



**COUNCILLOR GEORGE
DAVIES**

CABINET
5 SEPTEMBER 2016

THE FORMER LYNDALE SCHOOL,
EASTHAM

Councillor George Davies, Cabinet Member - Housing and Community Safety, said:

“Now the former pupils of The Lyndale School are receiving their education at the other excellent schools in the borough, it falls on the Council to determine the best use of the old school building and surrounding land.

Making sure we make the best possible use of every public building and asset is vital – to get best value for Wirral residents, to invest in and create jobs, and homes and to protect and improve Wirral’s local environment. This is equally true for this site; we must do everything we can to find the best possible use for the land for the benefit of all local residents.”

REPORT SUMMARY

The purpose of this report is to declare the former site of Lyndale School, Eastham a surplus asset to operational requirements and to seek authority for its disposal. Should permission from Cabinet be approved, then additional authority from the Secretary of State to dispose of the site and playing fields will also be required and this will be submitted following a statutory consultation period.

This proposal affects the Eastham Ward.

This is a key decision.

RECOMMENDATION/S

1. That the former Lyndale School be declared surplus to operational requirements and authority be given to disposal on the best terms as recommended by the Council's appointed property consultants, subject to Secretary of State approval.
2. That officers undertake the necessary consultation prior to the Secretary of State application being made to dispose of the school playing fields.
3. That demolition of the building is undertaken immediately which could be prior to the Secretary of State application being approved to dispose the school playing fields and school land, which is allowable.
4. That the land be appropriated for planning purposes.
5. That any Capital receipts received for the disposal of the site be re-invested in sports, recreation or education facilities in the borough.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To dispose of this surplus asset.
- 1.2 To make the best use of the Council's property assets by declaring the property surplus and to seek authority to a disposal.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As the property is not required by the Council and the condition and suitability of the building is prohibitive for alternative use, a sales and marketing exercise by the Council's appointed property consultants is considered to be the most appropriate method of disposal. Consequently no other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 The former Lyndale School is located in Lyndale Avenue, Eastham and is shown thickly edged on the attached plan. The whole site extends to approximately 2.2 acres. Cabinet at its meeting of 17 December 2014 made the decision to close the school effective on 31 August 2016 and from that date will no longer be required for Council purposes.
- 3.2 As the land has been used for school purposes within the last 8 years, in accordance with the guidance provided by the Department for Education, the Council will need to seek approval from the Secretary of State for (i) the disposal of community school land in accordance with schedule 1 of the Academies Act 2010 and (ii) the disposal of school playing field land under section 77 of the School Standards and Framework Act 1998. A statutory six week public consultation will be required prior to the application to the Secretary of state. Notification of approval from the Secretary of State can take a few months.
- 3.3 Should the disposal be approved by the Secretary of State, it is proposed that a marketing exercise for the site be undertaken on the Council's behalf by its appointed property consultants and the site be sold on the best terms reasonably achievable as recommended by the consultant. This is considered to be the best way of meeting the Council's obligation to achieve best value as required by section 123 of the Local Government Act 1972. The Secretary of State requires that capital receipts following the disposal of playing fields should be re-invested in sports facilities, recreation or education facilities at other schools.
- 3.4 Under Section 233 of the Town and Country Planning Act 1990 "where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for those purposes the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order to secure the best use of that land".
- 3.5 Approval is sought, subject to there being no objections referred to above, to the appropriation and disposal of the land together with approval that any objections

be considered by the Deputy Chief Executive in consultation with the Portfolio Holder to determine the appropriation and disposal.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Council will demolish the existing building prior to marketing for sale and funding for the demolition will be met from the Council's Capital Programme (£200,000).
- 4.2 The capital receipt is anticipated to be in excess of the threshold for Delegated Authority limits. It is anticipated that the site will be re-developed with residential units. The number of units will be determined in accordance with Planning Policy. Once a development scheme is completed, the Council will benefit from additional Council Tax income.

5.0 LEGAL

- 5.1 The disposal will require the preparation of appropriate legal documentation related to the disposal.
- 5.2 A full marketing exercise by the Council's appointed property consultants is considered to be the best way of demonstrating that the best price reasonably obtainable has been achieved, which satisfies s123 of the Local Government Act 1972.
- 5.3 Consent from the Secretary of State via form SATPF1 will be required before the playing fields can be sold and form SCH1F for the disposal of the school site.
- 5.4 It is necessary that the site of the school be formally appropriated for planning purposes and the required notices under section 122 of the Local Government Act 1972 be served.
- 5.5 Any future planning application must be determined in accordance with the development plan unless material considerations indicate otherwise under Section 38 (6) of the Planning & Compulsory Purchase Act 2004. The site is designated as part of the Primarily Residential Area in the Unitary Development Plan, which together with the joint Waste Local Plan for Merseyside consists of the statutory development plan for Wirral.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no IT or staffing implications arising from this report.
- 6.2 The proposal is to dispose of a surplus asset.

7.0 RELEVANT RISKS

- 7.1 There is a risk that the Secretary of State will not grant permission to dispose the former school land and playing fields and further discussions with the Department for Education would be required.

7.2 There is a risk that the property will not sell, in which case the Council will continue to be responsible for its maintenance until a purchaser was found or an alternative use identified.

7.3 Not demolishing the building until written permission from the Secretary of State is received could result in many months where vandalism of the site is likely and costly security measures would be required to protect the empty building and provide a safe residential environment. Demolishing the building immediately would overcome these risks and is allowable within the guidance from the Department for Education.

8.0 ENGAGEMENT / CONSULTATION

8.1 Secretary of State approval is required which requires a six week consultation period.

8.2 The appointed property consultants will undertake a promotional exercise to advertise the availability of the property/land.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No, because there is no relevance to equality.

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APPENDICES

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet - Report detailing the outcome of the representation Period regarding the Proposed closure of Lyndale school	17 December 2014