



# SHEFFIELD CITY COUNCIL

## Executive Leader Decision

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**Report of:** Jayne Ludlam & Simon Green

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**Report to:** Leader of the Council

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**Date:** 16 January 2015

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**Subject:** New Site for Tinsley Meadows Primary School

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**Author of Report:** Alena Prentice (Tel. 27 35476)

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**Key Decision:** Yes

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**Reason Key Decision:** Expenditure/savings over £500,000

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**Summary:** On 16<sup>th</sup> April 2014 Cabinet agreed to amalgamate Tinsley Nursery Infant and Junior schools to create Tinsley Meadows Primary School. This was linked to a plan to rebuild and expand the school with the stated aim of moving the schools away from the motorway in order to alleviate the noise and air pollution issues. A number of sites in the area have been considered and this choice has been reduced to one viable option within the available funding and associated timescales. The report summarises the issues relating to this option and all other options that have been considered.

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**Reasons for Recommendations:** The additional places are required to meet the local need for places. The recommended option represents the best way forward to provide the additional places that are needed, meet the objectives around reducing noise and air pollution, and provide new or refurbished buildings for the entire school while listening to the concerns raised during the previous consultation.

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**Recommendations:**

The Leader of the Council is requested to:

- (a) authorise the Executive Director, Children, Young People and Families in consultation with the Cabinet Member for Children's Services and Lifelong Learning to take all necessary steps to:

- i. Relocate Tinsley Meadows Primary School to Tinsley Recreation Ground, incorporating the Tinsley Green building.
  - ii. Note that at the appropriate point, a capital approval submission will be submitted in the Monthly Budget Monitoring report to obtain the necessary authority to undertake and procure the proposed works, in accordance with Council procedures.
  - iii. Anticipate a further report describing options for the future of the existing school sites, including the creation of public open space on the Junior school site, following consultation with the community and local members.
- (b) approve the appropriation of the Tinsley Green Building and the part of the Tinsley Recreation Ground required to relocate the school to that site and to authorise the Director of Capital and Major Projects to place any public notices required in connection with the appropriation
- (c) authorise the Director of Capital and Major Projects in consultation with the Cabinet Member for Children's Services and Lifelong Learning and the Executive Director, Children, Young People and Families:
- i. to agree terms with the owner of the land held on lease for a relaxation of the restrictive covenant on use, sufficient to enable the proposed relocation of the school onto the recreation ground to take place;
  - ii. to determine whether the remaining lease term provides sufficient security to implement the proposed development and if not, to agree terms with the landowner for the extension of the lease term or for the acquisition of the freehold; and
  - iii. to instruct the Director of Legal and Governance to prepare and complete all the necessary legal documentation to implement the transaction in accordance with the agreed terms

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### **Background Papers:**

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### **Category of Report:**

**Open with a Closed section not for publication because it contains Exempt Information within Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended), which relates to the financial or business affairs of any particular person (including the authority holding that information. It is, therefore considered that in all the circumstances of the case, the public interest in maintaining the contents of the Closed section as Exempt outweighs the public interest in disclosing the information contained in the Closed section.**

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by: Paul Schofield
<b>Legal Implications</b>
YES Cleared by: Nadine Wynter
<b>Equality of Opportunity Implications</b>
NO Cleared by:
<b>Tackling Health Inequalities Implications</b>
YES
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
YES
<b>Economic Impact</b>
NO
<b>Community Safety Implications</b>
NO
<b>Human Resources Implications</b>
NO
<b>Property Implications</b>
YES
<b>Area(s) Affected</b>
Darnall Ward
<b>Relevant Cabinet Portfolio Lead</b>
Cllr Jackie Drayton
<b>Relevant Scrutiny Committee</b>
Children & Young People
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press Release</b>
YES

## **REPORT TO THE LEADER OF THE COUNCIL**

### **A NEW SITE FOR TINSLEY MEADOWS PRIMARY SCHOOL**

#### **1.0 SUMMARY**

- 1.1 On 16<sup>th</sup> April 2014 Cabinet agreed to amalgamate Tinsley Nursery Infant and Junior schools to create Tinsley Meadows Primary School. This was linked to a plan to rebuild and expand the school with the stated aim of moving the schools away from the motorway in order to alleviate the noise and air pollution issues. A number of sites in the area have been considered and this choice has been reduced to one viable option within the available funding and associated timescales. The report summarises the issues relating to this option and all other options that have been considered.

