

PART 1 - PUBLIC

Decision Maker: **Children and Young People Portfolio Holder**

Date: **For Pre-Decision Scrutiny by the Children and Young People PDS Committee on 15 June 2010**

Decision Type: Non-Urgent Executive Key

TITLE: PROPOSED SALE OF LAND: COOPERS SCHOOL, CHISLEHURST

Contact Officer: George Searle, Assistant Director (Learning and Achievement)
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Chief Officer: Gillian Pearson, Director of Children and Young People Services

Ward: Chislehurst

1. Reason for report

1.1 The Governing Body of Coopers School is seeking Local Authority approval to sell land (0.034ha) which is currently school grounds. The proposal is linked to a recent land acquisition by housing developers of land adjacent to the school from the London Borough of Bexley.

2. **RECOMMENDATION(S)**

2.1 **The Children and Young People Portfolio Holder is asked to:**

- (1) consider and approve the proposal of the Governing Body of Coopers School for the sale of non-playing field land;**
- (2) require the Governing Body to use the proceeds of any sale to improve the security of the school site;**
- (3) that provision for alternative parking places be made on the site if necessary to alleviate the potential impact of any increase in parking congestion in the area.**

Corporate Policy

1. Policy Status: Existing policy: Building a Better Bromley
 2. BBB Priority: Children and Young People
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: Coopers School, as with all other LBB schools, has a delegated budget operated with a separate bank account.
 5. Source of funding:
-

Staff

1. Number of staff (current and additional) – N/A
 2. If from existing staff resources, number of staff hours -
-

Legal

1. Legal Requirement: Statutory requirement: School Standards and Framework Act 1998 & Education and Inspections Act 2006
 2. Call in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - 1,503 pupils
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Councillor Boughey has visited the school and viewed the small piece of land the school is proposing to sell. The Ward Member has no objections to the proposal and believes the sale would be financially beneficial to the school. Councillor Bosshard has no objections to the proposal.

3. COMMENTARY

- 3.1 The Governing Body of Coopers School, Hawkwood Lane, Chislehurst is seeking approval from the Local Authority to dispose of publicly funded non-playing field land measuring 0.034ha on the school's boundary adjacent to an approved housing development.
- 3.2 When the original planning permission was granted for the development of Sydney House, previously owned by the London Borough of Bexley, the school identified an opportunity to benefit from the sale of a small section of land which would "square" a building plot (Plot 7, Appendix 1) without loss of amenity to the school. The Governing Body reports that it has obtained a commercial valuation of the section of land within the last two years and taking into account the economic climate are negotiating sale of the land to the developers of the Sydney House site at a market rate.
- 3.3 In seeking approval from the Local Authority, the Governing Body has made the case that the land they wish to sell does not come under the definition of 'playing field' set out in the Schools' Standards and Framework Act 1998 Section 77(7) and therefore does not need to seek the Secretary of State for Education's approval for the disposal. A visit to the school by an officer from Property Services confirmed that the land is used for parking of cars, has limited value as an area for recreational use by students and does not meet the definition of playing field set out in the Department for Education guidance on school assets.
- 3.4 Coopers School is a Foundation school and has the full control, including sale of assets, of the school site. The Local Authority in response to the request for approval may:
- (a) take no action, or notify the Governing Body that it does not object to the disposal or proposed use of the proceeds;
 - (b) object to the disposal;
 - (c) object to the proposed use of the proceeds;
 - (d) claim a share of the proceeds.
- 3.5 The Governing Body propose to use the proceeds from the sale of the land to improve the security of the school site. The Local Authority can confirm that it has worked with the school for some years to improve the safety of students, including those of Marjorie McClure School which is adjacent to the Coopers School site. The school has an estimate for new security fencing for the site of approximately £125,000. The proceeds of the sale would contribute to the school fully funding the proposed work.
- 3.6 Any objection to the proposal would be referred to the Schools' Adjudicator for decision.
- 3.7 The Coopers School/Marjorie McClure School site is large and complex and situated close to Chislehurst Common. Members will be aware that planning proposals for developments on the school site have often resulted in objections from local residents. The proposals by the Governing Body to dispose of overflow car parking space, currently used by 6th form students and staff, has the potential of leading to some further parking congestion in the local area of Chislehurst Common. The proposals from the Governing Body do not provide an impact assessment or indicate how alternative parking arrangements will be made on site if required. Ward Members' views of the proposal have been sought and provided in Section 2 of this report.

3.8 The Chief Planner has advised the Local Authority the land in question is within the Green Belt. Planning permission would be needed to use the land for residential purposes. National policy, London Plan policy and UDP policy identify residential use as inappropriate in the Green Belt and therefore harmful by definition. Planning permission could only be granted if there were persuasive “very special circumstances” (VSC) to justify such a change of use. It would be for the school to make such a case, including how the loss of school land and any loss of on-site parking and other facilities did not result in planning harm. As regards the potential for an amended planning application, it would be expected that the purchaser of the land would explore the possibilities offered by the increase in site area which may affect the value of the land and level of benefit to the school.

