

CABINET

11 April 2007

PETITION RELATING TO WHITELEY SCHOOL

REPORT OF DIRECTOR OF DEVELOPMENT

Contact Officer: Steve Tilbury Tel No: 01962 848256

RECENT REFERENCES:

CAB 1275 – Disposal of Recreational Land at Meadowside, Whiteley - 31 May 2006

CAB 1298 – Proposed School at Meadowside, Whiteley - 10 July 2006

EXECUTIVE SUMMARY:

The report responds to the petition presented to the Council at its meeting on 28 February 2007.

Under Council Procedure Rule 15, Council referred the petition for consideration by Cabinet and its recommendations on the approach to be taken. The recommendations of Cabinet are to be considered by Council at its meeting on 18 April 2007.

RECOMMENDATION (TO COUNCIL):

That the Council does not change the decision taken on 19 July 2006 regarding the disposal of land at the Meadowside Recreation Ground, Whiteley.

CABINET11 April 2007PETITION RELATING TO WHITELEY SCHOOLREPORT OF DIRECTOR OF DEVELOPMENTDETAIL:1 Introduction

- 1.1 At the meeting of full Council on 28 February 2007, the group known as 'Whiteley ACE' presented a petition with 1301 signatures from 642 households. 235 of those households are in the Winchester City Council area. A copy of the petition is available for inspection in the Members Room.
- 1.2 Council agreed that the petition should be referred to Cabinet for further consideration.
- 1.3 The petition is a request that the Council reviews its decision, taken at full Council on 19 July 2006, not to release recreational land at Meadowside for the purposes of the provision of a new primary school. That decision was taken on the basis of recommendations from Cabinet and Principal Scrutiny Committee, that the Council should not agree to release the land.
- 1.4 It is not necessary to restate all the details of the discussions which took place in 2006 regarding the merits of the release of the land. These were summarised in two reports to Cabinet (CAB 1275 and CAB 1298) which are attached to this report as Appendix 1 and 2 (for Cabinet members only). In considering the petition, Cabinet will wish to consider the content of these reports and whether any of the circumstances which were central to the decision have changed sufficiently for there to be grounds to reconsider the Council's position.
- 1.5 The only matter about which there has been a substantial change to the previous position relates to the land known as the 'Bunney Land', located to the north of Meadowside, immediately adjacent to land currently being developed by Persimmon Homes. This has been offered to the County Council as a potential alternative location at relatively low cost. The County Council indicated that this was unsuitable, but at the time of the City Council's decision had not undertaken detailed analysis sufficient to satisfy the City Council (and many residents) that this was actually the case.
- 1.6 The County Council has subsequently undertaken a feasibility study on the Bunney Land. According to public statements from the County Council, this report concluded that the Bunney Land was a potential school site, but that the cost of provision would be disproportionately high. The press release from the County Council stated that the cost would be £7.8m - £8.2m against a 'normal' cost of the order of £5m. On this basis, the County Council announced in January 2007 that no school could go ahead at Whiteley, because it would be uneconomic and that therefore it had to "abandon all plans for a new primary school in Whiteley". However, the funding offered by the DfES for the provision of a church school (and the funding the County Council

agreed) is still available. It is understood that September 2007 represents the 'cut-off' point at which a decision on this has to be made.

