

Decision maker:	Cabinet member contracts and assets
Meeting date:	Thursday, 19 July 2018
Title of report:	Disposal / Redevelopment of former school land and playing field at Holme Lacy primary school
Report by:	Sufficiency Planning and Capital Investment Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

Dinedor Hill;

Purpose and summary

To approve the proposal to dispose of the former school land and playing fields at Holme Lacy Primary School subject to agreement from the Secretary of State.

Holme Lacy primary school closed in September 2012 following a statutory consultation period.

There was no evidence or indication that demand for places at the school would increase in the foreseeable future and it was very unlikely that demand would have been at a level that would sustain the school financially or educationally. No significant new housing development was planned in the school catchment area.

The buildings and land was used temporarily by Robert Owen Academy from September 2013 to August 2015. Since then no use has been made of either the buildings or playing fields by any party and therefore they are no longer required following the closure of the school.

Recommendation(s)

That:

- (a) The land occupied by the former Holme Lacy Primary School (buildings, land and playing fields) as identified in the plan at appendix 1, be approved for disposal; and**
- (b) the interim education and capital manager be authorised to take all operational decisions necessary to implement the disposal subject to Secretary of State consent being secured.**

Alternative options

1. The site is retained. The opportunity to realise a capital receipt would be lost and costs would be incurred to maintain the site or demolish the building to reduce council liability.

Key considerations

2. Holme Lacy Primary School closed on 31 December 2012 following a statutory consultation period in the summer term 2011/12. Pupil numbers at the school had been declining over the previous five years and it was expected that there would be no children on roll at the school in September 2012. There was no evidence or indication that demand for places at the school would increase in the foreseeable future and it was very unlikely that any such demand would have been at a level to sustain the school financially or educationally. There was no significant new housing development planned in the schools catchment area. Pupils that were on roll at the school in the summer term transferred to one of eight primary schools in the county.
3. From autumn 2013, the building and playing fields were used by the Robert Owen Academy, following a directive from the Education and Skills Funding Agency (ESFA), pending refurbishment and extension of premises that had been identified for the free school in the centre of Hereford. These new premises were occupied from September 2014. The buildings and playing fields at Holme Lacy continued to be used by the Robert Owen Academy until the end of the lease on 29 August 2015. Since that time, no use has been made of either the buildings or the playing fields by any party.
4. An analysis of the spring term 2017 school census data showed that there were 24 children aged 4 to 10 attending Herefordshire schools who lived within the Holme Lacy area. Likewise, looking at known children data obtained in September 2016, there were 17 children aged 0 to 3 living in the area. Historically, the pupil number make-up of Holme Lacy was 33% catchment children and 67% out of catchment children. This suggests that there are insufficient numbers to provide a sustainable standalone school. All options for the continuation of education were explored at the time of closure and there is no new information to support a school being reopened on this site.

5. The neighbourhood plan for Holme Lacy parish is currently in development. Information from the strategic environmental assessment for the plan indicates that Holme Lacy is a focus area for proportionate housing developments and is considered to be a suitable location for proportional growth of 18% (based on the Herefordshire Core Strategy Pre-submission Document 2012-31 and the Herefordshire Rural Housing Background Report). The council's five year housing supply however, does not identify any developments in the Holme Lacy area within the plan period of 2015 to 2020. Neither the plan nor the housing supply will have taken into account the potential for redeveloping the Holme Lacy Primary School site.
6. The application to the Secretary of State is for consent under Section 77 of the School Standards and Framework Act 1998 to dispose of school playing field land. There are no schools in the local area which are below the recommended playing field area that could utilise this land. The playing fields are not used by any other party and are therefore no longer required following the closure of the school.
7. The corporate property strategy guides how we dispose of corporate property once approval from the Secretary of State has been received. Any receipts received will be dealt with in accordance with the council's capital policies and future school needs are guided by the school capital investment strategy.
8. The process by which the Holme Lacy site is disposed (for example whether by sale on the open market or development through the council's strategic partnership Keepmoat) will be the subject of a further key decision.

Community impact

9. There is no adverse impact on the local community in approving the disposal of this land. The school and associated land has not been used by any party since it was vacated in August 2015.
10. The current building is a potential target for vandalism and a health and safety risk should anyone consider trying to break in. Even though the building is empty and not in use, the council has to ensure that the building is safe and secure and must take precautions to ensure the safety of anyone entering the site, including trespassers, so far as is reasonably practicable.
11. The capital receipts secured as a result of the disposal would support the council's corporate plan priority of securing better services, quality of life and value for money.
12. The capital receipts may also be used to invest in other schools around the county to improve their facilities and bring the buildings in line with the specifications included in the ESFAs building bulletins. This could support the council's corporate plan priority and children and young people's plan objective of keeping children and young people safe and giving them a great start in life and hence could promote the life chances of looked after children and care leavers.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.
15. We are not aware of any significant impact on the community in approving the disposal of the land. The site has not been used for educational or recreational purposes for over three years and therefore we do not believe that it will have a detrimental impact against any individual that shares a protected characteristic. The capital receipts may also be used to address equality issues in near-by schools.

