

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	10 th October 2017
Report of:	Executive Director, Place
Subject/Title:	Sale of Land at Longridge, Knutsford
Portfolio Holder:	Councillor D Stockton, Regeneration

1.0 Report Summary

- 1.1 This report refers to land which is referenced in the Local Plan as Site LPS 38, Land South of Longridge, Knutsford, (referred to as The Site from hereon). The Site at Longridge, Knutsford was allocated to provide approximately 225 dwellings under the Local Plan which was adopted on 27th July 2017.
- 1.2 The Site is landlocked and can only be accessed via Council land. The Council land comprises a grass verge which is delineated 'green' and existing public open space land which is delineated 'blue', as illustrated on the plan enclosed within Appendix 1.
- 1.3 The existing public open space land is of poor quality suffering from inadequate drainage. The grass verge comprises overgrown vegetation and is located adjacent to the highway (this is not adopted and is classified as private Council land).
- 1.4 The Site is located circa 0.5 miles to the east of Knutsford town centre on the edge of the settlement boundary and is circa 11ha in size.
- 1.5 This reports seeks approval for the disposal of part of the land delineated 'blue' for the purposes of providing access to The site and the land delineated 'green', as provided within Appendix 1. The 'green' land would be incorporated into the scheme to better integrate the new development into the adjacent Longridge estate.
- 1.6 If approved, the Council could deliver the following benefits:
- circa 225 homes allocated under the Local Plan;
 - Development of a sustainable and accessible site in Knutsford;
 - Regenerative benefits to the Longridge Estate located opposite;
 - The developer would be able to design a scheme that enhances the overall provision and quality of public open space in the locality;
 - Deliver a capital receipt.

2.0 Recommendation

- 2.1 It is recommended that Cabinet authorise the Executive Director of Place to:
- a. Advertise the intention to dispose of part of the land delineated 'blue' on the enclosed plan, which is identified as open space, for the purposes of providing access to The Site, in accordance with the Local Government Act and, in consultation with the Portfolio Holder for Regeneration, give due consideration to any representations made.
 - b. Advertise the intention to dispose of the land delineated 'green' on the enclosed plan, which is identified as open space, in accordance with the Local Government Act and, in consultation with the Portfolio Holder for Regeneration, give due consideration to any representations made.
 - c. Subject to a decision regarding public open space, approve the freehold disposal of part of the land delineated 'blue' for the purposes of providing access to The Site and the land delineated 'green', on terms to be agreed by the Executive Director for Place in consultation with the Director of Legal Services, the Section 151 officer, the Cabinet Member for Finance and Communities, and the Cabinet Member for Regeneration.
 - d. Complete any other ancillary legal documentation (inclusive of, but not exclusive to, licence agreements and easements) over the land delineated 'blue' and 'green' in conjunction with the disposal of the land.
 - e. So far as is reasonably possible bearing in mind the size and proposed use of The Site to use reasonable endeavours to minimise the land take for the access road.

3.0 Reasons for Recommendations

- 3.1 The Site has been allocated for new housing under the Local Plan adopted on the 27th July 2017. Access is required through the Council owned land to enable development.
- 3.2 Disposal of the land delineated 'green' provides an opportunity to remove a physical buffer between the new housing and the Longridge Estate – the overgrown grass verge – thus maximising the regenerative benefits in this area.
- 3.3 The Site has suffered from several incidents of crime and anti-social behaviour in recent years. In particular, the site appears to be persistently targeted by trespassers using off-road motorbikes. As unused grassland adjacent to the urban area and in the absence of any current or potential economic use, the site cannot be managed effectively and securely without development.

- 3.4 A sale will generate a capital receipt and save the Council ongoing holding and maintenance costs and health and safety risks.
- 3.5 Although the Grass Verge is the logical route for access into The Site, historic covenants on this land prevent its use for access. It is unknown who now benefits from the right to enforce the covenants effecting the grass verge and indeed whether the covenants remain enforceable and investigating the same could lead to significant cost risks and delays to the scheme.
- 3.6 Therefore, the preferred option to form access to the Site is through part of the land delineated 'blue'. It is highlighted that the terms of the disposal shall oblige the developer to minimise the land take for the road thus reduce the impact on the existing public open space.
- 3.7 It is proposed that the developer will undertake works to enhance the existing open space within that 'blue' land retained by the Council; in addition to the provision of new open space within The Site should this be agreed as part of a planning consent.

