

# CHESHIRE EAST COUNCIL

## REPORT TO: PORTFOLIO HOLDER

---

**Date of Meeting:** 17<sup>TH</sup> December 2013  
**Report of:** Director of Economic Growth and Prosperity  
**Subject/Title:** Property Asset Transfer: - Transfer of the Former Water Street School, Bollington  
**Portfolio Holder:** Cllr Peter Raynes

---

### **1.0 Report Summary**

- 1.1 This report is intended to seek further approval to the property asset transfer of the land and buildings known as the Former Water Street School, Bollington shown edged in red on the attached plan to local charity (number 1110683) Bollington Initiative Trust (BIT), upon the revised terms outlined in this report.

### **2.0 Decision Requested**

- 2.1 It is recommended to Portfolio Holder:
- 2.1.1 That the revised land area for transfer pursuant to the Cabinet Decision dated 7<sup>th</sup> May 2013, as per the attached plan be approved.
  - 2.1.2 That delegated authority be given to the Director of Economic Growth and Prosperity and the Interim Monitoring Officer and Head of Legal Services to finalise the details of the proposed freehold transfer and long lease assignment of the property to Bollington Initiative Trust (BIT)
  - 2.1.3 That the yellow land be declared surplus to Council requirements and placed on the open market for disposal and delegated authority be given to the Director of Economic Growth and Prosperity and the Interim Monitoring Officer and Head of Legal Services to finalise the details of the proposed sale following appropriate marketing and negotiation and any

statutory declarations/statements of truth as may be required to regularise title and transfer the yellow land.

### **3.0 Reasons for Recommendations**

- 3.1 BIT following consideration of their proposals to take on the building and site have decided not to accept transfer of the whole site and have revised their offer to exclude all of the land coloured yellow on the attached plan due to the potential extent of liability for repair and maintenance in relation to the retaining wall at the rear of the land coloured yellow.
- 3.2 The yellow land was a detached playground for the former school site and has been unused for sometime following the relocation of the cadets who were leasing part of the former school building and used the detached playground for practice.
- 3.3 The revised transfer area will leave the Council with the ongoing liability for the repair and maintenance of the retaining wall but will still absolve the Council of the ongoing maintenance of the former school building and school car park but protecting the building for community uses as per the original cabinet decision on the 7<sup>th</sup> May 2013.
- 3.4 The yellow land abuts a number of neighbouring properties both residential and commercial and there has been significant interest over a number of years and most recently following the original cabinet decision to transfer to BIT from a number of prospective purchasers and therefore the Council is proposing to market the land without further delay to absolve itself of the liability and potentially generate a capital receipt in line with the District Valuer's recommendation in formal valuation report undertaken prior to the original cabinet decision.
- 3.5 BIT will be able to focus their attention and funding on managing and improving the main building for community uses and the Council will endeavour to sell on the retained land and retaining wall liability as soon as possible following completion of this decision.

### **4.0 Ward Affected**

- 4.1 Bollington

## **5.0 Local Ward Member**

5.1 Cllr Livesley

## **6.0 Policy Implications including – Carbon reduction/Health**

6.1 In line with the original cabinet decision. Disposal of buildings will reduce the Council's carbon footprint and liability for carbon tax.

6.2 National Policy is designed for decentralise government and give communities power to make a difference in their area. This initiative clearly aligns with this national drive.

## **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 Further to the financial implications within the original cabinet report on 7<sup>th</sup> May 2013, which still stand with the exception of the value of the reduced site now transferring is £360,000 and the value of the yellow land is in the region of £75,000 albeit as discussed in the original paper, the land is hindered by a retaining wall running the whole length of the site to the rear and any access to redevelop the land could erode the land value in order to do so. That said, there are neighbouring properties who would welcome the opportunity to enhance their own properties, both residential and commercial and prevent anti social behaviour occurring on the area if left unoccupied indefinitely as it has been for a number of years following LGR and pending conclusion of the transfer to BIT which has been outstanding since LGR due to unresolved negotiations. It is anticipated that a capital receipt could be achieved to absolve the Council of this ongoing liability for a land locked piece of retained land following the completed transfer to BIT although a nil value transfer would also be agreeable in order to absolve the Council of the liability and in line with the original cabinet paper and District Valuer valuation report.

7.2 The transfer to BIT is still a peppercorn consideration and in line with the original Cabinet Decision, whilst the Council is proposing to forego a capital receipt to support the promotion of well being as outlined, revenue and capital maintenance liabilities will be reduced.

**8.0 Legal Implications (Authorised by the Interim Head of Legal and Democratic Services)**

8.1 As per the original Cabinet Decision.

**9.0 Risk Management**

9.1 As per the original Cabinet Decision except to state that given BIT no longer wishes to accept transfer of the yellow land with the rest of the site a decision to accept this proposal and break up of the site is being sought on the basis of less liability transferring to BIT and the Council still has the option of selling the yellow land on the open market to absolve itself of ongoing liability and potentially generate a capital receipt.

**10.0 Background and Options**

10.1 As per the original cabinet decision save as to the revised transfer area proposing to exclude the detached play ground area coloured yellow on the attached plan.

10.2 BIT upon further consideration of the running costs and ongoing liability for the former school building and external areas in its current run down condition has decided that a transfer of the whole on the agreed terms and conditions including overage as detailed within the original cabinet decision is not viable for them in terms of cost of refurbishment and improvements and ongoing repairs and maintenance thereafter and is willing to accept transfer of only the main school building and yard/car park as coloured blue and brown on the attached plan, leaving the Council with the liability for the yellow land (detached play area) and the retaining wall situated within.

10.3 The Council has considered this revised offer from BIT and still recommends transfer as per the original cabinet decision albeit excluding the yellow land as proposed by BIT on the basis that the Council still wants to complete this transfer for all the reasons set out in the original paper for the benefit of the local community and the local community groups using the building.

10.4 The Council proposes to market the yellow land for sale following completion of this transfer to BIT ensuring all necessary rights and reservations are secured to access the yellow land on foot and enable

a sale to interested party thereafter, extending the Councils liability for the land and wall a little longer but still enabling the disposal of the whole site as originally proposed but in a slightly revised way.

## **11.0 Access to Information**

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

Name:	Joanne Jones
Designation:	Property Services Manager
Tel No:	01270 686127
Email:	joanne.m.jones@cheshireeast.gov.uk