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The current Nursery Infant and Junior school buildings have maintenance issues and are not big enough for the number of pupils who need a place in Tinsley. The sites border the motorway on one side and the A631 (Bawtry Road) on the other. They therefore suffer from higher levels of air pollution and significant noise pollution. A new building on a new site away from the motorway would resolve these issues for the wellbeing of local children and their education.

#### **3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 The new buildings would offer a long-term, sustainable answer to the issues identified with the growing population, the current buildings, and the impacts of pollution.

#### **4.0 SITE OPTIONS**

##### Background

- 4.1 In April 2014 the Council, following consultation, approved a proposal to bring together the Nursery Infant and Junior provision into a single primary school. Part of this wider proposal was to find a new site for a single building, with a stated intention to move the schools away from the motorway as a source of noise and air pollution. The proposal is supported by £1.9m capital funding for extra places following a successful bid to the government's Targeted Basic Need Programme.
- 4.2 The majority of responses during the previous consultation surrounded the issue of the site (see Appendix 2). Responses at wider community meetings focussed clearly on opposition to the proposal to site the new school building on part of the Tinsley Recreation Ground. Some families expressed support for the proposal. The school were supportive of the proposal to create a single school and were keen to see a single new build school serving Tinsley moved away from the motorway. A working group was established as part of the consultation to engage with the community at a more detailed level. Whilst opposition from community members remained strong a Health Impact Assessment was commissioned to consider the potential impact of moving the schools to the Recreation Ground site. The findings were clear on the two key issues of air and noise pollution. The report stated that, "the proposed new site [Tinsley Recreation Ground] is likely to

experience a reduction in noise levels of up to 10dB, a subjective halving of current noise levels” and further, “it is likely that children attending the new school site will be exposed to lower levels of air pollution than children attending the current schools”. This remains the Council’s assessment in the context of the recent recommendations from the parliamentary Environmental Audit Committee on air quality,

- 4.3 A number of sites were considered from the outset (see map at appendix 1). Much of the work in this period has focussed on the RUFC training ground site. Discussions have continued during the period since April and RUFC have now confirmed that the site is not available for sale. This leaves one remaining viable option that is considered in detail below, alongside the other sites considered.

#### Tinsley Recreation Ground

- 4.4 The proposal discussed during consultation was to add to the existing Tinsley Green building to create the new primary school. It was estimated that the fenced area would take up around a quarter of the Recreation Ground towards the back of the open space away from Bawtry Road and the motorway (see plan at Appendix 3). This would leave the remainder of the green space available for continued open community use. Hard playspace for the school would be incorporated in the fenced area. The green space could be used by the school as and when required, but would be open to the public all year round. All current pedestrian entrances to the park would remain open. This arrangement matches the use of Mount Pleasant Park by Sharrow Primary School. The site is central to the residential area within easy walking distance for families. There was significant opposition to this proposal from local residents. The key issues were the loss of park space and the parking/traffic issues on the roads surrounding the site (see appendix 2).
- 4.5 The current building/pavilion on Tinsley Green is experiencing significant reductions in levels of regular community use. The option of a school incorporating the current building and potentially offering a renewed and enlarged community use programme (encompassing the school and pavilion buildings) may therefore be regarded as a positive move. Alternatively the Council would have to review all future use options for the pavilion within the context of potential significant capital claw back if a sustainable future use cannot be found. Incorporating the current building would clearly reduce the overall amount of new building required and therefore reduces the cost of creating a new school. The site is subject to a covenant that would bring additional costs and the heat pump in the current building was funded through the European Regional Development Fund (ERDF) which could be clawed back if it was not possible to utilise it for a school.
- 4.6 The estimated cost of this option is £6.5m to 7.6m. A budget estimate breakdown is included in the non-public section of the report and includes costs for demolition and making good of the existing school sites with a view to the creation of new public open space.
- 4.7 Clearly this option does not answer the call from a number of community members to retain the recreation ground completely in its current arrangement. The following measures are proposed to address this issue:
- A guarantee that the majority of the park space will remain open to the public as it is now

- An offer to establish an ongoing community liaison group to work with the school and community around access to the green space and the school facilities
  - For that community liaison group to consider the future of the existing school sites
- 4.8 The Council is committed to supporting the school in its role as a community hub. The new facilities in the school building would be available for community use in the evenings and weekends. This would include activities for the whole family such as cookery, language and computer classes.

