

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY 10 JULY 2017 AT 2.00PM**

Agenda Item
No.

12

**TO CONSIDER THE ACQUISITION OF LAND FOR A NEW FIRST SCHOOL
AT LONDON ROAD BUNTINGFORD**

Joint Report of the Director of Resources and the Director of Children's
Services

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Executive Members:- David Williams Resources, Property & the Economy
Terry Douris, Education, Libraries and Localism

Local Member:- Jeff Jones

1. Purpose of report

- 1.1 To seek Cabinet authorisation to acquire two areas of land at London Road, Buntingford for the purposes of securing a new 2fe first school site, to ensure there is sufficient capacity to meet future demand in the area.
- 1.2 This report should be read in conjunction with the accompanying Part II report.

2. Summary

- 2.1 The County Council has been seeking a site for a new 2FE first school to ensure sufficient capacity to meet the future education needs arising from both the existing community and the pupil yield from new housing in the town. After conducting a thorough site search officers have concluded that two adjoining areas of land at London Road, Buntingford ("the Site") is the preferred location.
- 2.2 The site is strategically placed to meet future identified need and will ensure sufficient first school capacity in the town for the future to meet the anticipated demand in the Buntingford area.

2.3 The employment land:

Fairview Ventures Ltd (“Fairview”) is the owner of land at the former Sainsbury’s Distribution Depot. It has obtained planning permission for residential development of the majority of the land with the remainder being reserved for employment or institutional use. The employment land is currently being marketed for that use but Fairview is willing to sell that land to the County Council for a potential new 2fe first school to ensure sufficient first school capacity in the town.

2.4 The employment land in isolation is of insufficient size to accommodate the proposed 2FE first school buildings and its associated playing field.

2.5 Land occupied by The Bury Football Club:

Fairview is also the freeholder of a site occupied by the Bury Football Club which lies immediately adjacent to the employment land and there is an opportunity for the land at the football club to be made available for use by both the proposed school and the club through the terms of a joint use agreement. Fairview has indicated that it is willing to include the freehold of this land in the transfer to the County Council and discussions with The Bury concerning a potential future joint use of the club’s facilities by a new school have, to date, been positive.

2.6 A plan showing the combined site of the employment land and The Bury Football Club is attached at Appendix 3.

2.7 A non-binding conditional offer, subject to contract, has been made on behalf of the County Council for the two pieces of land, following detailed discussions between Fairview, The Bury Football Club and the County Council’s consultant. The County Council has been advised that the vendor is minded to accept the offer.

2.8 A plan and a full list of other sites considered and assessed in the site search can be found at Appendices 1 and 2.

2.9 Following publication of the report for the Resources, Property & the Economy Cabinet Panel on 15 June 2017, a letter was received from Moulton Walker, Chartered Surveyors, attached at Appendix 5. The response from the County Council is attached at Appendix 6.

3. Recommendation

3.1 The Resources, Property & the Economy Cabinet Panel considered a report on this item of business at its meeting on 23 June 2017. The Panel recommended to Cabinet that the County Council:

- (i) *Acquires the freehold title of both the Employment Land and the site of the Bury Football Club, at London Road, Buntingford as*

shown edged red on the plan at Appendix 3 to this report, for the purposes of securing a new 2FE first school site to serve the future needs of Buntingford.

- (ii) *Grants a lease to, and enters into a joint use agreement with, The Bury Football Club.*
- (iii) *That the terms of the transactions referred to at (i) and (ii) above be approved by the Director of Resources in consultation with the Executive Members for Resources, Property and the Economy and Education, Libraries and Localism.*
- (iv) *Approves a capital allocation for the acquisition and associated costs.*

4. Background

4.1 The educational need case

4.1.1 Buntingford is one of two areas within Hertfordshire which operates a three tier education system; offering first, middle and upper school education to the local community. There are two first schools in Buntingford - Millfield First School (1.5fe) and Layston First School (1fe) - between them currently offering 75 reception places.

4.1.2 Both first schools are currently full in all year groups and in recent years a small number of pupils have been unable to secure a place in the town and have been allocated a first school place in surrounding villages at a cost to the County Council for transportation

4.1.3 As part of the Primary Expansion Programme Phase 7, the County Council is currently consulting on a proposal to permanently enlarge Millfield First School by 0.5fe to 2fe from 2018 in order to meet immediate demand.

