

Report of: Councillor J Gibbs on behalf of the Working Group
Date of Meeting: 20 September 2021
Subject: Projects (a) Pond to Rear of Clarendon Court and (b) Victorian Orchard

1 BACKGROUND

The Parish Council identified a project for 2020-2021 to investigate and implement improvements at the pond to the rear of Clarendon Court and the Victorian Orchard. Owing to the pandemic, these two schemes could not be brought to fruition during that financial year and the projects were carried over to 2021-2022.

In January 2020, local solicitors, Hall, Smith Whittingham LLP, were asked to conduct a title search of both parcels of land. This would then enable the Parish Council to establish ownership and take forward its plans to improve both areas.

At the Parish Council meeting held on 19 July 2021, a working group was set up to review the documentation from Hall Smith Whittingham. The aim was for the working group to consider how to make progress within the current financial year, reporting to the September 2021 meeting with its initial findings.

2 WORKING GROUP COMPOSITION

The working group comprises Councillors Jeremy Gibbs, Jo Hillman and Andrea Jacobs.

3 UPDATE

The Working Group met on 29 July 2021 to consider the contents of the letter and supplementary information from Hall Smith Whittingham, Solicitors, dated 4 May 2020.

HSW concluded that the land containing the Victorian Orchard is owned by Vistry Homes Limited, Company Number 397634 and that the land surrounding the pond to the rear of Clarendon Court is owned by both Vistry Homes Limited and David McLean Homes Limited, company registration number 01013561.

With regards to the Victorian Orchard, HSW highlighted a Planning Agreement dated 20 March 2000, which includes an 'ecological corridor', although the solicitors were unable to obtain a copy of the agreement from Land Registry.

The working group has searched through all the scanned documents for planning applications referenced 'Cronkinson Farm' on the Cheshire East Council Planning system and has not been able to find a copy of this agreement.

Councillor Gibbs contacted Cheshire East Council's S106 Monitoring Officer, Judith Cosgrove, on 3 August 2021, to request a copy of the S106 agreement. This was followed up by Councillor Gibbs on 1 September 2021, but he has yet to receive a response.

4 NEXT STEPS

Once the clarification on the S106 agreement is received, the Parish Council will then be able to contact Vistry Homes Limited to discuss the Victorian Orchard project. Vistry Homes' registered office is 11 Tower View, Kings Hill, West Malling, ME19 4UY.

Councillor Jacobs has discovered that David McLean Homes Limited has gone into liquidation; the liquidators are Milner Boardman & Partners, The Old Bank, 187a Ashley Road, Hale, Cheshire, WA15 9SQ. The matter has been passed to the Crown and is therefore a complex legal matter.

The Working Group understands that a former Stapeley resident and member of Stapeley Parish Action Group (SPAG) has extensive knowledge of local land ownership and developer contacts and would be a useful source of information for a future working group meeting, if the Parish Council deems this to be acceptable.

Following the meeting, the working group undertook a site visit to the pond to the rear of Clarendon Court. It was noted that the area is extremely overgrown and will require extensive works to initially clear the area and then subsequently maintain it to an acceptable standard.

The Working Group considers that it would be prudent to concentrate on the Victorian Orchard project, rather than trying to pursue both projects simultaneously.

5 CONCLUSION

The Parish Council is asked to –

- (a) Note the report.
- (b) Approve the Working Group's recommendation to concentrate efforts on restoring the Victorian Orchard and defer any action in respect of the pond to the rear of Clarendon Court.
- (c) Consider inviting the former Stapeley resident to become a member of the Working Group.

