



Report of the Director of Development

Scrutiny Board (Development)

Date: 21st November 2006

Subject: Blackgates Infant School

Electoral Wards Affected: Morley North and South

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Information for Scrutiny Board

The sale of Blackgates Infant School was considered at the Scrutiny Board on 10 October 2006 and is being reconsidered at the Scrutiny Board to be held on 21 November 2006. Outlined below is the background to this proposed sale and also a reply to various queries that were raised at the Scrutiny Board on 10 October.

Background

On 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 Leeds Primary Schools PFI and Primary School Review. One of these schools was Blackgates Infant School.

The sale of surplus property by the Council is governed by legislation and one of the key aspects is that the Council is obliged under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985) to obtain the best consideration that can reasonably be obtained. In terms of achieving best consideration here access to Blackgates Infant School site, with the associated highways issues, is critical. Such access is best enabled from the adjoining Shancara Court development.

Ward Members are consulted as a matter of routine with regard to the disposal of a property. However the method of disposal is determined by the Director of Development, (or in a few cases the Executive Board). She will select the method of disposal that will, in her opinion, achieve best consideration as outlined above. The disposal methods used can be described as follows:-

1. by seeking offers on the open market,
2. by auction or

3. in some instances by one to one negotiations.

The procedure for considering the most appropriate method for sale of Blackgates Infant School has been the same as for the sale of all other Council sites.

Consideration to the various queries raised are outlined below:-

1.0 Apparent Lack of Consultation and Details of when Ward Members were first consulted.

- 1.1 In November 2002 Blackgates Infant School Governors were consulted by Education Leeds regarding Mintons request that a small section of the wall to Blackgates Infant School caretaker's house on the Bradford Road frontage be set back for a sight line for the proposed new access road (now Shancara Court). The Governors confirmed they had no objection to the proposal but would like a new access to be provided to the caretaker's house from the development (as there was a possibility that, on retirement of the school caretaker, the next caretaker would be non resident and with a separate access away from the school the house could be considered for sale in isolation).
- 1.2 On 22 January 2003 the Governors and Head Teacher further discussed the matter at a Governing Body meeting, following Mintons provisional agreement to provide an access to the caretaker's house from their development. It was agreed that the small area of land, approx. 3.1 sq m could be released for the purposes of a sight line. At that time the development proposed was as shown on Plan A attached.
- 1.3 Ward Members were advised by the Development Department by letter dated 17 February 2003 of this proposal and did not have any comments.
- 1.4 Meanwhile Education Leeds were progressing their own consultations regarding the future of the school in which the Development Department was not involved. Subsequently the decision was taken to close the school and the site was passed to the Development Department for disposal as directed by Executive Board.
- 1.5 On 28 January 2005 Ward Members were consulted by the Development Department regarding the disposal of the school which was to be closed in August 2005. Two of the Ward Members advised that they wish to retain the school building and both favoured its retention for local community uses. One Ward Member expressed she would wish to see the building retained because of its visual merit and historic significance in the area. The proposal to dispose of the surplus school, and the Planning Statements for each surplus school were referred to the relevant Area Committees for consideration. In the case of Blackgates Infant School a report was submitted to the South (Outer Area) Committee on 14 February 2005. The Committee supported the Ward Members comments but recognised that Executive Board had already made the decision to sell the property.
- 1.6 The method of consultation was consistent with that which pertains for all disposals.