4.1.4 In addition to the demand from the existing population, significant housing growth is proposed in the town, much of which is being built out currently. The total pupil yield arising from this new housing is anticipated to reach between 2fe and 3fe.

4.1.5 Property feasibility work has concluded that, assuming Millfield is expanded to 2fe in line with current proposals, the only remaining expansion capacity available would be a potential 1fe at Layston First School. This would be insufficient to meet all of the potential anticipated yield from the new housing proposed in Buntingford.

4.1.6 The County Council's strategy is therefore to secure a new 2fe first school site in the town to ensure that there are sufficient first school places for Buntingford for the future.

4.2 The Site

- 4.2.1 The site is well located on the eastern side of London Road to meet demand and a new school in this location offers a good spread of first school places across the town. It is flat and, through the joint use of the playing fields with The Bury Football Club, the site is of sufficient size to accommodate a 2FE first school.
- 4.2.2 There are a number of identified risks which are currently being explored through detailed feasibility, including access and possible contamination issues.
- 4.2.3 Whilst this site is not without its challenges it does currently represent the preferred option.

5. Town Planning

- 5.1 On 16 March 2015 (relating to an Outline Planning Application – reference 3/13/1925/OP) and 3 March 2016 (relating to a Hybrid Application - reference 3/15/0300/OUT) East Herts District Council granted planning permission for the demolition of the former Sainsbury's depot and development of Phases 1 - 4 of a mixed use scheme comprising 316 dwellings of mixed size and tenure with ancillary parking, public open space and landscaping including new access from London Road [Detailed Application] and 2ha of land for employment purposes including development within B1(c)(light industry), B1 (a) (offices) and/or D1 (non-residential institution) [outline application with all matters reserved] and retention of club house and sports pitches.
- 5.2 School use falls under the category of D1 in the Use Class Order and thus the use of the employment land for a new school does not require a further application for outline permission to establish that it is suitable for school use.

6. Property Implications

- 6.1 The County Council would be acquiring a total land holding extending to approximately 4.44 hectares (10.975acres). This is in excess of the requirements for a 2fe first school as a result of the part of the site subject to the lease to The Bury Football Club which cannot be subdivided and leave a viable football club facility.
- 6.2 As is currently the case, the lease to The Bury FC will make the club responsible for the day to day management and maintenance of the facilities. The proposed joint use agreement with the County Council will regulate the hours of use of those facilities.

7. Statutory Power to Transact

- 7.1 Land acquisition would be under s120 Local Government Act 1972.

8. Financial Implications

- 8.1 The funding for the acquisition will be met from Basic Need funding.
- 8.2 This report should be read in conjunction with the accompanying Part II report which sets out the acquisition strategy.

9. Equality Implications

- 9.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 9.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 9.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 9.4 No major equalities issues have been identified with the proposals outlined in this report at this stage. Securing a school site at this location would ensure that there are sufficient local school places for children in Buntingford for the future. A school at this location would also ensure that there is a good spread of provision across the town reducing the distance that families need to travel to get to school. An EqIA is attached at Appendix 4.

10. Risks

- 10.1 There are a number of identified risks associated with this proposal.
- 10.2 The vendor has indicated that if the County Council cannot proceed to completion of a conditional contract in what he considers to be a timely

manner then he will withdraw from the proposed transaction and continue to market the site for employment use. The County Council may therefore lose the opportunity to acquire the site.

- 10.3 As identified in 4.2.2, there are also a number of identified delivery risks, including access issues and contamination which are currently being investigated through detailed feasibility.
- 10.4 The issue of access is a matter of concern. In essence when the site was in the ownership of Sainsbury the Department of Transport acquired a piece of land from Sainsbury to adjust the access onto the new A10 roundabout. That land remains in the ownership of the Secretary of State and forms the principal access to the proposed school site. The extent of the rights to pass over that land is uncertain and detailed legal advice is being sought to clarify the position of a purchaser of the proposed school site.

11. Conclusion

- 11.1 Notwithstanding the risks highlighted above, in light of the future anticipated demand for first school places in Buntingford arising from the significant new housing development in the town, it is recommended that the County Council should proceed with the acquisition to ensure sufficient first school capacity can be secured for the long term.

11.2

Background Information

Appendices 1- 3 – Plans

Appendix 4 - EqIA

Appendix 5 – Letter from Moulton Walker, Chartered Surveyors

Appendix 6 – Response to Moulton Walker, Chartered Surveyors