

Meeting of:	Cabinet
Date of Meeting:	Monday, 14 March 2022
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Disposal of Surplus Land: Llancarfan Primary School, Llancarfan
Purpose of Report:	To request that Cabinet declare the unused school site known as Llancarfan Primary School, Llancarfan, surplus to requirements and grants approval to determine the preferred method of disposal of this land.
Report Owner:	Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	<p>Lisa Lewis: Operational Manager, Strategy & Resources</p> <p>Victoria Davidson: Operational Manager, Legal Services</p> <p>Lorna Cross: Operational Manager (Property)</p> <p>Carolyn Michael: Interim Head of Finance</p> <p>Trevor Baker: Head of Strategy, Community Learning & Resources</p> <p>Nathan Slater: Sustainable Communities for Learning Project Manager</p> <p>Committee Reports</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.
Executive Summary:	<ul style="list-style-type: none"> The Llancarfan Primary School site will be surplus to requirements for the Directorate of Learning and Skills from 28th February 2022 given that the school has formally moved to the new site in Rhose known as South Point Primary School. In accordance with the Council's adopted disposal policy, the Directorate of Learning and Skills will maintain responsibility for the site in terms of maintenance and security until the site is sold. This will represent ongoing costs for a vacant site which could be better utilised within the wider education budget maintaining and improving functional school sites. Any capital receipt gained from the disposal of the site would be reinvested into the Schools Investment Programme. The report seeks Cabinet approval to declare the site surplus to requirements and obtain the relevant authority to dispose of the site. The availability of the land has been reported to Insight

Board, and Llancarfan Community Council and the Local Service Board Asset Management Group will be advised of the availability of the site prior to the land being marketed.

Recommendations

1. That the unused Council owned land, known as Llancarfan Primary School, Llancarfan be declared surplus to the requirements of the Directorate for Learning & Skills.
2. That the Council undertakes a review of the school site in accordance with Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 to determine the classification of the school playing field and progress the disposal of the site in line with the regulations and outcome of the review.
3. Subject to recommendation 2, that delegated authority is granted to the Head of Finance/Section 151 Officer to appoint agents to seek their advice in relation to the preferred method of disposal of the surplus land and its value.
4. Subject to recommendation 2, that delegated authority is granted to the Head of Finance/Section 151 Officer, in consultation with the Monitoring Officer/Head of Legal and Democratic Services and the Leader, to market the land and to negotiate terms and conditions for the disposal of the surplus land with the proviso that if Llancarfan Community Council or the Local Service Board Asset Management Group show an interest in the site that their offer will be considered initially.
5. Subject to recommendation 2, that the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete, and execute any documentation required to complete the disposal of the land.

Reasons for Recommendations

1. To allow the disposal of the land, thereby relinquishing liabilities attached to the land.
2. To ensure the relevant regulations are followed.
3. To ensure that best consideration would be achieved through the preferred disposal route.
4. To allow the site to be marketed and terms and conditions to be agreed for the sale.
5. To provide the necessary authority to complete the disposal of the site.

1. Background

- 1.1 Llancarfan Primary School is located within the settlement of Llancarfan on the eastern side of the village in the Vale of Glamorgan. Llancarfan is situated within the ward area of Rhoose and is approximately 2.5 miles from the A48 to the north which connects to Cardiff and the A4226 to the south which links to Barry. The site contains two main buildings with pitched roofs, two flat roof prefabricated buildings and small outbuildings located between the main buildings. The size of the site is approximately 0.36 hectares. A Site Location Plan is provided at Appendix A.

- 1.2** In March 2018, the Council launched a consultation aimed at taking a holistic view of primary school provision in the Western Vale. The aim of the consultation was to inform the community about the school re-organisation proposal being put forward to build a new 210 place school building for Llancarfan Primary School, with the addition of 48 part time nursery places which would be located in Rhoose. On 18 March 2019, the Vale of Glamorgan Council's Cabinet determined the proposal to reconfigure primary provision in the Western Vale by transferring Llancarfan Primary School to a new school site in Rhoose on land north-west of the railway line, extend the age range and increase the school capacity. It is proposed to implement the proposal on 1 September 2021.
- 1.3** Following the Cabinet decision to implement the proposal, the new school in Rhoose, known as South Point Primary School, has been developed. South Point Primary School opened on 28th February 2022 with staff at the Llancarfan Primary School moving to South Point Primary from 28th February 2022 and pupils attending the new school from 2nd March 2022.
- 1.4** Staff will retain access to the original site until 11th March 2022 to ensure any remaining equipment can be removed to the new school. On the 11th March 2022, all existing key holders for the Llancarfan Primary School site will hand over keys to the Directorate for Learning & Skills who will retain responsibility for the site until disposal.