- 1.7 According to the petitioners, the County Council's decision that it cannot pursue the option relating to the Bunney Land is a material change in the position considered by the Council previously. They state that this makes it more urgent to consider the use of the Meadowside land as other options are now properly closed.
- 1.8 This might be the case were the development situation at Whiteley to be static. Although it is still only a possibility at present, the regional spatial strategy (the South East Plan) may either directly require the provision of a new MDA north of Whiteley, or a level of development which would require the area to be developed. This would require the establishment of a range of infra-structure including new primary schools. A consortium of developers is already in control of all the relevant land and has begun the first stages of preparing an outline planning application. If the regional spatial strategy provides for the MDA, a planning application can be expected some time in 2008 or early 2009, with development commencing within 12 months. The development consortium has indicated that the Bunney land will, in their proposals, be the site of one new primary school and will serve the new community. It could also provide some capacity to serve the existing community. This would be constructed at the developer's expense (by way of planning obligations) to County Council specification and requirements, as part of the MDA and the City Council, as planning authority, would have considerable leverage in the timing of its delivery
- 1.9 Although the expansion of the community at Whiteley is not a definite outcome of the current regional planning process, it is one of the options that the City Council's LDF Core Strategy will need to consider and it does present a substantial opportunity to resolve the issue of school places once and for all.
- 1.10 Even if the City Council were to allow the County Council to proceed with using the Meadowside site, a new school could not be open before September 2008 at the earliest. This one form entry school would not be large enough to serve any new development and a new primary school would be needed close by, probably within two or three years. Although many existing residents would consider this further delay unacceptable, it must be questionable whether, even without considering the arguments regarding the loss of recreational amenity, it would be sensible to invest heavily in the provision of a one form entry school, the need for which might be overtaken by foreseeable events.
- 1.11 None of the other issues regarding the loss of amenity open space, provision of mitigation land, or the disruption to playing pitches have altered since the City Council last considered the matter. The County Council has not made a planning application, nor has it resolved the issue of access to the proposed school site. The Parish Council remains opposed to the loss of the recreation ground for this purpose.
- 1.12 If Cabinet were minded to reopen the consideration of the use of the land at Meadowside, this should only be done after it has been subject to a further round of public consultation. This is because the petition received at Council represents only one side of the debate and it would be unreasonable to take a new decision, without there being a further full community response. The previous round of consultation was linked to a statutory process, to give public notice in the press of the possible disposal/appropriation of the land. This process was concluded by the decision not to proceed, made by Council at its meeting on 19 July 2006. This statutory process would have to be undertaken again, in addition to any additional consultation

processes considered appropriate. The consultation processes would have to be concluded and a decision taken by September 2007.

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

- 2.1 The provision of appropriate schooling, recreational facilities and open space are issues of importance to the well-being of the community. It is therefore in accordance with the Council's Corporate Strategy for such issues to be considered by the Council when raised by local residents.

3 RESOURCE IMPLICATIONS:

- 3.1 There are no direct resource implications arising from the report but if a further round of public consultation were to be commissioned this would require officer time and some expenditure on publicity.

BACKGROUND DOCUMENTS:

Petition received from Whiteley ACE on 27<sup>th</sup> February 2007

APPENDICES: (enclosed for Cabinet Members only and available on the Council's Website: [www.winchester.gov.uk](http://www.winchester.gov.uk))

- Appendix 1 CAB 1275 - Disposal of Recreational Land at Meadowside, Whiteley -
- Appendix 2 CAB 1298 - Proposed School at Meadowside, Whiteley
- Appendix 3 Minute extracts from both Cabinet and Principal Scrutiny Committee held 10 July 2006

**MINUTE EXTRACTS FROM CABINET, 10 JULY 2006****1. PROPOSED SCHOOL AT MEADOWSIDE, WHITELEY**  
(Report CAB1298 refers)

Councillor Allgood declared a personal and prejudicial interest in this item through his role as the County Division Member for Whiteley following advice from the City Secretary and Solicitor. Councillor Allgood left the room during the consideration of this item and did not speak or vote thereon.

Councillor Hollingbery declared a personal (but not prejudicial) interest in this item as he had commented on the proposed school on a website. Councillor Hollingbery spoke and voted thereon.

At the invitation of the Chairman, Parish Councillor M Evans (as Chairman of Whiteley Parish Council) spoke against the proposal. Local residents wanted a new school but the majority responding to the consultation were against the Meadowside site. In summary he stated that the County Council should investigate alternative sites for the school and that one such site (North Whiteley) was more acceptable to the local community as it represented a better long term solution. He also requested that the City Council undertake an independent Environmental Impact Assessment.

The Parish Council had asked the National Playing Fields Association to prepare a report on the suitability of the relocated pitches at Meadowside and there was concern about proximity to adjacent houses.

Parish Councillor M Evans indicated that more than 350 residents had submitted a petition to the Parish Council against the use of the Meadowside site for a school and he proposed to present this to the next City Council meeting.