2.0 Summary Reasons for the decision not to invite Tenders

- 2.1 As outlined in the Background the Council is under an obligation to achieve best consideration on disposal of property. The Director of Development (or Executive Board) make a judgement on the recommendation of officers as to which is the best method of disposal to achieve this. In the case of the Blackgates site best consideration is achieved through delivering the maximum number of residential units which is acceptable within the planning constraints which apply. One important planning consideration is the access to the site.
- 2.2.1 When in March 2003 the Development Department was made aware of Education Leeds' consideration to the future of this school which could include closure, Highways Officer advice was that on redevelopment of the school site the preferred option would be to access the site from the proposed residential development site adjoining (being proposed by Mintons and now called Shancara Court). Highways Officers also commented that there could be difficulty with access to development on the school site direct from Bradford Road chiefly due to the presence of the pedestrian crossing and also the proximity of nearby junctions. Thus access via Shancara Court offered the means of optimising the number of residential units which could be built on the school site, and hence the value of the site.
- 2.2.2 Following this advice Mintons were approached by the Council to obtain a right of access through their development site. Such an access would be taken between the house plots nos. 5 and 6 shown on Plan A. Mintons were approached at this time, whilst discussion was still in progress regarding the issue of the sight line and they could incorporate such an access into their proposed development layout. Failure to agree to this right of way could have put in jeopardy the Council's ability to obtain best consideration arising from the sale of its own land. There was also an issue of Mintons, or any future owner of the site, asking the Council for a substantial payment of 'a ransom sum' to pay for such access, but this was less likely whilst Mintons were requesting use of Council land for the sight line. Mintons agreed to this right of access without payment from the Council provided that they were given first option to purchase the adjoining school site owned by the Council.
- 2.2.3 The Director of Development on 16 June 2003 approved terms for the grant of an Option for Mintons to purchase the site of Blackgates Infant School. It was not appropriate for Ward Members to be consulted at this time because:-
- i. The offer of the Option was essential if the Council was to protect the future value of its assets
 - ii. The Option was not binding and the terms ensured that it only became operable on condition that the school site was released for sale by the Council and access thereto was taken through Mintons development at which time there would be the usual consultation.

The two access ways then to be provided by Mintons are shown by cross hatch on the attached Plan B.

- 2.3 On 21 July 2004 Executive Board approved the recommendation of Education Leeds on the disposal of the surplus school properties to be replaced and the ring fencing of capital receipts to the Leeds Primary Schools PFI and Primary School Review.
- 2.4 Valuations were undertaken to determine achievement of best consideration for

the site which supported that the school site should be redeveloped with access via the Mintons development of Shancara Court. Hence this necessitated disposing of the school site under the terms of the Option agreed with Mintons rather than offering the school site on the open market.

- 2.5 On 15 March 2005 the Director of Development gave approval to enter into one to one negotiations with Mintons for the disposal of Blackgates Infant School and in the event of these negotiations not being concluded to dispose of the property on the open market by informal tender. This was on the basis that the proposed method of disposal was most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985). Ward Members were consulted by the Development Department in January 2005 as already mentioned in 1.5.
- 2.6 Mintons were invited to progress a purchase under the terms agreed for the Option, involving initially agreeing a development scheme with Planning Officers and Property Services and submission of a planning application, which Mintons agreed.
- 2.7 A report was considered by Executive Board on 16 August 2006 which provided information relating to the closure of the school and the chosen method of disposal. This was in response to a deputation to Full Council on 19 July 2006 by local residents opposed to the sale, demolition and redevelopment of the redundant Blackgates Infant School. Executive Board supported the recommendation in the report that the Council was acting appropriately by seeking to pursue negotiations with Mintons and thus secure best consideration for the site.

3.0 Valuation Reports

- 3.1 Valuations were prepared by the Council both for redevelopment of the school site and for conversion of the existing school to residential use. Then as negotiations were being undertaken on a one to one basis, in accordance with the Council's procedure, an external valuation report was obtained from independent chartered surveyors approved by the Council which verified the valuation conclusion by the Council. These valuations were reported in the confidential appendix to the Scrutiny Board held on 10 October 2006.
- 3.2 Valuations have been updated for this site and verified by independent chartered surveyors. These reinforce the order of values that were reported to the Scrutiny Board held on 10 October 2006 and confirm that best consideration is still achieved under the method of disposal proposed by the Council.