2. Key Issues for Consideration

- 2.1** The land subject to this report will not be required for use by the Directorate for Learning & Skills and is now surplus to requirements due to the development and movement of the primary offer in Llancarfan to South Point Primary School in Rhoose. There is no current or future requirement to use this land for educational purposes. However, the site will need to be maintained and secured by the Directorate for Learning & Skills which represents an ongoing cost for the future. The Insight Board has been advised of the availability of the site and there have been no internal uses highlighted for the site following this consultation.
- 2.2** Cabinet is requested to approve that the Head of Finance appoint agents to advise on the most appropriate method of disposal and the sites potential value. Thereafter it is proposed that the site will be marketed for disposal by the Council's in-house Estates team.
- 2.3** Prior to the land being offered on the open market, the availability of the land will be made known to Llancarfan Community Council and the Local Service Board Asset Management Group and then if no interest is forthcoming, to note the land as surplus on Welsh Government's e-PIMS database and dispose of the land in accordance with the recommendations in this report. This will accord with best practice and the Council's disposal Protocol.
- 2.4** The site will be disposed of without planning permission in place. This means the site will be marketed under its current use class which is D1 (non-residential

institutions). A planning assessment of potential uses has been undertaken for the site which concluded the site does have some planning constraints which relate to the historic assets on the site and within the wider area. The main school building is a locally listed building, and its demolition would be resisted under both local and national planning policies. Re-development of the site would need to consider how it would impact upon the character of the conservation area and incorporate the locally listed building into the overall design as well as the wider historic assets in the area. However, the site is located within an identified settlement in the LDP. Therefore, the re-development of the site would be considered appropriate in principle. This means several potential uses for the site could be considered acceptable subject to the relevant information being submitted in support of the proposal such as A1 (shops), C3 (dwelling houses), B1 (business), D2 (assembly and leisure) or other potential Sui Generis uses.

- 2.5** However, it should be noted that the current adopted LDP for the Vale of Glamorgan is under review and the site's location within a settlement boundary may be subject to change. The outcome of the review process will affect how a future proposal on the site would be assessed in planning terms. A revised LDP is anticipated to be formally adopted in 3 ½ years in the year 2025/26. The current adopted LDP will remain the local planning policy document for the Vale of Glamorgan until 2026 or when it is replaced by the revised plan.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The Council has committed as part of the Corporate Plan 2020-2025 to achieving a vision of 'Working Together for a Brighter Future'. This plan is reflective of the Welsh Government's Well-being of Future Generations Act and is comprised of four Well-being objectives to deliver this vision:
- Objective 1 - To work with and for our communities
 - Objective 2 - To support learning, employment, and sustainable economic growth
 - Objective 3 - To support people at home and in their community
 - Objective 4 - To respect, enhance and enjoy our environment
- 3.3** To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:

- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and Welsh Language
 - A globally responsible Wales
- 3.4** The disposal of the site will help to contribute to achieving the wellbeing goals by:
- Providing an opportunity to re-use a vacant site.
 - Making relevant Council and Community stakeholders aware of the availability of the site prior to marketing.
 - Reducing costs for the Directorate for Learning & Skills and providing a capital receipt to reinvest into the school's investment programme to improve the education offer in the Vale of Glamorgan.
- 3.5** The 2015 Act imposes a duty on all public bodies in Wales to carry out "sustainable development", defined as being, "The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives and taking all reasonable steps in exercising its functions to meet those objectives.
- 3.6** The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:
- The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs.
 - Considering how the Council's objectives impact upon each of the wellbeing goals listed above.
 - The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services.
 - Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives.
 - Acting to prevent problems occurring or getting worse.
- 3.7** The disposal of the site meets the five ways of working by:

- Making relevant Council and Community stakeholders aware of the availability of the site prior to advertisement on the open market to ensure people are involved in the site disposal.
- Preventing ongoing costs for Directorate for Learning & Skills due to security and maintenance costs for a vacant site which could be utilised more effectively in the school investment programme.
- Reinvest capital receipt from disposal of site into school investment programme to improve the educational offer in the Vale of Glamorgan, helping to achieve the Council's wellbeing objective 3 – "To give children the best start in life".

4. Resources and Legal Considerations

Financial

- 4.1** Any receipt derived because of the disposal of this land will be retained within the School Investment Programme.
- 4.2** Any costs associated with the disposal of the land to be met by the Directorate of Learning and Skills.

Employment

- 4.3** There are no employment implications as part of this report.

