

## TORBAY COUNCIL

Report No: LCS/26/04

Title: **Use of Land from Oldway Mansion Garden to Oldway Primary School**

To: Executive on 13 July 2004

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### **1. Purpose**

- 1.1 To report to members on a proposal for the use of land, currently part of the curtilage of Oldway Mansion to Oldway Primary School to facilitate conversion to a play area.
- 1.2 In order that members can reach a decision on the proposed use of land to Oldway Primary School.

### **2. Relationship to Corporate Priorities**

- 2.1 The proposed action will help improve the facilities at Oldway Primary School, which is Torbay's largest primary school and significantly under-resourced at present in terms of play space.

### **3. Recommendation**

- 3.1 That the Director of Learning and Culture (in consultation with the Assistant Managing Director and the Director of Finance) be authorised to approve the use of the land (as indicated by black hatching on the plan in Appendix 1 to Report LCS/26/04) by Oldway Primary School on terms to be determined.

### **4. Reason for Recommendation**

- 4.1 The Council must consider the request from Oldway Primary School for the use of land.

### **5. Background**

- 5.1 Oldway Primary School and Oldway Mansion occupy neighbouring sites. The piece of land in question is currently part of the Mansion Garden, separated from the school by a boundary wall. This part of the Gardens is relatively inaccessible and little used, indeed for several years it was the site of a gravel tip for garden staff. In turn this gave rise to security problems for the school, since it was a weak point allowing unlawful access into the school.
- 5.2 The proposal from the school is to create a multi-functional area, sensory garden, outdoor teaching space and adventure play area for use at different times of the school day and will be an example of good practice for outdoor space by providing a stimulating environment for learning and play.
- 5.3 Oldway Primary School has over 640 pupils on roll and a Surestart Centre is due to open on the site in the near future. Although the school has its own playing field, the proposed play area will enhance the range of play and learning facilities in a way that could not be developed elsewhere on the site. The school has a 46% deficit in play space based on its current pupil numbers.
- 5.4 The construction of this play area will also improve the security of the school site.
- 5.5 The land will remain the property of Torbay Council, but if the proposed use is approved, will come under the management of Oldway Primary School. Ownership would transfer to the school only if the school changed category to become a Foundation school. This would require statutory notices to be published and approval by the School Organisation

Committee. The school has no ambitions in this direction at present.

- 5.6 The Planning Application in connection with the proposal was approved subject to certain conditions. These included a requirement that there will be no building erected on the land and a landscaping design to be submitted before development commences. Similarly, the existing walls must be retained, except for a reopening of an old access point, details of which to be provided before development commences. These requirements have now been met and the school is ready to proceed with these works.
- 5.7 The Council's position is that once planning permission was in place the use of the land would be decided by Executive.
- 5.8 A site plan is attached.
- 6. Alternative Options (if any)
- 6.1 The Council could refuse the proposed use of land.

**Tony Smith**  
**Director of Learning and Cultural Services**

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## **IMPLICATIONS, CONSULTATION AND OTHER INFORMATION**

### Part 1

These sections may be completed by the Report author but must be agreed by named officers in the Legal, Finance, Human Resources and Property Divisions. If these are not completed and agreed the Report will not be included on the agenda.

Does the proposal have implications for the following issues?

Insert name of  
responsible officer

Legal (including Human Rights)	Yes - as indicated in the report.	Bill Norman
Financial – Revenue	None.	Lisa Finn/Adrian O'Rourke
Financial – Capital Plan	None.	Lynette Royce
Human resources (including equal opportunities)	None	Anthony Goble
Property	The land will remain the property of Torbay Council.	Chris Sexton

### Part 2

These sections must be completed by the author of the Report.

Does the proposal have implications for the following issues? Please give details as appropriate		
Sustainability	No	
Crime and Disorder	Yes	Improved site security for Oldway Primary School
*OfSTED Post Inspection Action Plan	No	
*Social Services Action Plan	No	
*Change Management Plan	No	

*\* not applicable to reports to Licensing, Development Control and Area Development Committees*

### Part 3

These sections must be completed by the author of the Report.

Does the proposal have implications for the following Directorates? If so, please inform the relevant Director. Please give details as appropriate		
Managing Director, Finance or Human Resources	No	
Learning and Cultural Services	No	
Environment Services	No	
Social Services	No	
Torbay Development Agency	No	

#### Part 4

Is the proposal contrary to or does it propose amendment to the Policy Framework or contrary to (or not wholly in accordance with) the Council's budget?	Yes	Fill in Box 1	No	✓	Fill in Box 2
1. Details of the nature and extent of consultation with stakeholders and relevant select committees.					
2. Details and outcome of consultation, as appropriate.					

#### Part 5

Is the proposal a Key Decision in relation to an Executive function?	Yes	Reference Number	No	✓
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#### Part 6

##### **Wards**

Preston

##### **Appendices**

None

##### **Documents available in Members' Room**

None

##### **Background Papers:**

The following documents/files were used to compile this report