At the invitation of the Chairman, Mr M Miles (Hampshire Playing Fields Association) spoke against the proposal. The existing facility was an extremely attractive recreational space and there was already a shortfall of 16 acres for recreational use at Whiteley. Mr Miles distributed to Members a map which set out the likely effect that the completed school would have on the Meadowside Leisure Centre's playing fields. From this he highlighted that the pitches, which were already well used, would be moved to an area of wetland and would be too close to neighbouring residential properties. He concluded that if the school was approved in the location set out in the Report, it was likely to have a severe effect on the sports clubs that used these leisure facilities, in particular its younger members and volunteer coaches. Temporary loss of the facilities during the relocation period could affect Club membership.

At the invitation of the Chairman, Councillor Evans spoke regarding this item. Whilst she was supportive of the case for the new school, she was against its proposed location for a number of reasons which included the possibility that the proposal could constrain the Meadowside Leisure Centre's options for expansion. She added that the proposed location of the school had provoked considerable opposition from the local community and that the petitions received earlier in the year, as well as representations received in the current consultation process, should be taken into account. However, if Cabinet were minded to recommend the release of the site, she advised that the area of

mitigation land from the County Council would need careful consideration. Councillor Evans also stated that her views would not prejudice her participation to determine any planning application should it come to a future meeting of Planning Development Control Committee on which she served as a member.

The Chairman noted the comments made and whilst sympathising with the request to undertake an Environmental Impact Assessment, he explained that this was not possible in advance of a planning application because of a September funding deadline which affected the County.

Cabinet noted the minutes of its previous discussion on this issue from 31 May 2006 and following debate, agreed that the requirements of recommendation 3 (which referred to land offered by the County in mitigation) had not been met.

In response to questions, the Director of Development confirmed that the County Council had offered mitigation land in the form of additional open space at Leafy Lane Whiteley totalling 0.85 hectares. In addition it had offered to transfer at no cost the land which formed the proposed neighbourhood green allocated in the Whiteley Local Plan which had an area of approximately 1 hectare. The Director of Development explained that he believed that this was the best offer that the County Council would be able to make whilst also retaining a developable site at Leafy Lane. The weakness of the proposal was that Leafy Lane was on the periphery of the Whiteley development and was less accessible than the Meadowside recreation ground which had been designed as a focal point. It was therefore unlikely to serve the community as well as the area of open space at Meadowside. In answer to a question he explained that the Leafy Lane site was allocated for residential development and that some part of the neighbourhood green would, in any case, be required to be transferred as open space.

In response to additional questions, the City Secretary and Solicitor explained that the amount of public consultation undertaken by the Council had exceeded that which was required by law. The results of this consultation were noted by Cabinet and the Chairman updated the Report in that, subsequent to its publication, a total of 36 representations (31 households) had registered their support to the proposals and 119 representations (104 households) had objected.

Having regard to all the responses received, Cabinet agreed that whilst there was a clear need for a school in Whiteley, the local community would be best served by delaying its implementation so as to consider alternative sites and to retain the existing and well-used leisure facilities.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

**RECOMMENDED:**

**THAT, HAVING GIVEN CAREFUL CONSIDERATION TO:**

- A) THE REPRESENTATIONS RECEIVED DURING THE PUBLIC CONSULTATION PROCESS AND**

**B) CONCERNS ABOUT THE SUITABILITY OF THE OPEN SPACE MITIGATION LAND OFFERED AT LEAFY LANE, WHITELEY,**

**THE PROPOSED APPROPRIATION AND SUBSEQUENT DISPOSAL OF THE LAND AT MEADOWSIDE BE NOT PROCEEDED WITH.**

### **MINUTE EXTRACTS FROM PRINCIPAL SCRUTINY COMMITTEE, 10 JULY 2006**

1. **PROPOSED SCHOOL AT MEADOWSIDE, WHITELEY**  
(Report CAB1298 refers)

In respect of this item, Councillors Anthony declared a personal and prejudicial interest due to the proximity of his home to the site. He left the room during consideration of the item.

Councillor Collin asked that it be recorded in the minutes that he had not attended the meeting for this item because he had a personal and prejudicial interest in the matter, as an employee of the County Council.

The Chairman advised that the Report was being considered by the Committee following her request under Council Procedure Rule 36 that it be included on the agenda.

