

## **CABINET**

**4 SEPTEMBER 2018**

### **PROPOSED USE OF PART OF THE CORNWALLIS AVENUE SITE FOR SCHOOL PROVISION**

Portfolio Holder: Councillor Andrew Mackness, Children's Services  
(Lead Member)  
Councillor Adrian Gulvin, Resources

Report from: Ian Sutherland, Director of Children and Adults  
Services

Authors: Paul Clarke, Programme Lead School Organisation  
and Capital Services

#### **Summary**

Cabinet is asked to approve to lease land at Cornwallis Avenue, Gillingham, to Medway Commercial Group (MCG) for the purpose of developing education facilities to meet pressure on school places.

#### **1. Budget and Policy Framework**

- 1.1 Medway Council, as the local authority, has a statutory duty to provide sufficient school places. The School Place Planning Strategy, approved by Cabinet in July 2018, describes the principles, methods and challenges of this duty and covers all sectors within the education system.
- 1.2 The Council has no statutory duty to provide burial spaces.
- 1.3 The granting of leases is a matter for Cabinet.

#### **2. Background**

- 2.1 The land at Cornwallis Avenue as shown edged black and hatched black on the attached plan was previously used as a detached playing field for Gillingham Community College until its closure in August 2001. Since then it has been used for boot fair lettings and football matches and in 2007/ 2008 there were proposals to set up football and tennis Academies on part of the land, but these never came to fruition.
- 2.2 The current local plan designation for the land is CF8 (Cemetery Extension). However, as part of the review of the Local Plan which is out to consultation but not

due for adoption until 2020, the proposal is that part of the site is allocated for Cemetery use and part educational use. Approval of the recommendations in this report will simply advance that position and allow proposals to be progressed to meet the pressure on school places. The decision on change of use is a matter for the Planning Committee.

- 2.3 Bereavement & Registration Services has identified that from the total land available of 3.35ha, only 1.85ha would be required to ensure sufficient burial space for the next 100 years. See plan at appendix 1 showing the extent of the land to be retained for Cemetery use (1.85 ha) edged black and the area for education use (1.5ha) hatched black.
- 2.4 In respect of future demand for both services, local and national attitudes towards burial are almost certain to change over the next 100 years and options for 'lift and deepen'; increasing ground levels; re-using grave space, and an increasing reliance upon 'cremation' will serve to mitigate against the local authority running out of capacity across its cemetery portfolio.
- 2.5 In contrast, demand for school places in Medway is rising across all sectors of the education system, and having the remaining 1.5ha of the Cornwallis Avenue land available for education use, will facilitate meeting these pressures and the local authority's statutory duties in respect of school sufficiency.
- 2.6 The Cornwallis Avenue site is currently used as playing field land by a local youth football team for weekend games, mainly through the winter months and in the summer months for boot fairs. These arrangements could continue whilst the land is still available, with the north part which is to remain allocated for a cemetery extension likely to still be available for many years. Once the land is developed for cemetery and school use, the football team will need to relocate and it will be encouraged to make use of the 70 Council owned football pitches within Medway for example, Beechings Crossing which is less than 0.5 miles from Cornwallis Avenue.

### **3. Options**

- 3.1 Option 1 - To approve the leasing of the area of land shown approximately hatched black on the attached plan to MCG for the purposes of educational provision, in line with Department for Education (DfE) requirements.
- 3.2 Option 2 - To not approve the leasing of the area shown approximately hatched in black on the attached plan for the purposes of educational provision.
- 3.3 Option 1 is the recommended option.

### **4. Advice and analysis**

- 4.1 As stated above, the retention of the area shown edged black on the attached plan for Cemetery use will mean that sufficient land is available for burials for the next 100 years and options exist to further extend that. Beyond that, securing additional burial land, should the need arise, would be a significant challenge in terms of location, obtaining consents, ground conditions and budget.
- 4.2 However, with the need to find appropriate land for expansion to the school system in Medway in order to meet known and expected demand, using the hatched black

land for education use is seen as being of greater community and public benefit than retaining the land for a cemetery extension that may not be needed until some way into the 22<sup>nd</sup> century.

