harry Lea	
	The land may also become a sheltered/enclosed area that may encourage anti-social behaviour.	Harry Lea	19/04/2018	4	3	12	Accept & monitor	Dispose of the land to New Dawn Homes.	31/12/2018	Harry Lea	
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											