

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the  
**Cabinet Members for Prosperity and  
Procurement, Assets & Shared Services**  
held on Tuesday, 21st December, 2010 at Committee Suite 1, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor Jamie Macrae, Cabinet Member for Prosperity  
Councillor Peter Mason, Cabinet Member for Procurement, Assets and  
Shared Services

## **Officers**

Stuart Penny, Planning Policy Manager  
Andrew Voss, Head of Property Strategy  
Paul Mountford, Legal and Democratic Services  
Jamie Longmire, Spatial Planning  
Jane Ashcroft, Health and Wellbeing

## **1 DECLARATIONS OF INTEREST**

No interests were declared.

## **2 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

## **3 ALSAGER SCHOOL - DISPOSAL OF LAND TO CHRIST CHURCH**

The Cabinet Member for Procurement, Assets and Shared Services considered the proposed transfer of land at Alsager School to Christ Church.

A boundary discrepancy between Alsager School and Christ Church had been identified when the Purchasers attempted to register the church hall at Her Majesty's Land Registry (HMLR). The area subject to the discrepancy amounted to approximately 35 sq/m. Part of the Church Hall had been built upon land that had been included in the School's HMLR title, owned by the Council.

The Purchasers had requested that in the interest of cost saving, the land be transferred to them at nil consideration, this option being favoured to the alternative which was to commence a protracted and time consuming adverse possession claim with HMLR. The Purchasers had enjoyed uninterrupted enjoyment of the land for over 50 years, making a claim for adverse possession credible and realistic.

In considering this matter it was noted that:

- The School had never considered that it owned the land and there were no implications should the title transfer.
- The School Governors had confirmed that they approved the proposed transfer of the land to the Purchasers at nil consideration.
- The Purchasers had confirmed that they would pay the Council's fees in dealing with the transaction.
- It was considered that the Purchasers would succeed in an adverse possession claim of the land due to the fact that they have enjoyed uninterrupted enjoyment of it for over 50 years.
- If the Council gave consent to the proposed transfer, the Council would be able to impose covenants by agreement to retain rights to safeguard their long term interests in the land against further or alternative development.

The proposed transfer of the Green land from the Council to the Purchasers was therefore considered the most appropriate course of action.

## **RESOLVED**

That the Cabinet Member for Procurement, Assets and Shared Services approves that approximately 35 sq/m of land at Alsager School (shown coloured green on the plan attached to the report) be disposed of to Christ Church for nil consideration.

## **4 CONSULTATION ON GREATER MANCHESTER'S MINERALS AND WASTE PLANS**

The Cabinet Member for Prosperity considered a proposed response to the consultation on Greater Manchester's Minerals and Waste Plans.

As a neighbouring authority, Cheshire East Council had received two separate consultations from Greater Manchester on the development of their Minerals Plan (Preferred Approach) and Waste Plan (Publication Document). Both plans were being produced by AGMA (the Association of Greater Manchester Authorities) on behalf of the ten Greater Manchester Local Authorities and contained planning policies concerning minerals and waste development within this area.

Comments received would feed into the Publication Stage of the Minerals Plan which was scheduled for consultation in summer 2011. Consultation on the Waste Plan was to allow for representations to be made in connection with issues of 'soundness' and legal compliance prior to the final version being submitted to the Secretary of State.

## **RESOLVED**

That the Cabinet Member for Prosperity

- (1) approves that comments be provided in agreement with the aims and objectives of the Minerals Plan and in relation to the identification of Mineral Safeguarding Areas as detailed in Appendix 1 to the report; and
- (2) offers no comments on the Waste Plan as it is considered to be in accordance with national policies and is not likely to lead to any significant adverse effects on Cheshire East.

## **5 EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

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

## **6 LEASE OF FELLOWSHIP HOUSE, CONGLETON TO VISYON**

The Cabinet Member for Procurement, Assets and Shared Services considered the grant of a lease of Fellowship House, Congleton to Visyon.

Fellowship House was one of the community halls operated by the Council. Budget planning for 2010/11 and 2011/12 was based on transferring such facilities to Town and Parish Councils or third sector groups at no cost to the Council. Congleton Town Council did not wish to take over the running of the building. Following public consultation Visyon, a third sector organisation operating in Congleton, had applied to take the building on a long lease in accordance with Community Asset Transfer principles. Visyon was to work with other local community groups to provide community facilities from the building and had applied for grant aid to carry out substantial works to the building. This grant of a lease would enable community uses to continue to operate from the building at no cost to the Council.

### **RESOLVED**

That the Cabinet Member for Procurement, Assets and Shared Services approves the grant of a lease to commence from a date to be agreed and to expire on 24<sup>th</sup> March 2094 (around 83 years) to Visyon for the occupation of Fellowship House, Congleton on terms and conditions to be determined by the Head of Health and Wellbeing, the Borough Solicitor and Assets Manager.

The meeting commenced at 1.30 pm and concluded at 1.56 pm

Councillor P Mason