

# **Cabinet Member for Procurement, Assets and Shared Services**

## **Agenda**

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**Date:** Monday, 1st November, 2010  
**Time:** 10.00 am  
**Venue:** Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

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The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide three clear working days' notice, in writing, in order for an informed answer to be given.

4. **Lease of land and property off Hind Heath Road, Sandbach to Sandbach United Football Club** (Pages 1 - 6)

To consider the lease of land and property located off Hind Heath Road, Sandbach to Sandbach United Football Club.

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**Contact:** Paul Mountford, Democratic Services  
**Tel:** 01270 686472  
**E-Mail:** paul.mountford@cheshireeast.gov.uk

5. **Disposal of land off Sally Clarke's Lane, Wybunbury to Wybunbury Parish Council** (Pages 7 - 12)

To consider the transfer of the freehold interest in an area of former Highways land located off Sally Clarke's Lane, Wybunbury to Wybunbury Parish Council.

6. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

**PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT**

7. **Disposal of Land at 196 Oxford Road, Macclesfield** (Pages 13 - 20)

To seek permission to dispose of land at 196 Oxford Road, Macclesfield.

8. **Disposal of Land to the Lord Bishop of Chester (Diocese) at Acton CE School, Nantwich** (Pages 21 - 24)

To dispose of the land at Acton CE School, Nantwich.

9. **Disposal of Chadwick Fields, Middlewich** (Pages 25 - 32)

To consider a leasehold disposal of the land and buildings known as Chadwick Fields (former Day Centre), Middlewich

10. **Acquisition of land to facilitate the Crewe Green Link Road South** (Pages 33 - 50)

To consider the acquisition of land from the Duchy of Lancaster to facilitate the Crewe Green Link Road South.

11. **Transfer of areas of Land at Middlewich High School** (Pages 51 - 58)

To seek approval to:

1. grant a lease of part of the Middlewich High School site to a third party in exchange for a lease of land to enable a new synthetic pitch to be constructed for use by the school and the community; and
2. grant an option for a ten year period to take further land in exchange for a capital receipt.

12. **Disposal of Land to Sir Thomas Delves Education Foundation at Wybunbury Delves CE School, Nantwich** (Pages 59 - 62)

To consider the disposal of land at Wybunbury Delves CE School, Nantwich.

13. **Disposal of the Playing Fields, School Buildings and School House at the Former Buerton Primary School** (Pages 63 - 72)

To consider the disposal of the Playing Fields, School Buildings and School House at the Former Buerton Primary School.

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## CHESHIRE EAST COUNCIL

### Cabinet Member for Procurement, Assets and Shared Services Portfolio

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**Date of Meeting:** 1<sup>st</sup> November 2010

**Report of:** Assets Manager

**Subject/Title:** Lease of land and property off Hind Heath Road, Sandbach to Sandbach United Football Club

**Portfolio Holder:** Councillor Peter Mason

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#### 1.0 Report Summary

- 1.1 The purpose of this report is to consider the lease of land and property located off Hind Heath Road, Sandbach to Sandbach United Football Club for a term of 99 years at a nominal rent.

#### 2.0 Recommendation

- 2.1 To approve the grant of a 99 year lease to Sandbach United Football Club for the occupation of land and property located off Hind Heath Road, Sandbach on terms and conditions to be determined by the Head of Health and Wellbeing, the Borough Solicitor and Assets Manager.

#### 3.0 Reasons for Recommendations

- 3.1 The project has an approved capital budget which demonstrates the Council's commitment to the project.
- 3.2 The Football foundation grant is conditional on an intention to enter into a lease being in place and agreed by all parties prior to construction of the facility starting.
- 3.3 Considerable work has also been undertaken with the Football Foundation and Football Association and there is a significant risk of damaging future applications for funding from not proceeding with this project. This may impact on the success of future applications and schemes with the said organisations.
- 3.4 Should the project not proceed then there is a high probability of adverse publicity from the local community which would be detrimental to the image of Cheshire East Council.
- 3.5 The provision of a lease for a period of 99 years accords with the requirements of the Council, Football Foundation and Football Association in the approval of

the business case required to support the project and gain the subsequent requisite funding.