#### Other Options Considered

- 4.9 RUFC Training Ground: As stated above, following lengthy discussions RUFC have now confirmed the site is not available to be purchased at this time. Any further delay to the project would heighten the risk to the £1.9m funding for the extra places which under the terms of the funding need to be delivered and the funding spent by September 2015. The Council cannot afford to lose this funding as it continues to address places needs across the city. Even if the property was available, this option is likely to be £1m - £2m more expensive than the option considered in this paper taking into account purchase price, potential clawback and increased construction costs.
- 4.10 The current school sites: The current buildings, in particular the Junior School, have ongoing maintenance and suitability issues. The sites both border the motorway on one side and the A631 (Bawtry Road) on the other. They therefore continue to suffer from higher levels of air pollution and significant noise pollution. The Infant School site is next to the motorway slip road where cars accelerate to reach motorway speed and therefore has some of the highest levels of air pollution measured locally. The Council would therefore wish to move the location away from the motorway if at all possible for the wellbeing of the children and their education in line with the commitment of the Council's Cabinet on 16<sup>th</sup> April 2014.
- 4.11 Park House School: This site has been suggested by some local residents. It shares the key location disadvantages of the current school sites, being between Bawtry Road and the motorway but is also in private ownership and would therefore have a purchase cost. The site is not being marketed but has a commercial/industrial value based on the existing footprint that offers a developable area and the commercial/industrial nature of adjoining sites. Further additional costs would be required to demolish the existing buildings and more extensive site works to enable a new school to be built. As with the current school sites, this would not meet the previous commitment of the Council's cabinet to move the schools away from the motorway.
- 4.12 Meadowhall Soccer Centre: The site is in private ownership and the Council understands that the site would not be available at a valuation based on the current designation of recreational space. That higher valuation would give a purchase cost in excess of its current value. The council would also need to replace the pitch and pavilion. Local community concerns have also been raised about environmental pollution on the site.

- 4.13 DC Cook Sports Ground: This site has been split into smaller plots with multiple owners. Concerns have also been raised locally about the possibility of this site flooding.

## **5.0 FURTHER IMPLICATIONS**

### Capital Funding

- 5.1 The Council has previously committed £4.8m of funding from the Council's capital plan towards a rebuild, with a further £1.9m from the government's Targeted Basic Need Programme for the additional places. Further work would take place through the detailed design process to minimise the construction cost. The schools capital programme faces considerable demands and the selection of a more expensive option would very likely result in some other refurbishment projects being delayed or even postponed.
- 5.2 The £1.9m from the Targeted Basic Need scheme was approved by the Department for Education in order to support the additional places being provided. The conditions of the funding are that the places should be provided and the funding spent by September 2015. This funding remains at risk until a clear option is decided and a detailed programme of work is produced. The current advice from the DfE is that an alternative proposal for a TBN project (i.e. anything other than the Recreation Ground which was originally approved for TBN funding) must be approved by Ministers – if the project begins construction on an alternative site, the LA will be proceeding at their own risk until that ministerial approval is given.

### Revenue Funding

- 5.3 The school would be eligible for growth funding to support the increase in pupils. The school is already operating with more than 75 pupils per year, so the impact of an increase to 90 pupils per year will be relatively small. An amount of money, known as the growth fund, is agreed each year with schools (through Schools Forum) and set aside from the overall school revenue fund. The process for this has changed recently following a Schools Forum agreement in September 2014. It would now operate as a formulaic allocation of age-weighted pupil unit (AWPU) funding for the additional planned places.
- 5.4 If the Tinsley Green site were to be left vacant it would become another surplus asset at a time where the Council is trying to live within its constrained budget by reducing the number of buildings it uses, the Council would incur vacant property management costs e.g. security to safeguard the site until an alternative use could be found. There could also be further costs if the grants secured for this site were clawed back.

### Legal Implications

- 5.5 Local Authorities have a duty under section 14 of the Education Act 1996 to secure sufficient school places in their area. The extra places provided by the new building would form part of the Council's overall strategy to meet this duty.
- 5.6 Part of the Tinsley Recreation ground site, including the area on which the Tinsley Green building is located is owned by the Council absolutely and there are no restrictions on use contained in the title. The remainder is held on a long lease

which expires on 30<sup>th</sup> April 2058 and is subject to a restrictive covenant that would prevent use of the land for anything other than public recreation. In order to use this land for use as a school, a relaxation of this restriction would need to be agreed with the landowner. Consideration would also need to be given as to whether the length of the remaining term is sufficiently long in the context of the proposed investment in the site and if not, terms would need to be agreed for an extended lease term or the acquisition of the freehold.

