

Cabinet

Date of Meeting: 08 October 2019

Report Title: Disposal of the former Vernon Infant School, Poynton

Portfolio Holder: Cllr N Mannion – Environment and Regeneration

Senior Officer: Frank Jordan – Executive Director Place

1. Report Summary

- 1.1. This report refers to the Former Vernon Infant School, Clumber Road, Poynton (referred to as The Site from hereon). The Site comprises a vacant former school and comprises of a complex interconnected single storey school buildings extending to 1,190.5 sq. m (12,814 sq. ft.) on a site area which extends to 0.7 hectares (1.74 acres). It is vacant and in a dilapidated condition. The remainder of the Site is part of school playing fields.
- 1.2. The playing fields element of the Site requires consent to dispose from the Secretary of State for Education, under section 77 of the Schools Standards and Framework Act 1998. This is obtained via the Department for Education and it is a departmental expectation that receipts from this element should be reinvested back into local sports facilities and / or education. Other permissions may also need to be sought in respect of the land (for example Schedule 1 to the Academies Act 2010).
- 1.3 The Site is located in an area subject to the Macclesfield Local Plan Boundary and the area surrounding the Site is allocated for residential use. The Site previously had outline planning consent from 2010 (now expired) for a 73 apartment extra care scheme.
- 1.4 The Site is considered to provide a development opportunity and this report recommends that the officers develop a strategy of the disposal of the Site for approval by the Council. This report seeks approval in principle for the disposal of the Site shown edged red in Appendix 1 subject to the statutory Public Open Space disposal procedure and the statutory procedure pursuant to section 77 of The School Standards and Framework Act 1998, in relation to the disposal of former playing field land.

2. Recommendations

2.1. That Cabinet:

- 2.1.1. Confirm that the Former Vernon Road Infant School Site can be declared as surplus to the Council's requirements and authorises the advertisement of the intention to dispose of the land delineated 'cross hatched red', as outlined on Appendix 1, which is identified as open space, in accordance with section 123 of the Local Government Act.
- 2.1.2. Delegate authority to the Executive Director - Place to give due and proper consideration to any representations and/or objections made in response to the requisite public open space advertisement and in consequence of such consideration, to decide whether or not the proposed disposal will proceed.
- 2.1.3. Subject to either there having been no representations and no objections made in response to the requisite advertisement of the proposal to dispose of open space land or the Executive Director – Place having given due and proper consideration to those responses made and having taken a decision to proceed with the proposed disposal delegates authority to:
 - 2.1.3.1. the Head of Education Infrastructure & Outcomes to undertake the consultation exercise required as detailed in section 8 of this report and to seek and obtain any necessary consents required from the Secretary of State for Education through the Department for Education; and,
 - 2.1.3.2. The Head of Estates to seek and obtain any other consents necessary prior to or in respect of the proposed disposal.
- 2.1.4. Subject to either there having been no representations and objections made in response to the requisite advertisement of the proposal to dispose of open space land, or a decision having been taken to dispose of the land in accordance with 2.1.2 above and all requisite consents having been obtained under 2.1.3 above, delegate authority to the Executive Director for Place in consultation with the Portfolio Holder for Environment and Regeneration to develop a disposals strategy for the Site and to report back to Cabinet with the proposed strategy and recommendations for the method of disposal of the Site.

3. Reasons for Recommendations

- 3.1. The former school buildings situated on the Site are vacant and not required for an alternative use by the Council and, therefore, it is considered surplus to operational requirements. The playing field element of the Site is currently utilised by Vernon Primary School but the school will continue to have playing field provision in excess of the DfE guidelines. If the Council disposes of this

land the funds raised by the disposal of the playing field are anticipated to be required to be reinvested back into local education sports provision in Poynton.

3.2. As the Site is vacant, it is a maintenance liability to the Council and is subject to holding and security costs (circa of £1,000 per annum) and a potential health and safety risk to members of the public.

3.3. If the Site were to be developed it would bring the Site back into economic use and this will have a positive effect on the local economy.

3.4. Further work on the disposal strategy is required to determine the best route to market for the Site, however if Cabinet waits until this work is completed then this would further delay progressing the matter and expose the Council to further risk, costs and liability in holding a vacant asset.

4. Other Options Considered

4.1. The Council could choose to retain the Site; however the Site would not be brought back into economic use and continue to present a revenue and risk liability to the Council.

4.2. The Council could dispose of the buildings and hardstanding areas only. This is not promote the best potential future use of the Site.

4.3. Alternative configurations of the Site to be disposed have also been considered. These options are difficult to deliver and would also increase the costs for the Council in preparing the Site for disposal.

4.4. The Site is also subject to the requirement for consent under section 77 of the Schools Standards and Framework Act 1998. The monies from this element of the sale are expected to be required to be reinvested into educational sport provision in the area.

4.5. The subject land has been identified within the emerging local plan. It has been recommended as a parcel to be included as an “allocated site” in the Draft Site Allocations and Development Policies Document (SADPD) to deliver circa 50 dwellings, it is recommended that the Site is brought to the market for sale.

4.6. Officers will investigate options around the route to market for the Site and recommend a disposals strategy following the statutory procedures being completed (as recommended in this report).