**4 Wards Affected**

4.1 Sandbach

**5.0 Local Ward Members**

5.1 Councillor Furlong  
Councillor Merry  
Councillor Moran

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

6.1 Contributes to the achievement of corporate objective 3: To improve life opportunities and health for everybody within Cheshire East.

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

7.1 None.

**8.0 Financial Implications 2010/2011 and beyond (Authorised by the Borough Treasurer)**

8.1 The lease of land and property located off Hind Heath Road, Sandbach to Sandbach United Football Club for a term of 99 years will be at a nominal rent.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 Local Authorities are given powers under S123 of the Local Government Act 1972 to dispose of land in any manner they wish subject to the constraint that the disposal must be for the best consideration obtainable unless the Secretary of State consents to the disposal.

9.2 By virtue of the General Consent Order 2003, the Secretary of State has given consent to disposals where, in the local authority's view, such disposal would help it secure the promotion or improvement of the economic, social or environmental well being of the area and such matters set out in its community strategy. In those circumstances an interest in land may be disposed of at less than best consideration providing that the undervalue does not exceed £2,000,000.

**10.0 Risk Management**

10.1 Should the grant of the lease not be approved then the grant funding from the Football Foundation will be withdrawn and the project will be unable to proceed.

10.2 Considerable work has also been undertaken with the Football Foundation and Football Association and there is a significant risk of damaging future applications from not proceeding with this project. This may impact on the success of future applications and schemes with the said organisations.

10.3 There is a high probability of adverse publicity from the local community which would be detrimental to the image of Cheshire East Council.

## **11.0 Background**

11.1 In March 2004 the former Congleton Borough Council commissioned PMP leisure consultants to undertake a Leisure Needs Study to evaluate the demand for playing pitches and examine future delivery options for these facilities within the Borough. The focus of the study was on the Borough Council's main leisure facilities but also included the need and trends of the local communities in the use of outdoor pitches.

11.2 The findings of this study, alongside recently published FA data on provision for football teams were taken into consideration in order to understand the current level of supply and demand for football pitches. The study revealed that the most significant shortfall in football provision in the Borough of Congleton was identified as Sandbach.

- There was a particular demand for a synthetic turf pitch (STP) and associated facilities.
- There was no current provision to the required standard in Sandbach for adult football pitches

11.3 The only synthetic turf pitches currently available were at the local high schools and the demand for these far exceeds the availability. The type of surface laid on these pitches was also incompatible with the preferred surface for football use, which is referred to as a 3G pitch.

11.4 There has been a significant loss of grass pitches in the Sandbach area. A total of six have been removed from use; two lost at each of Hays Chemicals, RHM foods and Fodens/Sandbach Cricket Club. In addition the final pitch at Hassall Road, Sandbach belonging to the Council will be lost in the near future due to the expansion of the cemetery. It was therefore critical in meeting the existing and future needs of the community that consideration was given to provision of additional grass pitches and a football-specific synthetic turf pitch (3G STP).

11.5 Sandbach United Football Club (SUFC) is the leading amateur football club in the town and was established in 2004 when Sandbach Albion and Sandbach Ramblers joined forces in their quest to improve the quality of football offered to children and young people in and around Sandbach. The club has 34 playing squads and has approximately 600 members who currently have to play their games scattered across the borough and beyond due to the lack of provision in Sandbach.