- 4.3 The Council has a statutory duty to ensure sufficient school places are available. In recent years, a significant programme of expansions and new schools in the primary sector has been undertaken to meet this duty, but demand continues to increase across all sectors including mainstream secondary, special school provision including residential and respite facilities and alternative provision, as highlighted within the School Place Planning Strategy.
- 4.4 With Medway's population expected to increase steadily from 278,000 to 317,500 by 2035, additional school places will be needed across all sectors. How best to utilise this land for educational uses to meet emerging need will be determined subject to approval of this proposal.
- 4.5 Delivery of any new educational provision will be overseen by a programme board chaired by the Director of Children and Adults Services, in conjunction with the Portfolio Holder, for Children's Services. This board is already in place and has highlighted the need for this land to ensure that timescales for meeting increasing demand are met. The board also includes the Medway Commercial Group and it is recommended that the land be leased to Medway Commercial Group in line with DfE requirements for a period of 125 years at a peppercorn rent, subject to planning approval for the new provision. Medway Commercial Group (MCG) can assist the council by seeking external funding options on best financial terms for the Council, overseeing design and construction activities and ensuring ongoing revenue costs to support educational delivery, are cost effective.
- 4.6 No Diversity Impact Assessment will accompany this report, however one will be provided for future reports on specific proposals for the educational use of the land.

## 5. Risk management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
The Council's statutory duty to provide sufficient good quality school places is not met.	If sufficient school places are not made available to meet demand, the Council would be failing to meet its obligations	Approval of this proposal will help to provide additional good quality places in areas of demand	B2
Insufficient land for burials beyond the next 100 years	Although there is no statutory duty for local authorities to provide burial spaces, this proposal could mean that in the 22 <sup>nd</sup> century, no more burial space is available in Woodlands cemetery	Set aside a proportion of burial fees to secure further land elsewhere should it be required in the future.	D3

Objections from Sport England	The loss of playing field is likely to result in an objection from Sport England to any building proposals put forward for the land.	Ensure that land held for the cemetery extension continues to be used as playing field and any playing field land formed as part of the new school provision includes proposals for community use.	A2
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## 6. Consultation

- 6.1 No consultation is necessary as part of this report, however all appropriate and statutory consultation will be undertaken when specific proposals for use of the land are presented.

## 7. Financial implications

- 7.1 There are no direct financial implications related to this report, however any specific proposals that emanate from the explorations into the most appropriate and effective use of the land will include a full and detailed financial analysis and options appraisal. This will be included within a business case for the new educational provision as a whole.

## 8. Legal implications

- 8.1 The Council must obtain best value for land transactions under section 123 of the Local Government Act 1972.
- 8.2 If approved the Lease to MCG should be in format approved by the Chief Legal Officer.
- 8.3 Section 14 of the Education Act 1996 states that Local Authorities must make provision for sufficient school places to be available in their area.

## 9. Recommendations

- 9.1 Cabinet is asked to approve the leasing of the proposed 1.5ha education land at Cornwallis Avenue (as shown hatched black on the attached plan) to Medway Commercial Group in a format approved by the Chief Legal Officer for a period of no more than 125 years in order to secure the delivery of educational and associated uses subject to appropriate planning approvals.
- 9.2 Cabinet is asked to grant delegated authority to the Chief Legal Officer in consultation with the Portfolio Holder for Resources to complete the lease and any other necessary agreements of part of the site at Cornwallis Avenue as shown hatched black on the attached plan at appendix A of this report for the provision of educational and associated uses.

## 10. Suggested reasons for decision(s)

- 10.1 To ensure that sufficient land is available for additional education provision to meet expected demand from across all sectors of the place planning system, which will help to ensure that the Council meets its statutory duty to provide sufficient school places.