The Committee noted that the Report had also been considered by Cabinet at its meeting held earlier in the day. Cabinet had resolved to recommend to Council on 19 July 2006 that the appropriation and subsequent disposal of recreation land at Meadowside for the construction of a new Primary School be not supported. Cabinet had concerns about the suitability of the mitigation land proposed by the County Council at Leafy Lane. Furthermore, it was reported that Cabinet had taken into account the results of the consultation exercise following the advertisement of the proposals. The Chief Executive advised that, subsequent to publication of the Report, a total of 36 representations (31 households) had registered their support to the proposals and 119 representations (104 households) had objected. This was in addition to the continued opposition from Whiteley Parish Council and the Hampshire Playing Fields Association.

The Chairman welcomed to the meeting Councillor Stallard, Portfolio Holder for Culture, Heritage and Sport.

Members asked a number of questions regarding the mitigation land and the impact on the Meadowside playing fields should the school be built. Councillor Stallard responded as follows:

There was concern that mitigation land at Leafy Lane to compensate for the loss of informal recreational land at Meadowside would, as a result of its peripheral location, would be underused by residents. It would not be as accessible as the Meadowside site. It was noted that

part of the land had been designated in the 1987 Whiteley Local Plan to serve the local community as a 'neighbourhood green'.

The consultation exercise showed that the concerns of local residents regarding the land disposal indicated that this issue outweighed the acknowledged need for a new school at Whiteley.

It was considered that the immediate pressure to provide a new school at Whiteley would be relieved once school provision was made in the development at North Whiteley, although it was appreciated that this was at least 5 years away.

An interim report by the National Playing Fields Association highlighted concern about the proximity of playing fields to houses due to nuisance to residents. It also raised concerns of safety regarding the location of cricket fields less than 40 metres away from children's playgrounds.

The existing car park at Meadowside was already at capacity at peak times from users of the leisure facilities and would be under additional significant pressure if the school was built.

The number of users of the Meadowside Centre was increasing. However, the erection of the school would inhibit future expansion of the Meadowside Centre.

Members asked a number of questions regarding planning issues related to the proposals. The Director of Development responded as follows:

It was confirmed that development of recreation land at Meadowside for the construction of a new Primary School would be contrary to Policies RT1 and RT2 of the recently adopted Winchester District Local Plan. These policies were based upon national guidance regarding the protection of recreational land. Any decision to support the proposals would have had to set out justification for a departure from policy, having regard to the suitability of the mitigation land and the proposed community use of the school facilities.

It was explained that the flexibility of policies within the Local Plan allowed for the development of the alternative site suggested for the school at land north of the existing Whiteley development. Policy C5 could allow essential community facilities, such as a school, to be provided outside the existing development boundary.

It was clarified that development of a school at Meadowside would be Hampshire County Council's planning application and would be determined by it as a County matter. However, the Local Plan policies were relevant considerations.

The Chairman welcomed to the meeting Canon David Issacs representing the Diocese of Portsmouth.

Members asked a number of questions and Canon Issacs responded as follows:



It was explained that the location of a new school should take account of existing links with the community, including homes, leisure facilities, and commerce. Therefore, the Meadowside site was considered by the Diocese as 'fit for purpose'. This was in comparison to alternative siting on the land North of Whiteley due to its relative isolation from existing community. He accepted that other people might have different views.

Although appreciative of the work carried out on the project to date, the decision made by Cabinet not to support the appropriation and disposal of the land at Meadowside would mean continued pressures on both the County and City Council to provide a new school. Furthermore, it was unlikely that the £4 million government funding could be easily renegotiated as this had been secured until September 2006. This funding stream had been available because of the involvement of the Church in a voluntary School Project. If the project was delayed a new application for funding would have to be made.

The Chairman welcomed to the meeting Mr Bennett (Assistant Head of Estates, Hampshire County Council), Mr Eardley (Strategic Planning Manager for Children's Services, Hampshire County Council) and Mr Coughlan (Director of Children's Services, Hampshire County Council).

Members asked a number of questions regarding the proposed siting of the school at Meadowside and Mr Eardley, Mr Coughlan and Mr Bennett responded as follows:

The decision of Cabinet was disappointing as the County considered that the site at Meadowside was the best suited for the proposals (due to existing infrastructure) and that the need for a new school had been unanimously acknowledged by local residents.

Members were reminded by Mr Coughlan of the City Council's obligations under the Children Act 2004 to work in partnership to achieve benefits for children and young people.