4.0 How long has the pedestrian crossing on Bradford Road, sited closer to Beech Street than Shancara Court been there.

- 4.1 A pedestrian crossing was commissioned on the A650 outside Blackgates Primary School in March 1992.
- 4.2 At the time the crossing was installed the need would be assessed on the basis of numbers of adult pedestrians crossing the road at this location.
- 4.3 Guidance given in Local Transport Note 2/95 Design of Pedestrian Crossings published by the Department for Transport on the location of crossings provides

that it should be located 20m away from a priority junction. Beech Street is the nearest such junction and this requirement is met. Additionally the location of private driveways needs to be considered and sufficient distance provided for drivers emerging to see both the signals and turn out of the driveway to the stop line for the signals. Further considerations include avoiding, where possible, placing crossings outside houses, due to the nuisance that can be caused to residents. On this section of Bradford Road placing the crossing beyond the merging of traffic from the west from 2 lanes to one also has bearing on the preferred location. The crossing is at the optimum location to meet these considerations.

5.0 Whether there are details from Education Leeds as to the number of pupils accessing the site and the number of vehicles using the former school gates to gain entry.

5.1 In January 2003 the infant school pupil numbers were 120 and for the nursery 36 so 156 children were attending the site.

5.2 Informally, Education Leeds advised that contact be made with the school staff regarding use of their car park. A conversation was held with Administrative Assistant on 10 November 2004 who advised that there are 15 spaces in the car park with access being taken from the school forecourt in and out to the caretaker's house. Generally some 10 cars are parked all day and are not moved during that period.

6.0 Was the planning Consent for Shancara Court conditional upon the road being made to adoptable standards

6.1 The direction on the planning consent for the development (23/27/03/FU) required the applicant to contact the highways department regarding adoption. Shancara Court was adopted on 21 July 2006.

6.2 As further background to the highways issues here the approved highway layout for the development was for a mews court arrangement in accordance with the West Yorkshire Highway Design Guide, the current standard for residential layouts.

6.3 A mews court arrangement is recommended for a medium to high density layout to serve a maximum of 25 dwellings. A mews court provides that vehicles and pedestrians share the same surface and there are no footways provided. The layout should achieve a design speed of 25kph, and have an angular layout with bends of 14m centre line radius. No forward visibility is required at bends. The combination of sharp bends and no forward visibility should act to reduce vehicle speed. The layout of Shancara Court meets mews court standards.

6.4 Where a mews court is taken directly from the main highway network as opposed to being from a traditional estate road, there is a requirement for a formal transition consisting of a minimum 15m section of traditional estate road style layout with footways. The first 20m of Shancara Court were built to this standard, with one permitted change from standard in a reduction in the kerb radius of the bellmouth with the A650; this was permissible as the A650 is wider than the carriageway width upon which the guidance is based.

6.5 The layout of the Minton's development is such that 11 houses are accessed from the mews court section of Shancara Court. Three houses and the former

caretaker's house are accessed via a private drive from the formal transition section along with the relocated access to the existing dwelling to the west. As a mews court can serve up to 25 houses this layout enables an additional 14 houses to be served from the mews court section of Shancara Court.

7.0 Confirmation that Highways stand by their views that from Bradford Road:-

- i. only the number of vehicles that used the school access point whilst the school was operational could continue to access the school site via this route and therefore any development would be restricted to a maximum of 5 houses or 10 flats.**
- ii. that highways preferred option at the time Mintons built the original development was access through Shancara Court.**

7.1 Highways Officers confirm that their preferred and optimal solution for achieving access to the school site should be via Shancara Court. As outlined in Clauses 6.3, 6.4 and 6.5 Shancara Court is a mews court designed in accordance with the West Yorkshire Highway Design Guide, has been adopted and can be used to access a maximum of 25 dwellings (houses).