5. Background

5.1. The Site is located on Clumber Road close to the village centre. The surrounding area is predominately residential with Vernon Primary School located to the southern boundary. Poynton High School is within close proximity to the south east.

- 5.2 Vernon Infant School was closed in 2007 when it was amalgamated with the adjacent school to create Vernon Primary School. The new Vernon Primary School opened on 1 January 2008 initially in the existing buildings. The former school's playing fields have since been used by the new Vernon Primary School, a small proportion of which is included with the Site. However, disposing of part of the school playing fields would not result in the adjacent Primary School having insufficient provision as they will still have in excess of the DfE guidance for playing pitch provision.
- 5.3 The Site is located in an area subject to the Macclesfield Local Plan Boundary and the area surrounding the Site is allocated for residential uses. The Site previously had outline planning consent (now expired) for a 73 apartment extra care scheme from 2010.
- 5.4 The Site itself is allocated in planning terms as "Existing Open Space". This can restrict development to protect the most recent community use. That being said, the outline planning consent previously granted for 73 extra care apartments involved the loss of the open space and this would be a material consideration in any new proposal for residential development for the entire Site.
- 5.5 It has been calculated that the playing fields extend to 0.49 acres and, therefore, on a pro-rata basis, we estimated that circa 28% of the receipt for the Site would be set-aside for re-investment. A list of schemes that would benefit from the reinvestment would also need to be submitted to the DfE.
- 5.6 The Secretary of State's consent to dispose of playing fields land is required under Section 77 of the School Standards and Framework Act 1998. There is a departmental expectation when an application is made for such consent that any proceeds received from the sale of land which is designated as playing fields is re-invested into local education infrastructure. In the first instance for the purposes of sport and recreation and then should these needs be met funding can be spent on other education projects.
- 5.7 The application requires a formal valuation report to be included (preferably by the District Valuer, or alternatively another registered valuer) and a list of schemes, which the Council is proposing to deliver, and how these schemes are sustainable. The projects are listed in a hierarchy should the enclosed valuation not be achieved to allow some flexibility. If the Council makes a decision to proceed with a disposal at less than best consideration in order to secure the promotion or improvement of the economic, social or environmental well-being of Cheshire East then further consent may be required from the Secretary of State.
- 5.8 The DfE will then monitor the projects to make sure the Council delivers in accordance with its application.

6.1. Legal implications

- 6.1.1 The Council has the power to dispose of land pursuant to s123 of the Local Government Act 1972 subject to it being at the best consideration that can reasonably be obtained. Section 123 of the Local Government Act requires the advertisement of the proposal to dispose of open space before its disposal and proper consideration of any objections received following such advertisement. The consent of the Secretary of State is required prior to the disposal of land used as school playing fields by a maintained school in the period that is ten years prior to the disposal pursuant to s77 of the School Standards and Framework Act 1998.
- 6.1.2 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 and subject to compliance with State aid regulations. Normally the Council anticipates a disposal of the Site will be for best consideration, should this not be the case further approvals may be needed.
- 6.1.3 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.
- 6.1.4 The Council's Legal Department will provide further advice in relation to any additional consents that may be required prior to the sale of the Site and arising as a result of the previous use of the Site for Educational purposes. The Legal Department will provide advice throughout the sale process.

6.2. Finance Implications

- 6.2.1 The sale of land will generate a capital receipt for the Council and dispose of a maintenance liability.
- 6.2.2 Future reactive maintenance costs will cease to be the responsibility of the Council on the completion of the sale.
- 6.2.3 Estates annual holding/security costs for this asset are circa of £1,000 per annum.

6.3. Policy Implications

- 6.3.1 The disposal will aim to bring a redundant asset back into economic use. The Council acting in capacity as landowner only cannot control the future use of the Site. In addition to this, it will also reduce the Council's corporate risk and liabilities relating to holding a vacant asset.

6.4. Equality Implications

- 6.4.1. There are no equality implications in respect of this proposal.

6.5. Human Resources Implications

6.5.1. There are no human resources implications in respect of this proposal. The Council's Assets and Legal Departments will deal with the disposal.

6.6. Risk Management Implications

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

6.7. Rural Communities Implications

6.7.1. There are no rural communities' implications in respect of this proposal.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. The reinvestment of funds arising from the disposal of the playing field into local sports provision has the potential to increase accessibility to sports and leisure on a wider footprint.

6.9.2. Preservation of green space alongside residential development has the potential to increase the physical activity and wellbeing of individuals if it is made accessible to residents.

6.10. Climate Change Implications

6.10.1. There are no climate change implications in relation to the processes outlined in this report. In terms of a future potential disposal strategy for the site climate change implications will be form part of the considerations to inform the recommended option.

7. Ward Members Affected

7.1. Poynton East and Pott Shrigley

7.2. Cllr Jos Saunders & Cllr Nicky Wylie.

8. Consultation & Engagement

8.1. Consultation will be required as part of the application to the Department for Education with regard to the disposal of playing fields and the re-investment of any sale proceeds. The public open space disposal procedure involves advertising the proposed disposal in newspapers local to the area concerned for two consecutive weeks prior to any final decision being made.

9. Access to Information

9.1. Appendix 1- plan of site proposed for disposal

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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