

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement, Assets and Shared Services

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| Date of Meeting: | 22 March 2010 |
| Report of: | Assets Manager |
| Subject/Title: | Disposal of the Playing Fields at the Former Buerton Primary School to Buerton Parish Council, and Freehold Disposal of the School Buildings and School House on the Open Market |
| Portfolio Holder: | Councillor Peter Mason |

1.0 Report Summary

- 1.1 The purpose of this report is to inform Members of the proposed sale of the former Buerton Primary School buildings, school house and associated playing fields further to the school being closed in 2006 and declared surplus to operational requirements.

2.0 Decision Requested

- 2.1 That approval be given to the freehold sale of the land edged green on the attached plan (the former Buerton Primary School buildings and school house).
- 2.2 That approval be given to the freehold transfer of the land edged red on the attached plan (former Buerton Primary School playing fields) to Buerton Parish Council at nil consideration, and to enter into a licence agreement with Buerton Parish Council to enable the Parish Council to occupy the land shaded blue until such a time as the land edged green is sold. The land shaded blue is to be sold with the school house and school buildings.
- 2.3 Following the successful sale of the land edged green, Cheshire East Council agree to pay a sum equal to 10% of the net capital receipt achieved to Buerton Parish Council as a contribution towards the future maintenance costs of the playing fields. A capital receipt value of £350,000 has been assumed and linked to improvements at another school in Crewe.

3.0 Reasons for Recommendations

- 3.1 As part of the Transforming Learning Communities project, the closure of Buerton Primary School was approved by Cheshire County Council's Schools Organisation Executive on the 10 November 2006. The premises in question are currently vacant and surplus to requirements for the purpose of service delivery.
- 3.2 The Asset Manager considers that the disposal of the land edged green by way of sale on the open market is the most appropriate method of disposal. This

method is expected to achieve best consideration for the Council in accordance with S.123 of the Local Government Act 1972.

- 3.3 The transfer of the land edged red to Buerton Parish Council will provide for the continued use of existing community facilities following the closure of the school.

4.0 Wards Affected

- 4.1 Cholmondeley Ward

5.0 Local Ward Members

- 5.1 Councillor Rachel Bailey
Councillor Margaret Hollins
Councillor Stan Davies

6.0 Policy Implications including - Climate change - Health

- 6.1 The properties are considered to be surplus to service requirements.

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

- 7.1 This property was declared surplus by the former County Council and was therefore treated as a non-operational property within fixed assets as part of its closing balance sheet at 31 March 2009. The Local Government Review Property Transfer Agreement is currently being amended to formally record this position as it was originally envisaged that the sale would have been completed during 2008/09 and the property would have been removed from the balance sheet before 31/03/09.

The financial impact of this decision under the relevant LGR regulations is that the property will vest in Cheshire East Council on a caretaker basis and be held on behalf of both councils until disposal is reached. The capital receipt received on the property has been linked to improvements undertaken at Sir William Stanier School in Crewe as agreed by Transforming Learning Communities, Cheshire County Council 16 February 2006.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 The sale of the properties will relieve the Council of the ongoing holding costs relating to the properties in question such as Non-Domestic Rates and standing utility charges.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 The form of contract for Sale and Transfer will incorporate similar terms to the agreement for Sale and Transfer previously proposed by the County Council with any amendments as negotiated by the Assets Manager in consultation with the Borough Solicitor and Borough Treasurer.

10.0 Risk Management

- 10.1 The planning department has advised that the buildings could only be re-used in a commercial capacity. However, if interest in commercial re-use is not forthcoming, there could be an argument to relax the user class to allow residential re-use, thus increasing the capital receipt.

Advertising this property with a local estate agent with a view to a disposal on the open market will maximise its exposure to the market and hopefully realise the best obtainable capital receipt.

The land to be transferred to the Parish Council shall be restricted in future use to open playing field for the community of Buerton or for the erection of a community facility. In the event that the land or any part of the land is ever disposed of in the future for residential or commercial development purposes, Cheshire East Council, as successor in title to Cheshire County Council shall be entitled to a clawback amounting to 75% of the net proceeds of the sale of the land.

11.0 Background and Options

- 11.1 As part of the County Council's Transforming Learning Communities project, the closure of Buerton Primary School was considered and approved by its School Organisation Committee on 14 September 2006. The school, school house and adjoining playing fields were formally declared surplus to the requirements of Cheshire County Council at the meeting of the Children's Services Executive on 10 November 2006.
- 11.2 During the closure consideration process, representations from various local sources were received regarding the possible transfer of the school playing field to Buerton Parish Council in order to maintain a valuable local community facility. Representations were also made that part of the school buildings might be offered to the local community for their continued use as the local meeting place for groups such as the Women's Institute and for Parish Council meetings.
- 11.3 It was agreed after discussions with the Parish Council that the transfer of any part of the school buildings to the community would be a severe financial burden on the limited Parish finances owing to the need for initial adaptations and the ongoing maintenance and repair costs for this Victorian school.

- 11.4 Following discussions with the Planning Officers at Crewe & Nantwich Borough Council, it was confirmed that planning permission for any form of development on the playing fields would not be granted.
- 11.5 It is therefore proposed that the playing fields (the land edged red) should be transferred free of charge to the Parish Council for the continued use of the local community in accordance with the wishes expressed in the representations made to the School Organisation Committee. The school buildings and school house (the land edged green), should be offered for sale on the open market.
- 11.6 As from the date of transfer, the Parish Council will accept all future maintenance costs for the playing fields. To help offset this financial burden, it is proposed that the Council pays a 'dowry' to the Parish Council of a sum equal to 10% of the net capital receipt for the school buildings (the land edged green). The Parish Council might also be able to use this sum as match funding to provide a more permanent structure for community use if they so wished.
- 11.7 The Parish Council has agreed to release part of the playing field that they currently hold on licence from the Council and adjoining the former school house (the land shaded blue), to enhance the likely capital receipt from the sale of this property.
- 11.8 The area edged red on the plan is currently occupied by the Parish Council under a licence dated 27 November 1985 and in relation to which they currently pay a licence fee of £100.00. This licence will be extinguished upon completion of the transaction and the Parish Council have agreed to simultaneously enter into a Licence to enable them to continue to occupy the land shaded blue for a fee of one peppercorn. The Council intends to sell the school buildings (land edged green) including the land shaded blue. Upon completion of the sale of the land edged green the Parish Council's licence to occupy the land shaded blue will be terminated.
- 11.9 All that land coloured blue, and the majority land coloured red (totalling approximately 7,047 square metres) is designated as RT.1 Formal Open Space and School Playing in the Replacement Local Plan 2011. In accordance with Section 123 of the Local government Act 1972 (as amended by Section 118 of the Local Planning and Land Act 1980), Cheshire East Council propose to dispose of this area of public open space. As such, an advert was placed in the local press (Crewe Chronicle) for two consecutive weeks and also displayed at Municipal Buildings, Crewe alerting the public to the Council's proposal. A 21 day notice period was allowed for objections and representations to be made. No objections or representations were made.

12.0 Access to Information

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

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