7.2 When Mintons submitted a planning application for development of 11 dwellings on the school site accessed from Shancara Court, 30 letters of representation from 12 households were submitted most concerned about the use of Shancara Court for access. Whilst the design of Shancara Court will accommodate 14 additional dwellings, so encompassing the 11 dwellings proposed by Mintons, to alleviate residents concerns revised access arrangements were explored. Highways Officers agreed to an alternative access arrangement which provided only 6 houses would be accessed off Shancara Court and the other 5 houses to be accessed directly from Bradford Road.

7.3 Access to serve a development of the school site directly off Bradford Road had been examined by Highways Officers. It would be preferred that the number of access points on to Bradford Road in this location be reduced but Highways Officers confirmed that as the school access was established it could continue to be used provided that the number of traffic movements to the new development did not exceed the traffic movements due to school use when it was operational. Traffic generation of school use was determined and this provided that a development of 5 houses would be acceptable.

7.4 By way of explanation assessment of traffic generation through school use has been assessed on the basis that the school has 15 car parking spaces, which would be predominantly used by staff who would enter and leave the site once a day. This would generate a total of 30 vehicular movements. Housing in this location can be expected to generate 6 or 7 daily vehicle movements per dwelling, so a maximum development of 5 residential units using this access, which would be expected to generate 30 to 35 daily movements, would be acceptable. On the basis that traffic generation for a flat is half that for a house, access to a development of 10 flats could be agreed though development of 12 flats could be conceded.

7.5 Although two access points were and are now proposed, in highway safety terms access to the development site via Shancara Court, as a properly laid out mews court capable of accommodating an additional 14 dwellings is preferable in highway safety terms than using the existing school access.

7.6 Highways Officers did consider the provision of a new access to the school site direct from Bradford Road in an attempt to achieve an access arrangement which would not restrict development of the site. However this was and is not considered a possibility. This is due to the following considerations:-

- The existing school access is close to being a cross road junction with Beech Street and such cross road junctions have a documented poor safety record.
- Hence a new access to the school site would need to be staggered with Beech Street, such staggered junctions having a better safety record to cross road junctions.
- In staggering a new access with Beech Street, the new access would have to move to where the pedestrian crossing is currently located. The stagger that could be achieved would still be substandard and not in accordance with the requirements of the West Yorkshire Highways Design Guide.
- Providing such a staggered junction would in turn would require the relocation of the pelican crossing from its optimal position and there is not a satisfactory relocation site for this crossing nearby. Relocation to the east would have to be approximately 95m away, this would require relocation of a bus stop and shelter and pedestrians may also have to cross two additional side streets (Fenton and Beech Streets) on the northern side of the A650. Also if there was demand for a crossing here then 95m is sufficient distance to justify a second crossing being installed. To the west the alternative crossing location would be across the dual carriageway section of the A650. Both alternative crossing locations would move the crossing away from its established position and desire lines, could be detrimental to pedestrian safety and it is expected that pedestrians would continue to cross at the existing crossing point. Installation of a new pelican crossing would cost in the order of £70,000 to £100,000.

