

## **Cabinet**

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**Date of Meeting:** 10 April 2018

**Report Title:** Sale of Land at Dixon Drive, Chelford

**Portfolio Holder:** Councillor Ainsley Arnold – Planning, Housing and Regeneration

**Senior Officer:** Frank Jordan – Executive Director, Place

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### **1. Report Summary**

- 1.1. This report refers to land located on Dixon Drive, Chelford (referred to as The Site from hereon). The Site comprises a surfaced yard which extends to circa 0.51 ha (1.27 acres). It is vacant and in a dilapidated condition.
- 1.2. The Site was previously leased to Wright Manley LLP (formerly Frank Marshall LLP) to provide car parking for their livestock, horticultural and machinery auctioneering business, and general retail market. The business relocated to Beeston in April 2017 when their lease to the former Chelford Cattle Market site was brought to an end by its owner as part of their plans to dispose of that site for redevelopment. As a result of this action Wright Manley LLP ended their lease of the Council's land.
- 1.3. The adjacent former Cattle Market is currently subject to an undetermined planning application (Ref 18/0171M) for a residential led mixed use redevelopment of 89 residential dwellings and 140 sq m (1,500 sq ft) of business floor space.
- 1.4. With the Cattle Market relocating and lease ended, the Site is considered to provide a development opportunity and it has been marketed by the Council's agents on this basis. This report seeks approval for the disposal of The Site shown edged red in Appendix 1.

### **2. Recommendation**

- 2.1. It is recommended that Cabinet:

- 2.1.1. Delegates authority to the Executive Director of Place to dispose of the Site on terms and conditions to be agreed in consultation with the Director of Legal Services and the Section 151 officer.

### **3. Reasons for Recommendation**

- 3.1 The Site is vacant and not required for an alternative use by the Council and, therefore, it is considered surplus to operational requirements.

- 3.2 As the Site is vacant, it is considered to be a maintenance liability and health and safety risk to the Council.
- 3.3 It is envisaged that a sale will generate a significant capital receipt. It is expected that any offer accepted will be on a conditional basis.

#### **4. Other Options Considered**

- 4.1. The Council could retain the Site and invite offers to rent the land for open storage purposes or similar. This is not considered to be the highest value use for the Site and would not provide much needed homes in the Borough. Furthermore this would not be a suitable neighbour to the existing residential properties in the locality or the proposed residential use on the former Cattle Market. If the Council does retain the Site it will also retain a liability for the Site.
- 4.2. The Council could look to bring forward a different proposal for the Site such as an affordable housing site. Given the nature of the locality and the changes to the land immediately adjoining the site, residential or mixed use residential appear to be the most appropriate use for the site.

#### **5. Background**

- 5.1 The Site comprises a surfaced yard which extends to circa 0.51 ha (1.27 acres). It is vacant and in a dilapidated condition. It is located in the village of Chelford, circa six miles west of Macclesfield and six miles south-east of Knutsford. The surrounding area is currently mixed use, comprising of residential (terraced, semi-detached and detached dwellings), the former Chelford Cattle Market and Chelford Railway Station. The former Chelford Cattle Market site has been disposed of by its owner for redevelopment.
- 5.2 The adjacent former Cattle Market, extending to 2.72 ha (6.73 acres), is subject to a planning application (Ref 18/0171M) for a residential led mixed use redevelopment of 89 residential dwellings and 140 sq m (1,500 sq ft) of business floor space. Upon request of the Local Planning Authority, the applicant has produced a Masterplan for the former Cattle Market (including the Site) which assigns the Site for residential uses. The Masterplan is enclosed within Appendix 2.
- 5.3 In 2010, an outline planning application (Ref 10/3448M) was submitted for the entirety of the former Cattle Market (including the Site). This involved a mixed-use development of up to 85 residential dwellings and 350 sq m of light industrial starter units and 350 sq m of B1 floorspace. This planning application was recommended for approval and considered by the Council's Planning Committee on 8th December 2010 where a resolution to grant permission was passed subject to the signing of a Section 106 agreement. This Section 106 was not formally signed and the application is pending determination.

- 5.4 Should the site be developed for housing use, it will contribute towards ongoing housing supply. In addition, Chelford is identified as a Local service Centre in the Cheshire East Local plan – and so will be the subject of potential green belt review in part 2 of the Local plan. The more development land that can be identified within the village framework, the more that green belt impacts can be minimised.
- 5.5 With the Cattle Market relocating and requirement for car parking having ceased, the Site is considered to provide a development opportunity and it has been marketed by the Council's agents on this basis.

## **6. Implications of the Recommendations**

### **6.1 Policy Implications**

- 6.1.1 The disposal will bring a redundant site back into economic use. In addition to this it will also reduce the Council corporate risk and liabilities relating to holding a vacant asset.

### **6.2 Legal Implications**

- 6.2.1 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers. However, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles.
- 6.2.2 The Council has the power to dispose of the land pursuant to s123 of The Local Government Act 1972 subject to it being at the best consideration that can reasonably be obtained.
- 6.2.3 The General Disposal Consent 2003 authorises the disposal of land for 7 years or more at less than best consideration if the undervalue is £2 million or less and subject to those powers being exercised in line with public law principles.
- 6.2.4 The Council has a fiduciary duty at all times to the taxpayers and must fulfil this duty in a way which is accountable to local people.

### **6.3 Financial Implications**

- 6.3.1 The sale of land will generate a capital receipt for the Council and dispose of a maintenance liability.
- 6.3.2. Future reactive maintenance costs will cease to be the responsibility of the Council on the completion of the sale.

6.3.3 Facilities Management or Assets do not hold a budget for this site given it was previously leased out. An income of £2,500 was received until the lease was terminated.

#### **6.4 Risk Management Implications**

6.4.1 There is the normal transactional risk associated with asset disposals. This will be managed through careful monitoring of the disposal process.

6.4.2 It is likely that any disposal will be on a conditional basis. Typical conditions relate to planning, technical due diligence (including site investigations), title and S106 or CIL requirements. Although this is focused on reducing the risk for the purchaser it has the benefit to the Council that it will reduce the uncertainty that the site would not be redeveloped on disposal.

#### **7. Ward Members Affected**

7.1. Chelford, Cllr George Walton has been consulted on this proposal.

#### **8. Consultation & Engagement**

8.1. No consultation or engagement has taken place or is required in respect of this proposal.

#### **9. Access to Information**

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

#### **10. Contact Information**

10.1 Contact details for this report are as follows:

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