4.0 Wards Affected

- 4.1 Knutsford

5.0 Local Ward Members

- 5.1 Cllr Stewart Gardiner
- 5.2 Cllr Hayley Wells-Bradshaw
- 5.3 Cllr Tony Dean

6.0 Policy Implications

- 6.1 The Disposal will bring a redundant site back into economic use and facilitate new development that is in keeping with the locality, delivering a significant amount of additional public open space. It will also support the Local Plan allocations and housing land supply given The Site allows for a residential allocation for 225 dwellings.

7.0 Implications for Rural Communities

- 7.1 There are no implications for rural communities with regard to this proposal.

8.0 Financial Implications

- 8.1 The sale of land will generate a capital receipt for the Council and dispose of a maintenance liability.

8.2 Further financial information is included within a report annexed to this report as it contains exempt information pursuant to schedule 12A of the Local Government Act 1972 and therefore it is withheld from public inspection.

9.0 Legal Implications

9.1 Section 123 of the Local Government Act 1972 allows a Local Authority to dispose of land on such terms, as it considers appropriate subject to its obtaining the best consideration reasonably obtainable for the land interest.

9.2 Section 123 of the Local Government Act requires the advertisement of any open space before its disposal and consideration of any objections received following such advertisement.

9.3 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers however the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles.

10.0 Risk Management

10.1 The sale is conditional upon receipt of planning consent for housing with access through land allocated as existing open space within the green belt. There is a risk planning permission will not be granted and the sale will not proceed. However, preliminary advice has been obtained from planning officers and there appears to be a realistic prospect of approval given that The Site has an allocation for 225 dwellings.

10.2 The retained 'blue' land (i.e. that land not used for access) will remain as existing open space under the ownership of the Council.

10.3 The contract would oblige the owner of The Site to maximise the gross sale receipts from the combined site.

10.4 The contract shall acknowledge the Council's statutory duties including its position as the Local Planning and Highways Authority are entirely separate to the disposal agreement. It shall also be acknowledged that any planning applications shall be entirely 'arms-length' from the Council's statutory duties and nothing in the agreement shall fetter the Council's duties or obligations as a public regulatory and enforcing body.

10.5 The current proposal looks to minimise the area of land required to enable access to The Site. Based on indicative plans prepared by the owner of The Site, c4% of the public open space land edged blue would be required. The Council will look to minimise the land take required for the scheme further if this is achievable for the proposed development.

11.0 Background

- 11.1 The Site has been granted a residential allocation for 225 dwellings. The Local Plan was adopted 27th July 2017.
- 11.2 The owner of The Site proposes to submit outline planning consent as soon as possible subject to coming to an agreement with the Council for access through its land. An indicative scheme is provided within Appendix 2.
- 11.3 The preferred option to form the access is through part of the 'blue' land which is allocated as existing open space in the green belt. External planning advice in respect of providing an access point through the Green Belt has been obtained.
- 11.4 ANSA indicate they could support alterations to the existing Public Open Space if the overall provision in the locality is enhanced. The Highways Service has previously indicated that they have no objection to the preferred access location subject to seeing a detailed proposal.
- 11.5 By proceeding, the Council can derive the following benefits:
- Delivery of circa 225 homes allocated under the Local Plan;
 - Development of a sustainable and accessible site in Knutsford;
 - Regenerative benefits to the Longridge Estate located opposite;
 - The developer would be able to design a scheme that enhances the overall provision and quality of public open space in the locality;
 - Delivery of a capital receipt.

12.0 Alternative Options

- 12.1 Refuse to allow use of the Council land for the formation of a new access to The Site.
- 12.2 The Council could include the entirety of the 'blue' land to facilitate access and provide an opportunity to better incorporate the existing open space into The Site. The contract could allow for the developer to undertake works to the Council's retained 'blue' land / existing open space should this be required as part of the planning permission for The Site, in relation to the improvement of the existing open space. The current proposal is different in that it is estimated that c4% of the land edged blue may be needed and further work will be undertaken to test if this can be reduced further, whilst still achieving a safe access that would achieve planning permission.
- 12.3 The Council could grant an easement to access The Site. This would not enhance the Council's position as the access land would eventually be required to form an adopted highway and, therefore, would come back under Council control when the development is constructed. This may also reduce the capital receipt as it would complicate the ownership and access rights and could be perceived as a risk to any future housebuilder and the eventual homeowners and mortgagees.

12.4 The Council has also considered a number of other options to create access to The Site; however these would not generate a practical or achievable solution to bringing the scheme forward. This included disposing only of the strip of land adjoining Longridge (shown edged green), however this approach would not generate the required certainty to bring the scheme forward.

13.0 Access to Information

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

Further information annexed to this report which contains exempt information pursuant to schedule 12A of the Local Government Act 1972 is withheld from public inspection.

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