

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Meeting of Portfolio Holder for Housing Planning and Regeneration
held on Friday, 5th October, 2018 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillors A Arnold

Officers in attendance

Frank Jordan, Executive Director of Place

Andy Kehoe, Head of Asset Management and Regeneration

Lee Beckett, Surveyor

Stephanie Parkinson, Acting Legal Property Manager

Rachel Graves, Democratic Services

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 PUBLIC SPEAKING TIME/OPEN SESSION

Debbie Jamison, Secretary of Knutsford Residents in Over Ward addressed the meeting and requested that authority not be given to the assets team to dispose of the blue land as it was not surplus to requirements, was against the expert opinion of the Open Spaces Society and had not yet proved absolutely necessary and that the matter should be dealt with through the planning process.

Jeff Gazzard, Chair of Knutsford Residents in Over Ward, addressed the meeting and suggested that the covenant on the green land could be broken for the right reasons to get access to the development site and that there was no need to dispose of the blue land for access.

Adam Keppel-Green, Town Clerk of Knutsford Town Council, stated that the Town Council was opposed to the disposal of the blue land. The discharge of the covenant had not been fully explored and until this had been done the Town Council could not support the loss of public open space.

Councillor Tony Dean, Ward Councillor for Knutsford, stated he was generally in favour of the proposal. He understood that it was not an option to negotiate the covenant as some of the beneficiaries were not minded to give it up and asked if this was true.

4 PROPOSED DISPOSAL OF PUBLIC OPEN SPACE LAND AT LONGRIDGE, KNUTSFORD

The Portfolio Holder considered the options and issues in respect of a thin strip of land subject to a covenant (referred to as the Green land) and the disposal of a strip of land to enable access across other land (referred to as the Blue land) at Longridge/North Ridge, Knutsford.

Cabinet at its meeting on 10 October 2017 had considered a report exploring the potential for enabling access to a development site at Longridge, Knutsford, known, as LPS38 in the Local Plan.

Cabinet had resolved that the Executive Director of Place explore further options for facilitating access to the site over the covenanted 'Green land' and undertake further consultation on the same whilst concurrently advertise the intention to dispose of public open space land 'Green land' and 'Blue land' in accordance with the Local Government Act, and that the Portfolio Holder give due consideration to any representations made in response to the advertisement and decide whether or not to dispose of any or all of the 'green' or 'blue' land.

The Council had published the public open space disposal notices for two consecutive weeks in the local press on 23 November and on 30 November 2017 to confirm its intention to dispose of the land. A further notice was published with an amended plan on 14 December and 21 December 2017. In addition the information was made available at the Council Offices in Sandbach and on the Council's website. Knutsford Town Council were briefed in relation to the notices. The draft Portfolio Holder report was published on 17 July 2018 for a period of 28 days to allow an additional opportunity to make further representations.

The report before the Portfolio Holder detailed the following:

Appendix 1	Plan of Site, as per the Cabinet report of 10 October 2017
Appendix 2	Resolution of Cabinet 10 October 2017
Appendix 3	Representations (redacted) received in response to the public open space disposal notices
Appendix 4	Revised Plan of Site - published with public open space disposal notices of 14 and 21 December 2017
Appendix 5	Collation of Objections received to all public open space disposal notices
Appendix 6	List of Objections
Appendix 7	Grounds of Objections and Representations
Appendix 8	Briefing Report on Covenant on the Green land
Appendix 9	Representations (redacted) received in response to publication of the draft Portfolio Holder Report
Appendix 10	Summary of redacted representations on the draft Portfolio Holder Report

The extent of the lands referred to in the decision was defined on the plan at Appendix 4. The anticipated extent of the land to be disposed of, subject to planning, was indicated by a blue dashed line on Appendix 1 and was indicatively 4% of the blue land shown in Appendix 1.

External legal advice and Counsel advice had been sought in relation to the covenant on the green land and whether access across the land was feasible given the restrictions on the use of the land. The advice received was that the building of a structure would be a breach of the covenant and that the chance of success at Tribunal to make a change to the covenant was poor.

RESOLVED:

That, after having considered the objections and representations received as a result of the statutory process of advertising the Council's intention to dispose of the land identified in the statutory notices (or any part or parts of that land) and after considering the further work undertaken with regard to the viability of allowing access to LPS 38 over the Green land and considering the representations received in this regard, the Council is to proceed with the disposal of all or any part of the Green land and part of the Blue land. Reasonable endeavours are to be used to minimise the Blue land disposed of for the access road. Such disposals are to be subject to planning.

The meeting commenced at 2.30 pm and concluded at 3.00 pm

Councillor A Arnold