4. LEGAL IMPLICATIONS

4.1 Sale of non playing school land may be undertaken without referral to the Secretary of State.

4.2 The published document, The Transfer and Disposal of School Land in England, sets out procedure for disposal of non playing field land to be adopted by the school concerned and Local Authority. The guidance prescribes the timescales for the service of any notice of proposed sale by the school and for reply by the Authority. In the current case of Coopers School, the Local Authority was informed of the proposals by letter dated 18 March; however, due to the coincidence of the Easter vacation and local government elections this is the first available meeting at which any decision of the Authority may be properly considered and made.

4.3 There is an accompanying Part 2 report outlining the Governing Body’s valuation of the land.

Non-Applicable Sections:	Policy Implications Financial Implications Personnel Implications
Background Documents: (Access via Contact Officer)	The Transfer and Disposal of School Land in England, July 2007 www.teachernet.gov.uk/schoolslandandproperty

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Project
COOPERS SCHOOL
CHISLEHURST

Title
Site plan

Date 24-10-95
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BOROUGH OF BROMLEY

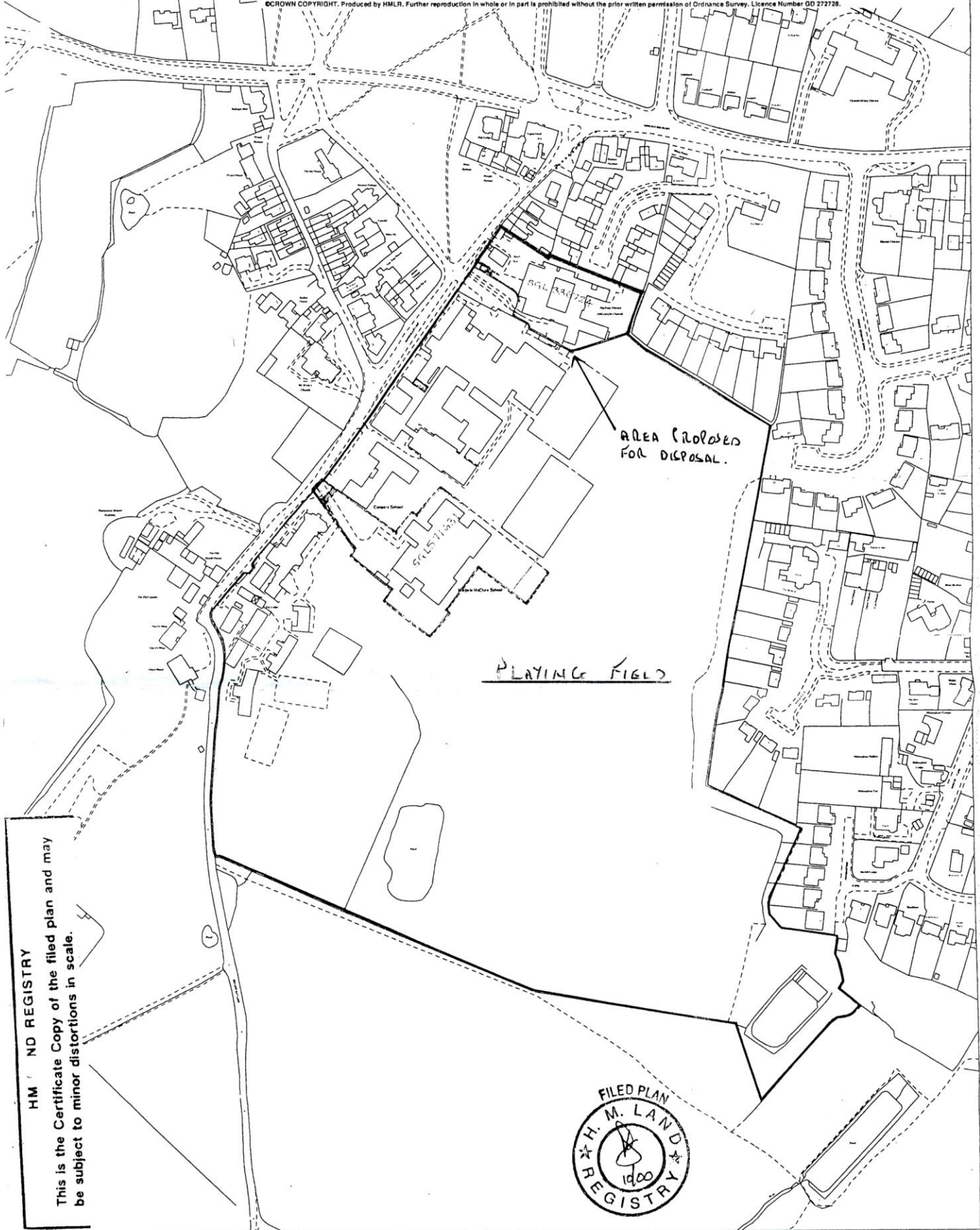


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AREA PROPOSED FOR DISPOSAL.

PLAYING FIELD

HM LAND REGISTRY
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