Resource implications

16. The total plot area to be sold is 0.79 hectares (1.95 acres). A valuation for the land has been produced by the district valuer based on the best value that can be derived by refurbishing the main school building, demolishing the annexe and pre-fabricated buildings and redeveloping the remainder of the site for residential purposes. This valuation equates to £669k.
17. There will be legal and other administrative costs in relation to the preparation and completion of the sale, which will be deducted from the overall receipt cost. These would equate to approximately 4% of the sale price.
18. Costs in previous years to maintain the building have equated to £2,250 in 2016/17 and £1,914 in 2017/18. There are also business rates on top of these costs at £3,577 in 2017/18 and £3,960 in 2018/19. There would therefore be a revenue saving in future years of approximately £8,000.
19. Any receipts received will be dealt with in accordance with the council's capital policies and future school needs are guided by the school capital investment strategy.

Legal implications

18. A principal Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market. (Sales at an undervalue are permitted with the express consent of the Secretary of State (Section 123(1) Local Government Act 1972) or if such a disposal is justified and falls within the criteria of the General Disposal Consent (England) 2003).
19. The District Valuer has undertaken a valuation of the site and following subsequent marketing of the property prior to disposal, the Council will be able to demonstrate that best consideration possible is achieved.
20. Following receipt of Secretary of State's consent for the disposal of the playing field, the Council's Legal team will undertake an analysis of the title to the site and deal

appropriately with the sale, based on such analysis.

- 21 The property is not currently listed as an Asset of Community Value.

Risk management

- 22 There are no significant risks associated with this disposal. However, if the sale is not approved or is delayed then there will continue to be a cost to the council for the maintenance of the site and buildings.

Consultees

- 23 Consultation on the proposed disposal of the site was conducted between 16 February and 29 March 2017. Information concerning the consultation, including a plan of the former school land and playing fields under consultation, was available on the council's website. A statutory notice was published in the Hereford Times and displayed at the school, village hall and in the customer service centre at Franklin House, Hereford. A local letter drop also took place in the Holme Lacy area surrounding the school.
- 24 In response to a request for further information by the parish council, a meeting was held at Holme Lacy Village Hall, where the position of the school and the rationale behind the proposals was explained to parish councillors. The national election and changes in Secretary of State have been factors in determining when to submit an application for disposal to central government.
- 25 Three e-mail responses were received in total:
- a) 'Please take into account during the consultation that over time all the additional housing being built in the area will result in additional children who will require schools. Additional school capacity will one day be required and the best place for the one in Holme Lacy might be the current location. Trying to reduce car use suggests that sending children to schools further afield will be less acceptable than it is now.'
 - b) 'There are no proposed plans for development which I assume will be the case if the land is sold. I have no major objections for the sale of the site, however should development occur then several issues pertinent to the village should be raised. If a housing development occurred, a traffic calming scheme should be provided by the developer. The road down to the river should be widened and a footpath provided down to Lucksall campsite where at least a regular bus can be taken. Have we considered extending the Sustrans route to Rotherwas, thereby providing a safe commute for members of the village into Hereford, utilising the new footbridge, this would also benefit students at the agricultural college in a commute into and out of town. I would be eager to hear of future plans for the site but have no objection to its sale but I would like the monies raised to provide improved facilities, however improved access for the college via a cycle route to Rotherwas would be my preferred opinion of monies raised from the sale.'
 - c) 'We fully support the proposal to dispose of the school buildings and site and are pleased that the council's strategy will see the proceeds reinvested into other schools in the county.'
- 26 Political groups have been consulted. No objections and one comment were received.

- 27 The comment received noted that the school was no longer required for educational purposes and therefore the council was obliged to dispose of the asset to obtain best value. As the council does not currently have a five year housing supply the site should be promoted as a suitable and valuable development site within the settlement boundary of Holme Lacy. It was noted that Mordiford Primary School admits children that would have previously attended Holme Lacy Primary, is oversubscribed, operating with two temporary classrooms and looking at future expansion. The recommendation was for a proportion of the funds from the disposal to be directed towards Mordiford Primary school.
- 28 The ward member has been given the opportunity to share his views. Although he accepted that assets should work for their keep rather than standing empty, his concerns related to the potential of losing an education covenant. The site sits directly across from one of the foremost agricultural colleges in the county, which suggested that there was a future for education in Holme Lacy which may not have been recognised. Residents needed to understand the position and how 5,000 new rural houses did not need educational facilities. The education resource in the South Wye catchment needed improvement, not the removal of educational covenants.
- 29 Consideration has been given to the effect of current known housing in the area upon the numbers of children likely to attend the school. 38 new dwellings are proposed in Holme Lacy during the period 2011-2031. The numbers would be considered insufficient to sustain a school, even a small school, in the area.
- 30 Traffic management and the provision of footpaths would be areas for consideration by planning once a planning application for development has been submitted by a developer.

Appendices

Appendix 1 – Holme Lacy Primary School establishment site map

Background papers

None identified