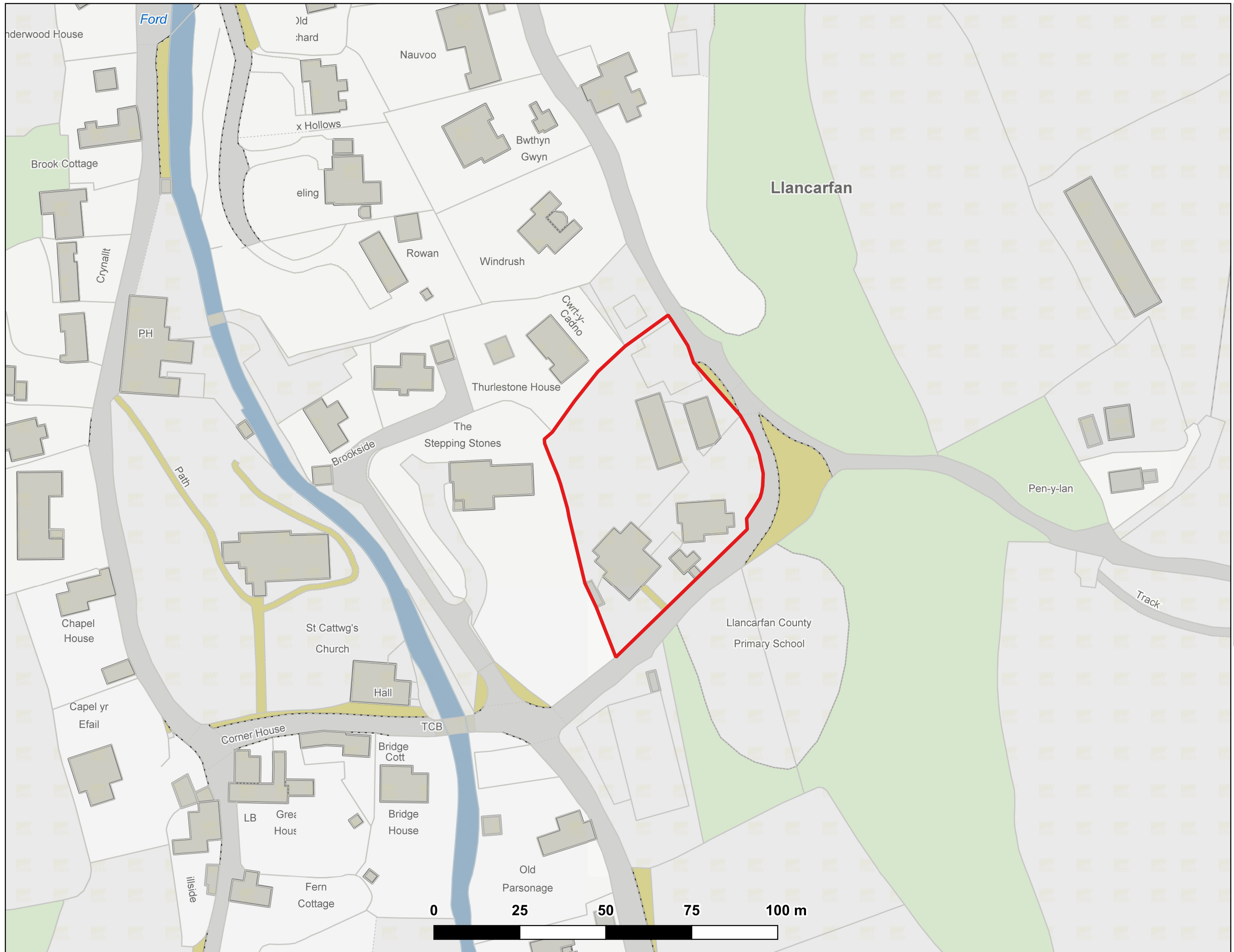
Legal (Including Equalities)

- 4.4** The Council has a statutory duty pursuant to S123 of the Local Government Act 1972 to secure the best consideration that can reasonably be expected to be obtained. Albeit that there are exceptions to the statutory duty, such exceptions are not being relied upon in the given case. If necessary, an external valuation report will be obtained to certify the Market Value of the land for sale purposes.
- 4.5** The site includes a school playing field which measures approximately 0.13ha. A review of the site would be required before disposing of the site to determine whether the school playing fields meet the definition of a playing pitch as described in the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015. If the school playing field is defined as a playing pitch, the Local Authority will need to undertake an impact assessment of the loss of the playing pitch and undertake a 6-week consultation. The Local Authority will need to consider and respond to any representations made during the consultation period in the form of a Decision Report which will conclude to dispose of the site or not. Following a determination, a decision notice must be published. The Authority may not proceed with a proposed disposal until a period of 12 weeks has elapsed from the day on which the notice is first published. This is intended to provide a reasonable minimum period in which objectors may initiate a legal challenge to the Authority's decision.

4.6 There are no equal opportunities implications arising from this matter.


5. Background Papers

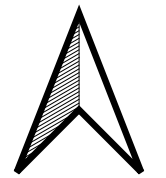
None.



Site Location Plan

Legend:

 Site Location



Scale - 1:1,000 @ A3

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