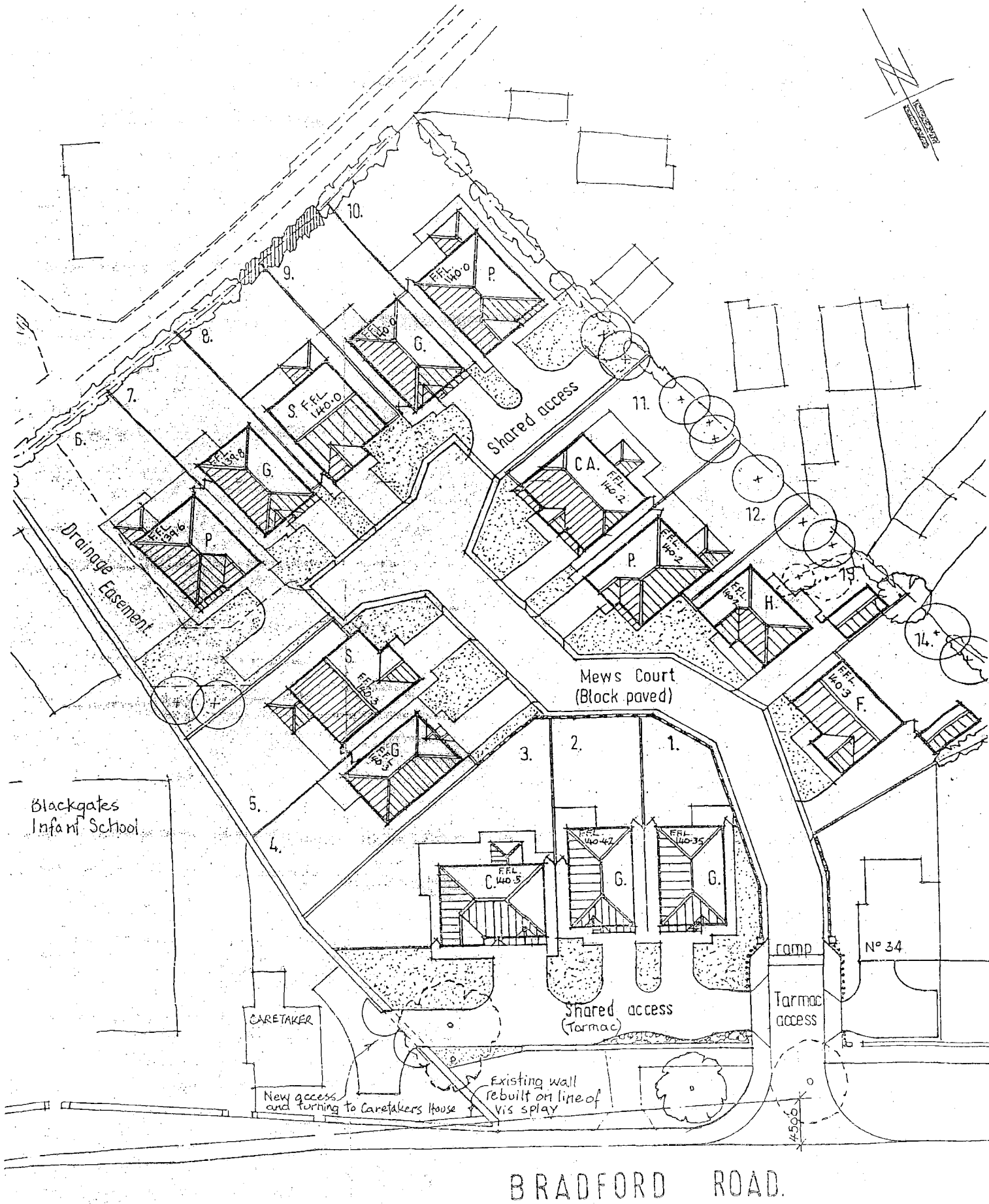
8.0 Do you believe highways advice that 6 extra dwellings accessed via Shancara Court would only result in 4 extra vehicle movements in peak periods.

8.1 Highways Officers confirm that a housing development of the type proposed can be expected to generate on average 0.7 of a vehicle movement per house in the peak hour, 6 residential houses would therefore generate in the order of 4 vehicle movements in each peak hour. The assumptions on traffic generation from residential units are based on the TRICS, a nationally used database of surveys of development sites.

9.0 When was the decision taken by Executive Board to dispose of the former school site

9.1 On 21 July 2004 the Executive Board approved the disposal of the surplus school properties which are being replaced and the ring fencing of capital receipts to the Leeds Primary Schools PFI and Primary School Review. One of these schools was Blackgates Infant School.

PROPOSED DEVELOPMENT ADJOINING
BLACKGATES INFANT SCHOOL



PLAN A