**Lead officer contact**

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**Appendices**

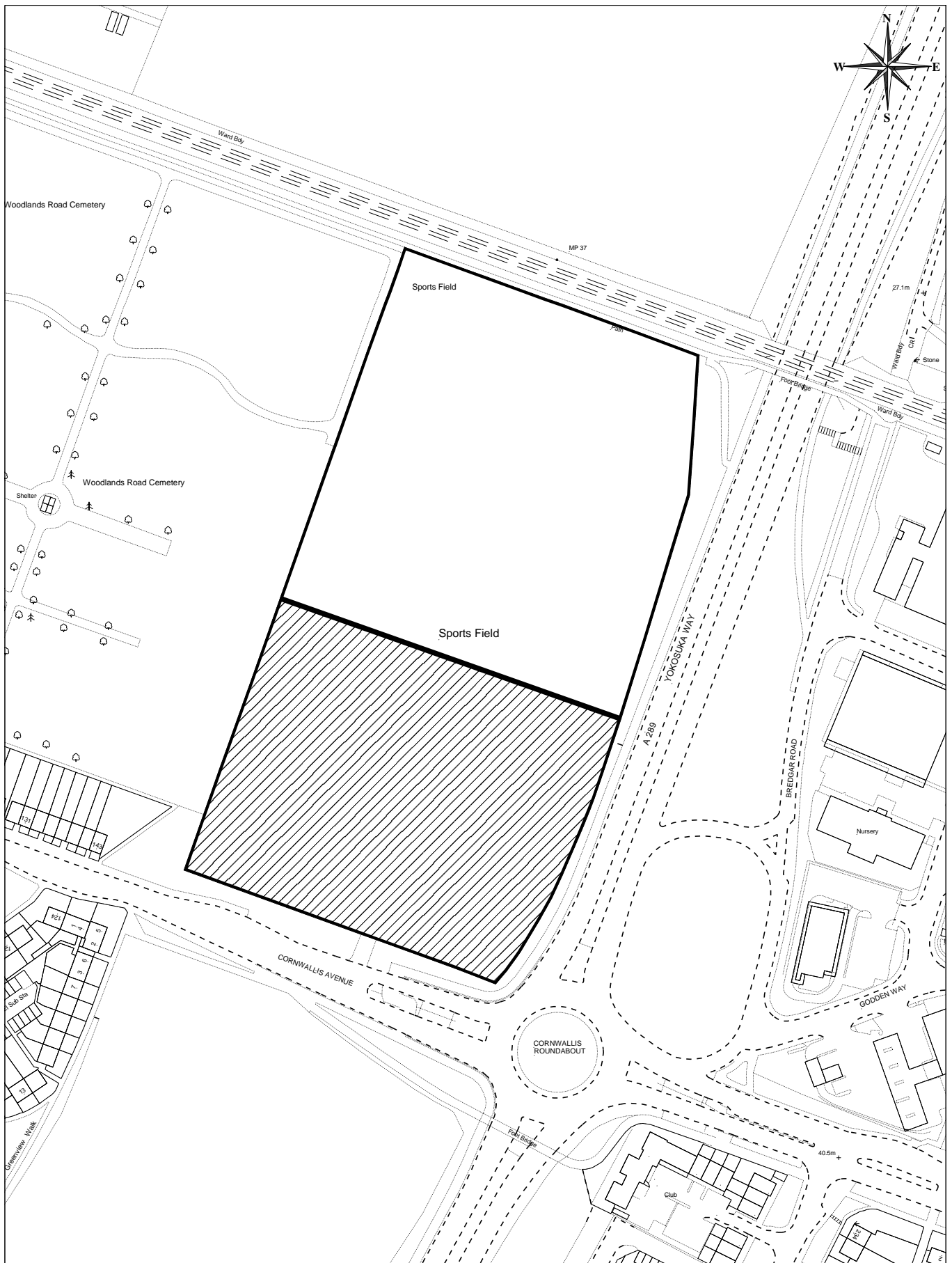
Appendix 1 – Plan of the Cornwallis site

**Background Papers**

School Place Planning Strategy

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4052> (item 4 refers)





# Cornwallis Avenue Playing Field Gillingham



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