The £4 million government funding for the proposal was a one-off and alternatives could not be secured easily. The County Council had to provide £1.5 million match funding. The prospect for a new school was now unlikely until development at North Whiteley commenced. As a consequence, primary school aged children (4 – 11) would be required to travel to schools outside Whiteley.

It was explained that the admissions policy of a new school would not be controlled by the County Council and was regulated by statute. Admission would be open to all denominations.

It was confirmed that the County Council would continue to look to the removal of the surplus capacity within schools in the Western Wards, in the context of those pupils who would continue to be displaced from the Whiteley area. There were 325 surplus places in the Fareham Western Wards in January 2006. It was likely 150 of those places would be needed for Whiteley pupils.

It was confirmed that the County Council was in support of the Diocese in their rejection of the land North of Whiteley as an alternative site. A feasibility study had demonstrated significant additional cost implications from remedial works to the sloping and water logged site as well as construction of a necessary access road. The road itself would cost between £1 million and £1.5 million. There was also concern of the unknown relationship of the alternative site to the future development at North Whiteley, in addition to the likely prospect of the school eventually being surrounded by disruptive construction sites. The development of a school at North Whiteley should be part of a planned approach and sited accordingly.

It was explained that the need for a further school for the existing development had been first identified in 1998. However a lack of funding and suitable site had meant this was not forthcoming, requiring the current fall back position of transporting pupils to schools outside Whiteley.

It was acknowledged that the new school would have been a one form entry and thus smaller than those usually constructed. However, it had been gauged as sufficient for the probable pupil numbers at this stage. Church schools were often this size. It would have also eventually been complemented by school provision built as part of the North Whiteley development, which would require 1 or 2 additional schools.

The view that the land North of Whiteley was not best suited for a new school had been supported via professional advice and it had been considered that the opportunity for significant Government funding was worth making the necessary compromises regarding the loss of recreational land at Meadowside.

Any decision to extend costs (such as for the necessary access and remedial works to the land North of Whiteley) would not be supported by the County Council as they were obliged to offer value for money to Council Tax payers.

The Chairman welcomed to the meeting Parish Councillor Evans, (Chairman of Whiteley Parish Council).

Members asked a number of questions regarding the proposals and Councillor Evans responded as follows:

Whiteley Parish Council supported the need for a new school but not at the proposed location at Meadowside. It was suggested that an insufficient feasibility study had been undertaken regarding the alternative site, and inadequate consultation with the Parish Council by the County Council. Current new development at Dickens Drive was already taking place adjacent to the land North of Whiteley.

It was acknowledged that the number of responses to the City Council's public advertisement regarding the proposed appropriation and disposal of recreation land was relatively low in comparison to the total population of Whiteley of between 4500 and 5000 people. There

may have been public confusion between the required responses to the County and City Council consultation exercises.

Although the Parish Council was opposed to the Meadowside site appropriation and disposal, it had not undertaken a negative campaign in the area. It was stated that opposition had arisen during the County Council's earlier consultation exercise.

The Chairman welcomed to the meeting Councillor Beckett, Leader of the Council.

Members requested that Councillor Beckett explain to the Committee the decision of Cabinet held earlier that day. In summary, Councillor Beckett responded as follows:

The previous recommendation of the meeting of Cabinet held 31 May 2006 to dispose of the land at Meadowside had been subject to conditions and these had not been met regarding mitigation recreational land. The proposal had also generated significant public opposition. Cabinet had considered that in the longer term, the provision of a new school would eventually be met on another site as North Whiteley developed. The shorter term benefits of providing a school at Meadowside would be outweighed by the longer term disadvantages of permanently losing recreational land in this central location.

At the conclusion of debate, the Committee resolved to support Cabinet's decision to not appropriate and dispose of land at Meadowside for the purposes of the construction of a new school. In recognising the public's opposition to the proposals, it was considered that the Meadowside site was not ideal, nor was the mitigation land proposed by the County Council. It was suggested that alternative sites be sought (including as part of the Master Planning for proposals for the North Whiteley development).

**RECOMMENDED:**

**THAT THE RECOMMENDATION OF CABINET TO NOT AGREE TO THE APPROPRIATION AND SUBSEQUENT DISPOSAL OF LAND AT MEADOWSIDE, WHITELEY FOR THE PURPOSES OF CONSTRUCTION OF A SCHOOL, BE SUPPORTED.**