



CRANLEIGH PARISH COUNCIL

Caring for the Community



Cranleigh Village Hospital Trust

Beverley Bell FSLCC MIET IEng

05 September 2019

Questions from a Member of the Public

1. To consider a request from a member of the public to have the land swapped to CVHT returned to the Parish Council – Bruce MacKenzie Field and the Paddock Field.
2. To consider a question from a member of the public, '*Why did the Parish Council decide in 2010 not to pursue the longstop if the hospital was not built and what was the covenant that was placed on the land?*'
3. To consider a request from a member of the public for the Parish Council to fund an independent survey of parishioners on their views on the CVHT proposals for the 80 bed care home and accommodation block.

Question One

To consider a request from a member of the public to have the land swapped to CVHT returned to the Parish Council – Bruce MacKenzie Field and the Paddock Field.

- ▶ View sought from Council solicitor 14 August 2019. Land exchange has been completed and cannot be reversed without the consent of both parties.

Question Two

‘Why did the Parish council decide in 2010 not to pursue the longstop if the hospital was not built and what was the covenant that was placed on the land?’

- ▶ 03/09/10 PC solicitor prepares supplemental agreement that if community health facility not opened in five years (longstop date), land to be returned
- ▶ 15/10/10 CVHT solicitor proposes informal exchange of letters rather than formal supplemental agreement
- ▶ 21/10/10 PC agree to informal exchange of letters *and* to modify restrictive covenant on Land Registry Title

Informal Exchange of Letters

- ▶ Exchange of letters took place 01/12/10
- ▶ Penningtons for CVHT, *'it has been agreed between our respective clients that if the building project for the proposed new hospital site is not up and running within five years from the date of the transfer, then discussions will take place between the parties regarding the site and its future use'*.
- ▶ Land exchange took place 15/12/10

Restrictive Covenant Modification

- ▶ **Original covenant**, *'Not at any time to use the Property for any purpose other than for the benefit of the local community including recreational use'*
- ▶ **PC suggest amended covenant at their meeting 21/10/10**, *'Not at any time to use the Property for any purpose other than*
(a) for the benefit of the local community including recreational use and
(b) for any community, social or healthcare purposes run on a not for profit basis, or any combination of such uses, or any use ancillary to such use or uses'
- ▶ **CVHT suggest amended covenant 01/11/10**, *'Not at any time to use the Property for any purpose other than for the benefit of the local community including any community, recreational, social or healthcare purposes or any combination of such purposes'*.
- ▶ **PC agreed amended covenant 18/11/10**, *'Not at any time to use the Property for any purpose other than for the benefit of the local community pursuant to local community and recreational planning purposes.'* – This is included in Land Registry Title SY405262

Variation of Restrictive Covenant

PC agreed to vary the Restrictive Covenant 29/07/13 following a request by CVHT:

Not at any time to use the Property for any purpose other than:

- ▶ 1. Use as a care or nursing home.
- ▶ 2. Any medical or healthcare use.
- ▶ 3. Any community use.
- ▶ 4. Any other use which Cranleigh Parish Council approves (such approval not to be unreasonably withheld or delayed).

Question Three

To consider a request from a member of the public for the Parish Council to fund an independent survey of parishioners on their views on the CVHT proposals for the 80 bed care home and accommodation block.