

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement, Assets and Shared Services

Date of Meeting:	22 March 2010
Report of:	Assets
Subject/Title:	Easement for Vehicular Access over Antrobus Street Car Park, Congleton.
Portfolio Holder:	Councillor Peter Mason

1.0 Report Summary

- 1.1 To consider a previous report and approval by 'The Property Review Panel' formerly of Congleton Borough Council, to grant a permanent vehicular access to the rear of 2 Swanbank (JD Wetherspoon), Congleton, across Antrobus Street Car Park.

2.0 Decision Requested

- 2.1 To approve the grant of a permanent vehicular right of access to the rear of 2 Swanbank, as per the original decision by 'The Property Review Panel' of Congleton Borough Council, on terms and conditions to be determined by the Asset Manager and Borough Solicitor.

3.0 Reasons for Recommendations

It was concluded by the former Congleton Borough Council Property Review panel on 28 January 1998, that it was always the intention to grant the then owner of 2 Swan Bank vehicular and pedestrian access rights across Antrobus Street Car Park.

The Parking and Markets Manager has confirmed that his Portfolio Holder has been consulted, and that they are in support of the above decision requested.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

Cllr Gordon Baxendale
Cllr Roland Domleo
Cllr David Topping

**6.0 Policy Implications including - Climate change
- Health**

6.1 N/A

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 N/A

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 Wetherspoons will be liable for a fair and reasonable proportion of the future maintenance costs of the said route of access.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The Council will be entering into a permanent right, however reserves the right to vary the route of such access, subject to reasonable notice being served.

10.0 Risk Management

10.1 ADL Traffic Engineering Ltd, and the Councils Design Team who dealt with the refurbishment of the car park, have both confirmed that the reconfigured car park is suitable to allow delivery vehicles to take access. The specification of surface also allows for the use of vehicles such as those proposed by JD Wetherspoon without detriment to its condition. The Council has reserved the right to amend the route of access.

11.0 Background and Options

Congleton Borough Council acquired the land as shown edged in red on the attached plan (Appendix 1) from the National Westminster Bank Limited in 1979 (edged blue). The land was acquired to form part of what is now Antrobus Street Car Park. As a condition of the purchase the National Westminster retained pedestrian and vehicular rights of way over the land in question. However, at the time, no formal rights of way were granted to access what was to be the other section of the car park, thereby providing access across the car park and onto Antrobus Street.

In two separate reports taken to the 'Congleton Borough Council Property Review Panel' dated the 29 September 1997 and 28 January 1998 it was concluded that it was always the intention to grant vehicular and pedestrian rights of access to Nat West. The Property Review Panel of Congleton Borough Council therefore granted approval on Wednesday 28 January 1998 for a permanent pedestrian and vehicular access, on terms and conditions to be determined by the Head of Technical Services, and the Legal Services Manager (Appendix 2).

Negotiations subsequently took place between the two parties, however due to a number of factors, including changes in personnel and concerns over the route of access for delivery vehicles, negotiations reached a stale mate.

JD Wetherspoon have since again contacted the Council with a view to formalising access arrangements.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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