- 5.7 The Tinsley Green building and the recreation ground are currently held by the Council's Parks and Countryside function. In order to implement this proposal the building and the required land would need to be appropriated to the Council's Children, Young People and Families function. As a result of the diminishing use of the Tinsley Green building, the potential for claw back, vacant property management costs and the cost of maintaining the open areas, the site represents a significant (actual or potential) financial liability to the Parks and Countryside function, so there is not considered to be any need for there to be any re-allocation of budget in connection with an appropriation to Children, Young People and Families. This also means that the Tinsley Green building is no longer required by the Council for the purpose for which it was built, as approved by Cabinet in December 2004. As detailed in this report, the use of the Tinsley Green building would secure a sustainable use of this building for the foreseeable future, but would require additional land that currently forms part of the recreation ground to create a viable school site (see Appendix 3). The proposal will leave the remainder of the recreation ground available for open community use and arrangements will be put in place to enable community use of the facilities in the new school as described at 4.8 above.
- 5.8 Section 122 of the Local Government Act 1972 empowers the Council to appropriate, for any purpose for which it is empowered to acquire land by agreement, any land which is owned by the Council and is no longer required for the purpose that it was held immediately prior to the appropriation. This does not mean that the land must have ceased to be used for that purpose; the decision requires consideration of the relative merits of the current and proposed uses. The Council has a general power to acquire land by agreement for the purpose of its functions contained in Section 120 of the Local Government Act 1972. Section 531 of the Education Act 1996 expressly confirms that this general power extends to the acquisition of land for the purposes of a school or institution which is, or is to be, maintained by a local education authority.
- 5.9 Where any land to be appropriated consists of or forms part of an open space, the Council may not appropriate unless it gives notice of the intention to appropriate, identifying the land in question, to be advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated and considers any objections to the proposed appropriation that may be made to it.
- 5.10 Tinsley Recreation ground is held on a statutory trust for the enjoyment by the public as an open space, pursuant to section 10 of the Open Spaces Act 1906. Where land is appropriated pursuant to the powers contained in section 122 of the Local Government Act 1972, by virtue of subsection 2B of that section, it is freed from any trust arising as a result of section 10.



## **6.0 ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The alternative options have been detailed under section 4 of this report. Taking no action would not address the shortfall in primary school places in Tinsley, with few alternative places likely to be available within a reasonable travel distance.

## **7.0 REASONS FOR RECOMMENDATIONS**

- 7.1 The additional places are required to meet the local need for places. The recommended option represents the best way forward to provide the additional places that are needed, meet the objectives around reducing noise and air pollution, and provide new or refurbished buildings for the entire school while listening to the concerns raised during the previous consultation. This will enable the Council to spend the Targeted Basic Need funding, guarding against the risk of this being clawed back, and meets the previous commitment from Cabinet to relocate the schools away from motorway

## **8.0 RECOMMENDATIONS**

- 8.1 The Leader of the Council is requested to:

- (a) authorise the Executive Director, Children, Young People and Families in consultation with the Cabinet Member for Children's Services and Lifelong Learning to take all necessary steps to:
  - i. Relocate Tinsley Meadows Primary School to Tinsley Recreation Ground, incorporating the Tinsley Green building.
  - ii. Note that at the appropriate point, a capital approval submission will be submitted in the Monthly Budget Monitoring report to obtain the necessary authority to undertake and procure the proposed works, in accordance with Council procedures.
  - iii. Anticipate a further report describing options for the future of the existing school sites, including the creation of public open space on the Junior school site, following consultation with the community and local members
- (b) Approve in principle, subject to consideration of any objections received, the appropriation of the Tinsley Green Building and the part of the Tinsley Recreation Ground required to relocate the school to that site and to authorise the Director of Capital and Major Projects to place any public notices required in connection with the appropriation
- (c) authorise the Director of Capital and Major Projects in consultation with the Cabinet Member for Children's Services and Lifelong Learning and the Executive Director, Children, Young People and Families:
  - i. to agree terms with the owner of the land held on lease for a relaxation of the restrictive covenant on use, sufficient to enable the proposed relocation of the school onto the recreation ground to take place;
  - ii. to determine whether the remaining lease term provides sufficient

- security to implement the proposed development and if not, to agree terms with the landowner for the extension of the lease term or for the acquisition of the freehold; and
- iii. to instruct the Director of Legal and Governance to prepare and complete all the necessary legal documentation to implement the transaction in accordance with the agreed terms

Alena Prentice  
Head of Access & Pupil Services  
November 2014