



LEEDS
CITY COUNCIL

Originator: Sean Smith
Tel: 77871

REPORT OF THE DIRECTOR OF DEVELOPMENT

REPORT TO: EXECUTIVE BOARD

DATE: 16 AUGUST 2005

SUBJECT: REPORT - FORMER DRIGHLINGTON PRIMARY SCHOOL, DRIGHLINGTON DEPUTATION TO FULL COUNCIL 19 JULY 2006

**APPENDIX - To be circulated at the meeting
Exempt under Exemption 1 (Commercial Interests)**

<p>Electoral Wards Affected:</p> <p style="text-align: center;">MORLEY NORTH</p>	<p>Specific Implications for:</p> <p>Ethnic Minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled People <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
<p>Executive Board Decision <input checked="" type="checkbox"/> Eligible for call in</p>	<p><input checked="" type="checkbox"/> Not Eligible for call in (details contained in the report) <input type="checkbox"/></p>

Summary

This report has been prepared at the request of Council following the deputation by representatives of Drighlington residents which raised specific points regarding the ownership of the school and consultation which has been undertaken. It provides background information on the disposal of the former Drighlington Primary School as part of the Council's Primary School Review, the consultation undertaken and the Council's ownership of the land and buildings.

1.0 ISSUE

- 1.1 Representatives of the Drighlington Conservation Group were granted a deputation to the Council on 19th July 2006. Specific concerns that the deputation raised were:
- (i) Representatives of the local residents of Drighlington have not been consulted by officers, and that a petition raised to save the school has not been considered by officers.
 - (ii) The Council do not have legal ownership of the site.

2.0 PURPOSE

- 2.1 The purpose of this report is to inform Members about concerns raised in the deputation granted to representatives of Drighlington residents regarding the disposal of the former Drighlington Primary School. This will enable Members to make an informed response to the deputation made by Drighlington Conservation Group.
- 2.2 A copy of the deputation paper is attached as appendix 1 to this report. This report will

address the items detailed above and provide Members with other information.

3.0 BACKGROUND

- 3.1 In delivery of its 'Making the Most of People' corporate objectives, the Council is investing over £68 million in upgrading and replacing primary school facilities across the district under the Primary School Review and Leeds Primary Schools PFI programmes. On 16 October 2002 and 21 July 2004 Executive Board approved the disposal of the surplus school properties which are being replaced and the ring fencing of capital receipts to the scheme as part of the funding package.
- 3.2 The disposal of Drighlington Primary School as part of the Primary School Review will fund replacement school provision in the area through the refurbishment of the former infants school at Moorlands Drive in Drighlington, which will become the new primary school.
- 3.3 A Planning Statement was prepared which indicates potential alternative uses to be residential, office, light industrial, storage or distribution, or community uses such as dentists, doctors surgery or nursery. The building is not listed or in a conservation area
- 3.4 Drighlington Junior School was declared surplus to requirements by the Chief Education Officer on 31st January 2005. The Director of the Development Department gave approval on 11 March 2005 that the above site be advertised for sale on the open market and that offers received be reported to the Director of Development for consideration. Prior to the marketing of the property Ward Members were consulted (see below).
- 3.5 The property has been marketed and by the closing date of 18th August 2005, 8 valid offers were received. A further offer was received on the same day. The schemes have been referred to Planning and Highways officers within the Development Department for consideration.
- 3.6 The Director of Development gave approval on 8th November 2005 to undertake further discussions with a shortlist of 3 parties whose submissions were accompanied by the 3 highest financial offers.
- 3.7 The shortlisted schemes have been discussed further with Planning and Highways Officers and a report to the Chief Asset Management Officer has been prepared recommending disposal for the highest offer which has been received.

4.0 MAIN ISSUES

- 4.1 Representatives of the Drighlington Conservation Group were granted a deputation to the Council on 19th July 2006. Specific concerns that the deputation raised were:
- (i) Representatives of the local residents of Drighlington have not been consulted by officers, and that a petition raised to save the school has not been considered by officers.
 - (ii) The Council do not have legal ownership of the site.
 - (iii) The buildings should not be demolished under any change of use of the site.
 - (iv) The clock in the clock tower was recently installed through public subscription and should be retained within the community.