- 11.6 SUFC have thus been working with the Football Association and the Council to develop a project which will meet the needs of all three organisations and provide facilities, which meet the identified gap in community provision for both grass and synthetic playing pitches.
- 11.7 SUFC will fulfil the service requirements of the Council for the provision of football facilities in the Sandbach area through the implementation of a service level agreement. Effectively the Council will devolve its service provision for the Sandbach area to SUFC.
- 11.8 In October 2009 funding was approved by Cheshire East Council to the value of £2.2 million pounds to acquire land, build and establish a football facility in Sandbach with funding from a variety of sources including the Football Foundation.
- 11.9 The scheme gained a planning permission in November 2009
- 11.10 The Football Foundation have since confirmed their funding of £1,010,010 towards above proposals.
- 11.11 Heads of terms for the acquisition of the necessary land have been agreed with the site owner and legal completion is anticipated in November 2010.
- 11.12 Works are currently programmed to commence on the site in January 2011.
- 11.13 The main outcomes for the required project are to:
- Improve the access to quality sports facilities
  - Encourage, facilitate and perpetuate participation through all levels of player's development.
  - Increase the number of children taking part in extra-curricular sport and after-school football coaching and development programmes
  - Ensure that everyone with the interest and ability has the opportunity to improve their standard of performance in sport and fulfil their potential.
- 11.14 The project is underpinned by a comprehensive sports development plan which has been approved by the Football Association.

## **12.0 Consultation**

- 12.1 The Head of Health and Wellbeing is fully supportive of the grant of a lease to SUFC and considers them to be a key partner within this project.



### **13.0 Terms of occupation**

- 13.1 The provision of a lease for a period of 99 years accords with the requirements of the Council, Football Foundation and Football Association in the approval of the business case required to support the project and gain the subsequent requisite funding.
- 13.2 It is considered that the lease should be offered at a nominal annual value.
- 13.3 SUFC will be responsible for all maintenance liabilities relating to the land and property within the site. SUFC will also fulfil the service requirements of the Council for the provision of football facilities in the Sandbach area through the implementation of a service level agreement. Effectively the Council will devolve its service provision for the Sandbach area to SUFC. It is considered that these cost liabilities plus the fact that Football Foundation monies could not have been gained without their involvement are sufficient to justify the receipt of a nominal annual rent.

### **14.0 Overview of Year One and Term One Issues**

- 14.1 There are no specific issues within this report.

#### **Access to Information**

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

Name: Peter Hall  
Designation: Head of Property Services  
Tel No: 01270 686133  
Email: Peter.hall@cheshireeast.gov.uk

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## CHESHIRE EAST COUNCIL

### Cabinet Member for Procurement, Assets and Shared Services

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**Date of Meeting:** 1<sup>st</sup> November 2010

**Report of:** Assets Manager

**Subject/Title:** Disposal of land off Sally Clarke's Lane, Wybunbury to  
Wybunbury Parish Council

**Portfolio Holder:** Councillor Peter Mason

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#### 1.0 Report Summary

- 1.1 The purpose of this report is to consider the transfer the freehold interest in an area of former Highways land located off Sally Clarke's Lane, Wybunbury to Wybunbury Parish Council.

#### 2.0 Recommendations

- 2.1 To approve the transfer of land located off Bridge Street, Wybunbury edged red on the attached plan to Wybunbury Parish Council on terms and conditions to be determined by the Borough Solicitor and Assets Manager.
- 2.2 To serve the requisite notice to terminate the current occupation of the garage located within the land in question.

#### 3.0 Reasons for Recommendations

- 3.1 The land has been declared surplus to Highways purposes and is not required for service delivery by Cheshire East Council.
- 3.2 Wybunbury Parish Council are seeking to use the land for recreational purposes and thus public benefit will be derived from the use of the land.
- 3.3 In the transfer of the land Cheshire East Council will relieve itself of all grounds maintenance responsibilities and costs relating to its upkeep.
- 3.4 Cheshire East Council will reserve all necessary rights over the land to gain access to the adjacent bridge for maintenance purposes.
- 3.5 In accordance with the Local Government Act 1972: General Disposal Consent (England) 2003) it is considered that the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of social well-being and the promotion or improvement of environmental well-being and thus it is considered that the manner of the proposed use would justify a disposal of less than market/fair value without a use restriction.

