

REPORT OF THE STRATEGIC DIRECTOR PLACE

TO THE CITY MAYOR'S PROPERTY AND REGENERATION BRIEFING
on
11 January 2021

TITLE: TRANSFER OF LAND AT KINTYRE AVENUE, WEASTE

RECOMMENDATIONS:

The City Mayor is recommended to:

1. Approve the transfer of land at Kintyre Avenue, Weaste by way of DfE Model 125 year Free School Lease
 2. Authorise the Shared Legal Service to negotiate, agree and complete the necessary documentation and the taking of all steps which are expedient to give effect to the above recommendation.
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EXECUTIVE SUMMARY:

Salford City Council completed a successful bid to the DfE to propose a new 50 place special educational needs and disabilities (SEND) school in the City specifically to cater for 11 to 16 year olds with Autism and Emotional/ Behavioural Disorders (ASC/EBD).

It was proposed that the former St Luke's Primary School would be refurbished to provide the new SEND school, however the building has been found to be an unfeasible proposition for refurbishment and the site not ideal for reuse as a Special School given its proximity to main roads and the Metrolink tramway.

Working with the DfE land at Kintyre Avenue (shown shaded red on the attached plan), which is owned by the Council, has been identified as a more suitable location for the SEND school.

Discussions have been held with DfE and provisional agreement reached to enter into an Agreement for Lease with the Secretary of State followed by the grant of a DfE Model 125-year peppercorn lease of the Kintyre Avenue site to the successful free school- Kings Academy Trust.

In tandem Salford has made an application for St Luke's Primary School (shown shaded blue on the attached plan), a former church owned school on Eccles New Road Salford to be transferred to it by the Manchester Diocesan Board of Education. The site will be utilised for the delivery of new housing originally proposed for the Kintyre Avenue site.

BACKGROUND DOCUMENTS: Not applicable

KEY DECISION: YES

1.0 BACKGROUND

- 1.1 Salford City Council completed a successful bid to the DfE, under Free School wave 13, to propose a new 50 place SEND school in the City specifically to cater for 11 to 16 year olds with Autism and Emotional/ Behavioural Disorders (ASC/EBD). The school would be integrated into the existing estate and offer a hub approach incorporating input from specialist services including health and well-being.
- 1.2 It was proposed that the former St Luke's Primary School (shown shaded blue on the attached plan), would be refurbished to provide the new SEND school, however the building has been found to be an unfeasible proposition for refurbishment and the site not ideal for reuse as a Special School given its proximity to main roads and the Metrolink tramway.
- 1.3 Working with the DfE land at Kintyre Avenue (shown shaded red on the attached plan), which is owned by the Council, has been identified as a more suitable location for the SEND school.
- 1.4 The Kintyre Avenue site was a former RC Primary School which closed 9 years ago, since its acquisition from the RC Diocese by the Council in 2011, the site has been earmarked for social housing development.
- 1.5 To compensate for the loss of the housing opportunity at Kintyre Avenue the Council will receive the St Luke's site in exchange. A formal application has been made to the DfE to facilitate the transfer.
- 1.6 The location of the St Luke's site is potentially better suited to residential development given its prominent main road frontage. However it is slightly smaller than the Kintyre Avenue site (3.06 acres compared to 3.77 acres) and combined with more irregular site boundaries we would expect some, but not significant, impact on overall housing capacity.

2.0 DETAILS

2.1 Discussions have been held with DfE and provisional agreement reached to enter into an Agreement for Lease with the Secretary of State followed by the grant of a DfE Model 125-year peppercorn lease (nil premium) of the Kintyre Avenue site to the successful free school- Kings Academy Trust.

2.2 Conditions Precedent: Agreement for lease:

- Satisfactory completion of title investigation and any issues resolved/ dispensed with
- Receipt of satisfactory survey results
- Completion of a satisfactory feasibility report to establish the extent and cost of any abnormalities which may arise including contamination remediation and ground bearing issues if any
- Site clearance costs and the cost of any abnormalities to be funded by the Council as approved by People Directorate under the scheme of delegation or Lead Member for Children's Services and Director of Children's Services as and when required.

2.3 Conditions Precedent: Completion of lease:

- Receipt of planning permission for the LA/Trust Proposer for SEND School
- The long-stop date for the satisfaction of the planning Condition will be 18 months from the date the planning application is submitted.
- Salford Council securing consent pursuant to the Academies Act 2010/School Standards and Framework Act 1998 for the release of land at the former St Luke's Primary School for development.
- Vacant Possession

2.4 The lease will be granted before the main construction works begin. The intention is that the Secretary of State will procure and fund the construction works on the SEND school. Following completion of the building, Kings Academy Trust will occupy and operate the school in accordance with the terms of the lease.

2.5 Each party will be responsible for its own legal costs and professional fees in connection with the transaction.

2.6 Children's Services have been fully engaged throughout discussions with Secretary of State and are fully supportive of the proposals.

3.0 RECOMMENDATION

3.1 The City Mayor is recommended to:

- 1 Approve the transfer of land at Kintyre Avenue, Weaste by way of DfE Model 125 year Free School Lease.
 - 2 Authorise the Shared Legal Service to negotiate, agree and complete the necessary documentation and the taking of all steps which are expedient to give effect to the above recommendation.
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KEY COUNCIL POLICIES:

- Health and Social Care
 - Education and skills
 - Housing
 - Social impact
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EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

There are no specific equality impact matters following from the proposals contained in this report.

ASSESSMENT OF RISK: Low

LEGAL IMPLICATIONS Supplied by: Michelle Brice, Shared Legal Service

Subject to the satisfactory resolution of any issues on title and the satisfaction of contractual preconditions, the disposal of the land will be by way of Agreement for Lease and the DfE's Model form 125 year lease, adapted where permitted and appropriate for the proposed lease site and to reflect the terms in this report.

FINANCIAL IMPLICATIONS Supplied by: Alex Archer, Finance Manager 778 0498

There are no direct financial implications from the transfer of land at Kintyre Avenue.

The financial implications of the housing development of the St Luke's site will be considered in a separate report.

PROCUREMENT IMPLICATIONS Supplied by: Not applicable

HR IMPLICATIONS Supplied by: Not applicable

MEMBER COMMENTS:

Members have been consulted and those that have responded are supportive of the proposed arrangements.

CLIMATE CHANGE IMPLICATIONS Supplied by: Not applicable

OTHER DIRECTORATES CONSULTED: None

CONTACT OFFICER: Angela Martens **TEL NO:** 779 6077

WARDS TO WHICH REPORT RELATES: Weaste and Seedley