

CABINET

22 NOVEMBER 2016

LAND ADJACENT TO GOLF DRIVING RANGE, STREET END ROAD, CHATHAM

Portfolio Holder: Councillor Adrian Gulvin, Resources
Report from: Perry Holmes, Chief Legal Officer
Author: Des Andrews, Senior Valuation Surveyor

Summary

This report advises Cabinet of the proposed residential redevelopment of the existing golf driving range and seeks delegated authority for officers to:

- Release or vary the restrictive covenant, which the site is subject to and;
- Dispose of or grant rights over the Council's frontage land to allow the completion of the proposed development.

1. Budget and Policy Framework

- 1.1 As the consideration payable to the Council for the release or variation of the restrictive covenant and the disposal of or grant of rights over the Council's land is likely to exceed £20,000, this is a matter for Cabinet.

2. Background

- 2.1 The land hatched black on attached plan (Appendix 1) was transferred by the City Council of Rochester upon Medway in August 1984.
- 2.2 The transfer restricted the use of the land: "For purposes of a golf driving range with its ancillary facilities or for the purpose of other similar leisure activities only and for no other purpose whatsoever." The transfer also contained limited rights over parts of the Council owned land edged black on attached plan.
- 2.3 The current owners of the golf driving range have marketed the site and entered into formal discussions with a major residential developer with a view to selling the site for the development of an estimated 120 residential units.
- 2.4 Both the owners and the residential developer have met with the Planning Department for pre application planning advice and planning officers are in principle supportive of the proposal.

2.5 Before the development can take place, the restrictive covenant as set out in paragraph 2.2 above will need to be released or varied and the developer will need to either acquire the Council's land edged black or be granted additional rights across it.

3. Options

3.1 Cabinet can decide to either:

3.1.1 Grant delegated authority to allow officers to vary or release the restrictive covenant and to allow the disposal of or grant of rights over the Council's land edged black.

Or

3.1.2 Refuse to delegate this authority, which would mean that the proposal is not taken forward.

3.2 The recommended option is 3.1.1.

4. Advice and analysis

4.1 If adopted, the proposals set out within this report will hopefully facilitate the regeneration of a significant area which will provide approximately 120 residential units (Including an element – 25% of affordable units). In addition to this, the Council should be able to realise a significant capital receipt from this transaction.

5. Risk management

5.1 If the Council refuses to vary or /release the covenant and dispose of its land or grant additional rights over it this will frustrate the development of the driving range and the Council will not be able to realise a significant capital receipt.

Risk	Description	Action to avoid or mitigate risk
The Driving Range is not developed.	Planning consent is granted for the development of the driving range but due the restrictive covenant and lack of adequate rights over the Council's land the site can't be developed.	Grant delegated authority to allow the covenant to be released or varied and to grant rights over the Council's land or dispose of it.

6. Consultation

6.1 The Council's Planning department has been consulted and on the basis that this is an urban site and the Council is significantly short on its 5 year housing land supply target, it is considered that release of this site in principle for housing is acceptable.

7. Financial and legal implications

- 7.1 The Council is under a duty to obtain the best consideration reasonably obtainable when it disposes of interests in property, unless consent is obtained from the Secretary of State or one of the general consents applies.

8. Recommendation

- 8.1 Cabinet is asked to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources to:
- 8.1.1 Vary or release the restrictive covenant which the golf driving range is subject to on the best terms reasonably obtainable.
- 8.1.2 Declare surplus the Council's frontage land as shown edged black on the attached plan, as set out in Appendix 1 to the report, and dispose of it and/or grant rights over it on the best terms reasonably obtainable.

9. Suggested reasons for decision(s)

- 9.1 In order to facilitate development and obtain a capital receipt.

Lead officer contact:

Des Andrews, Senior Valuer, Valuation and Asset Management

T: 01634 332084

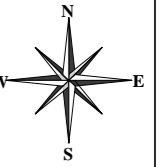
E: des.andrews@medway.gov.uk

Appendices

Appendix 1 – site plan

Background papers

None



**Land at Street End Road (adj. Chatham Golf Driving Range)
Chatham**