5.0 CONSULTATION

- 5.1 Ward Members were consulted on 28th January 2005 on the proposal to dispose of the property and have commented that the buildings should be retained and used for community uses that should be restricted to either the provision for Early Years/Childcare facilities or sheltered housing provision. The normal period for consultation with Local Ward Members is 10 days, although a request was agreed from Local Ward Members to extend the consultation period to the end of February to enable Drighlington Parish Council to provide their views to Local Ward Members.
- 5.2 The proposal to dispose of the surplus school, and the Planning Statements was referred to the Outer South Area Management Committee on 14th February 2005 for consideration. The Area Committee supported Ward Members desire to retain the building for community use but recognised the Executive Board decision to sell the property.
- 5.3 Drighlington Parish Council submitted a petition signed by local residents on 22nd June 2005 to retain the building for use within the community, and together with local school governors, have expressed a desire for the clock face to be relocated to the new school as this was a memorial to a previous headmaster. Education Leeds have discussed this with the school governors and arrangements are being progressed for the relocation of the clock and weather vane separately. Officers are also currently examining whether the clock tower itself can also be reconstructed as a part of these arrangements. The petition was included with the report to the Chief Asset Management Officer on 8th November 2005 outlining the offers which have been received and recommending a shortlist of interested parties for further discussion.
- 5.4 Since then, further meetings have taken place between one Local Councillor for Morley North and Senior Officers of the Council regarding progress of the sale and he has expressed support for affordable housing within any scheme. Affordable housing will be provided where schemes exceed the threshold of 25 dwellings, although given the size of the site it is unlikely that the threshold will be exceeded.
- 5.5 Local communities are not consulted on the principle of retention or disposal of buildings. Rather, they are consulted on an ongoing basis by service departments regarding the need for services in their areas. Where the case can be made for new facilities then these are incorporated into the appropriate departmental asset management plan. Neither the Department of Neighbourhoods & Housing nor the Department of Learning & Leisure have identified a need for additional community facilities on the old school site.
- 5.6 With regard to the design, environmental and usage issues relating to any future development of the site, representatives of Drighlington residents will have the formal opportunity to make objections to the Council (as Planning Authority) once a planning application has been submitted by the successful purchaser.
- 5.7 The petition raised to save the school was discussed with the Executive Member for Development. The concerns of the community were noted. However, on balance the Executive Member concurred with the view of officers that:
- (i) The substantial sum offered for the site (see confidential appendix) was an important element of the funding to deliver the Primary School Review programme. Any decision to retain this site in Council ownership would have necessitated the deletion of one or more other important schemes from the Capital Programme.
- and

- (ii) The difference between the highest offer for demolition/new build on the site and the highest offer involving retention/refurbishment by the developer of the existing school buildings (see confidential appendix) was too great to justify pursuing the latter option. It was also noted that the buildings are neither listed, nor in a conservation area.

6.0 BEST CONSIDERATION

6.1 The Council is under a statutory duty to obtain 'best consideration' (the highest price) when it disposes of property assets under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985). There are certain times when the Council can sell at less than best consideration, but only in exceptional circumstances. In relation to Drighlington Primary School the Council will realise best consideration in the event of the property being sold for residential redevelopment. The values for redevelopment and refurbishment are given in the confidential appendix.

7.0 OWNERSHIP

7.1 The Council's Legal and Democratic Services Department have investigated the claims in respect of ownership by the Margetson Estate and have found no evidence to suggest that the land is not within the Council's ownership, and the Council has registered its legal interest in the ownership of this land with the Land Registry.

7.2 The Parish Council have been invited to submit any evidence to suggest otherwise for further consideration, however no further evidence has been forthcoming.

7.3 The Charity Commission have written to the Council to confirm they are satisfied that the school site and buildings are owned by Leeds City Council as the lawful successor to the School Board of Drighlington.

8.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

8.1 Any consideration for the rightful ownership of land and consultation undertaken as proposed in the deputation by the representatives of Drighlington residents should be considered within the context of the Primary Schools Review, Asset Management Plan, and the Corporate Plan.

9.0 LEGAL AND RESOURCE IMPLICATIONS

9.1 The ownership of the School has been investigated by the Council's Legal and Democratic Services Department and the Council's title has been registered at the Land Registry. The Charity Commission have confirmed they are satisfied the Leeds City Council are the owners of the site and buildings.

9.2 The disposal of this school as part of the Primary School Review will fund replacement school provision in the area through the refurbishment of the former infants school at Moorlands Drive in Drighlington, which will become the new primary school through the generation of a capital receipt for the Council.

10.0 RECOMMENDATION

10.1 Executive Board are asked to note:

- (i) The concerns expressed in the deputation from the Drighlington Conservation Group.

- (ii) The consultation which has taken place to date.
- (iii) That the petition from Drighlington residents did receive due consideration from officers and the Executive Member for Development, but that on balance the view was taken that it was necessary to progress the disposal in order to deliver the Primary School Review programme.
- (iv) That representatives of Drighlington Parish Council will have a further formal opportunity to submit any objections on the development of the school upon submission of a planning application by the successful purchaser of the site.
- (v) That discussions are underway to secure the rebuilding of the clock tower, the clock face and mechanism, and the weather vane in appropriate locations within the community.
- (vi) That the Council is the legal owner of the site and buildings and therefore does have the right to dispose of them.
- (vii) That Development Department will continue to progress the disposal of the school to meet the targets of the Primary School Review, and maintain an ongoing dialogue with Local Ward Members.