- 3.6 The Parish Council wish to take ownership of the site with vacant possession and thus here is a need to terminate the existing garage occupation.

**4.0 Wards Affected**

- 4.1 Doddington Ward

**5.0 Local Ward Members**

- 5.1 Councillor John Hammond  
Councillor David Brickhill  
Councillor Rodney Walker CBE

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

- 6.1 The land is considered to be surplus to service requirements.

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

- 7.1 None.

**8.0 Financial Implications 2010/2011 and beyond (Authorised by the Borough Treasurer)**

- 8.1 Cheshire East Council to cover its own legal fees associated with the land transfer.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 None.

**10.0 Risk Management**

- 10.1 There are no perceived risk management issues. The reservation of all required rights will be within the agreed terms and conditions of transfer.

**11.0 Background and Options**

- 11.1 It is understood that the land was purchased by Cheshire County Council approximately fifty years ago so as to provide access to carry out repairs and possible widening of the adjacent road bridge.
- 11.2 The land has been declared surplus to Highways purposes and is not required for service delivery by Cheshire East Council.

- 11.3 The land falls away in levels towards the stream to the north and is covered in mixed unmanaged vegetation. Also located on the site is a substantial willow tree.
- 11.4 The land has not been subject to regular maintenance regime and work has generally been undertaken on a demand basis.
- 11.5 Wybunbury Parish Council are seeking to acquire the land for the purpose of creating a recreational facility on the site. The Parish Council currently own the adjacent plot located to the west of the land in question.
- 11.6 Should the transfer not proceed to the Parish Council then the land will be made available for sale on the open market.

## **12.0 Consultation**

- 12.1 The Leisure Services and Greenscape Manager and the Local Area Partnership Manager have both been consulted on the proposal and are supportive of the transfer of the land to the Parish Council.

## **13.0 Best Consideration**

- 13.1 Should the land be advertised for sale on the open market without use restriction but with the reservation of the required maintenance access rights for Cheshire East Council then it is considered that the site would have a limited value as a consequence of the planning constraints on alternative use, site levels the risk of flooding a part of the site from the adjacent stream and the aforementioned access rights. It is likely that any offers received would be on a speculative basis and thus it is difficult to provide a firm indication of market value. A value range from £500-£2000 would be expected.

## **14.0 Disposal at less than Best Consideration**

- 14.1 In accordance with the Local Government Act 1972: General Disposal Consent (England) 2003) it is considered that the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of social well-being and the promotion or improvement of environmental well-being and thus it is considered that the manner of the proposed use would justify a disposal of less than market/fair value.
- 14.2 The transfer of the land will include a covenant which restricts the use of the land to that of its intended use i.e. for recreational/non commercial benefit. This will ensure that Cheshire East Council safeguards any latent value which may be capable of release from the disposal of the site at a later date. Cheshire East Council will also reserve all necessary rights over the land to gain access to the adjacent bridge for maintenance purposes. The effect of these restrictions is that the land has a nominal value.

## **15.0 Disposal method**

- 15.1 The Community benefit derived from the transfer of the land is considered to be satisfactory to justify the transfer of the land to a named party; the Parish Council, rather than placing the land for sale on the open market. The future use of the land and any potential latent value can be influenced by Cheshire East Council through the requisite legal mechanisms within the terms of transfer.

