

## REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Discretionary	Be entirely within Cabinet’s powers to decide		YES	
		Need to be recommendations to Council		NO	
		Is it a Key Decision		NO	
Lead Member: Cllr Alistair Beales (Portfolio Holder Regeneration) E-mail:		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Dale Gagen E-mail: dale.gagen@west-norfolk.gov.uk Direct Dial: 01553 616505		Other Officers consulted: Management Team Matthew Henry			
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications YES	

Date of meeting: 14<sup>th</sup> February 2017

### KING'S LYNN – TRANSFER OF LAND FOR PROPOSED SCHOOL

#### Summary

This report seeks authority from Cabinet for the transfer of the land shown at appendix 1 to Norfolk County Council as the local Education Authority, for the proposed development of a new Nursery and Primary school off Greenpark Avenue, King's Lynn.

#### Recommendation

It is recommended that:

1. the acquisition of this land asset is progressed along the lines set out within this report.
2. That delegated authority is given to the Property Services Manager and the Corporate Projects Officer to finalize the terms of the proposed disposals set out within this report in consultation with the Portfolio Holder for Regeneration.
3. That delegated authority is given to the Leader of the Council and the Portfolio Holder Regeneration to consider the merits of any objection raised from the public consultation exercise required under the Local Government Act 1972 in the proposed "disposal" of the land that is the subject of this report.

4. Authority is granted to the Legal Services Manager to progress the necessary transfer, or any other associated, documentation through to completion.

### **Reason for Decision**

To facilitate Norfolk County Council to build a new School within the housing estate, to improve community cohesion and educational provision within the area. The new school serving both the existing and proposed housing in the immediate area.

## **1 Background**

1.1 Phase one of the Major Housing project has now started on Marsh Lane. Major infrastructure including the new road, hockey pitches, tennis courts and additional car parking is complete. Phase 2 viability tests are currently being run with a report due to Cabinet and Council later in the year. Planning permission for Marsh Lane, Lynnsport 3, 4 and 5 have been obtained leaving Lynnsport 1 as the only site without planning permission. This is due to be determined in March 2017.

1.2 The overall project is aimed at achieving a significant delivery of housing over a 4-5 year period, accelerating house building in the local economy, and enhancing the sports and recreation offer within King's Lynn. The project will also provide a commercial return for the Council over the longer term and act as a stimulus to the economic activity in the local area including the creation of apprenticeships in West Norfolk.

1.3 The proposal assumes that the Council will:

- Use Council owned land as an investment to stimulate new housing delivery.
- Accept a deferred receipt/revenue stream for the land.
- Facilitate improvements to the leisure facilities at Lynnsport including the provision of a new access road from Edward Benefer Way.

## **2 Educational Provision for the Area**

2.1 Developers are normally required to make payments for the impact their developments are expected to have on the educational assets in the area. This cost is calculated by the Norfolk County Councils (NCC) and forms part of the section 106 agreement associated with the planning permissions.

2.2 The Borough Council has for some time been working with the NCC to try to relocate St Edmunds Community Foundation School (located behind the Fire Station) to the local built environment, to improve community cohesion

and educational provision within the area. The St Edmunds school site is considered to be too detached and remote from the main residential areas in North Lynn and is accessed via a pedestrian underpass under Edward Benefer Way.

The development of a new school facility off Greenpark Avenue is considered to have wide ranging strategic benefits in the provision of education facilities and in the integration of communities located at North Lynn, The Grange Estate and on Wootton Road

2.3 As part of this project the NCC has agreed to waive any section 106 Education contribution for any of the Lynnsport and Marsh Lane sites, in lieu of the site shown at appendix 1.

### Proposed Site Transfer

The site is located to the north of Greenpark Avenue and will be accessed through the residential development site known as “Lynnsport 4”. The site extends to approximately 3.8 Ha (9.4 Ac), or thereabouts, is generally level, and comprises grassed areas and areas of informal unmanaged undergrowth.

The Council proposes to enter into an Option Agreement with the Purchaser (Norfolk County Council) at nil consideration. The use of the site will be limited to school/educational use. The Option Agreement will be time-limited, and the Purchaser will only benefit from the site transfer when the physical delivery of the educational facility is guaranteed.

## **3 Policy Implications**

None

## **4 Financial Implications**

4.1 As part of the agreement with the NCC are responsible for gaining planning permission and any cost associated with servicing the site.

## **5 Risk Management Implications**

5.1 The proposed transfer will initially be set up as an Option Agreement, and the transfer will only proceed when the school facility is guaranteed to be delivered.

## **6 Statutory Considerations**

6.1 Generally local authorities are required to gain “best consideration” when disposing of assets under the provisions of section 123 of the Local Government Act 1972. “Best consideration” basically means the best possible price.

7.1 However, central government recognises that local authorities may consider undertaking projects that represent a wider social or community benefit, and that to facilitate such proposals there may need to be a greater degree of flexibility in respect of the consideration achieved from sites i.e. less than “best consideration”. “Circular 06/03 : Local Government Act 1972 general disposal consent (England) 2003 – disposal of land for less than the best consideration that can reasonably be obtained” provides local authorities with the ability to dispose of land assets at less than “best consideration” if it considers that **the disposal will secure the promotion or improvement of the economic, social or environmental well-being of its area**. Note : this discretion is limited to undervalues of up to £2 million.

The proposal to dispose of the site that is the subject of this report is considered to fit the requirements of Circular 06/03.

In addition to the above, in proposing to dispose of the site, as it is, in part, considered to be “open space”, sections 123(2A) and 127(3) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 require a local authority wishing to dispose of open space under those powers requires the Council to advertise its intentions in a local newspaper for two consecutive weeks and to consider objections. Authorities should carry out these procedures before making any final decisions about disposal as the public response to the notices may be material to any such decision.

### **Equality Impact Assessment (EIA)**

Not applicable