## **16.0 Overview of Year One and Term One Issues**

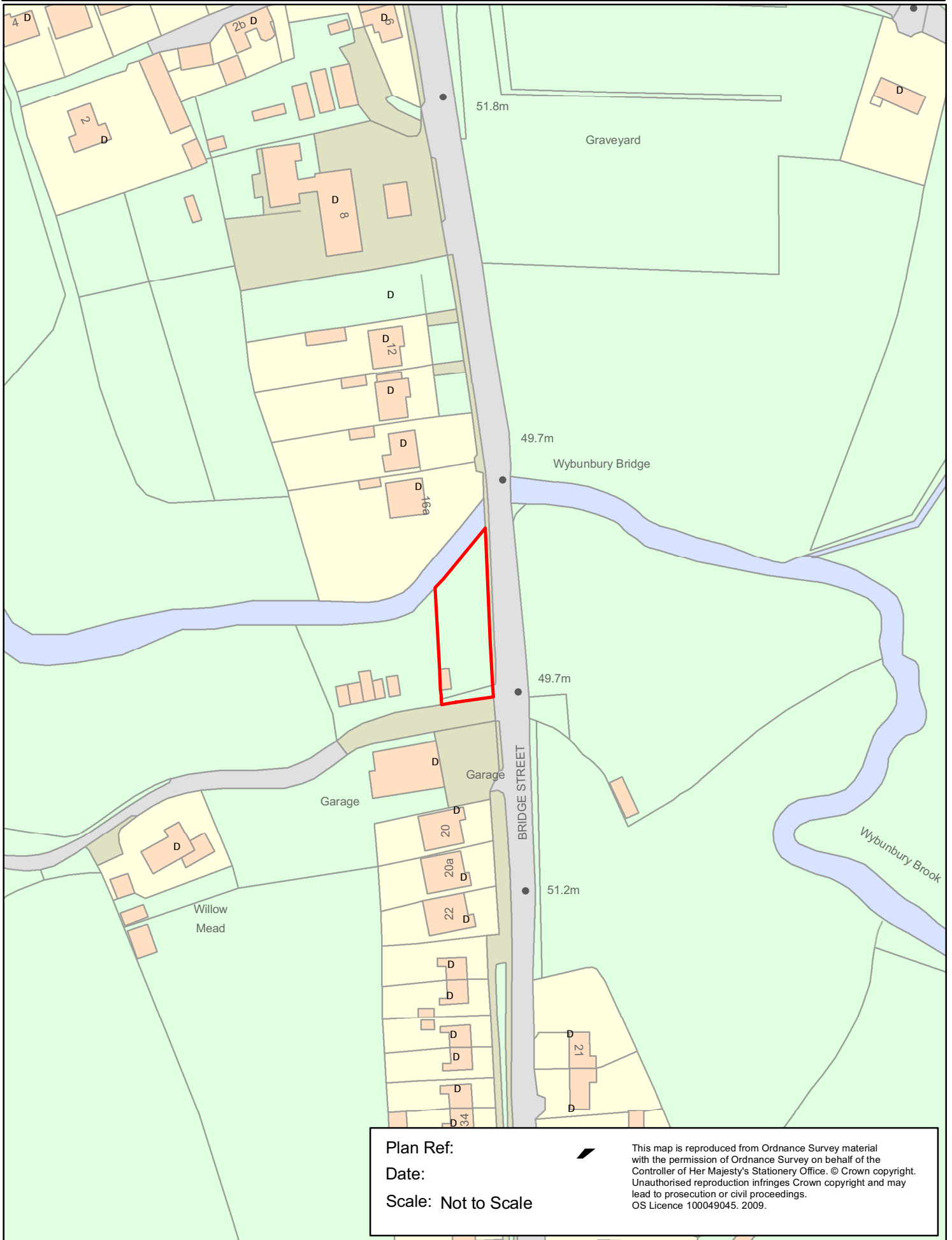
- 16.1 There are no specific issues within this report.

### **Access to Information**

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

Name: Peter Hall  
Designation: Head of Property Services  
Tel No: 01270 686133  
Email: [Peter.hall@cheshireeast.gov.uk](mailto:Peter.hall@cheshireeast.gov.uk)

# Cheshire East: Land off Bridge Street, Wybunbury



Plan Ref:

Date:

Scale: Not to Scale



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