



## Torre Valley North Playing Field

### Background to the proposal

1. The Council as Local Authority (LA) has a statutory responsibility to provide school places. The Education Act 1996 states;

*14. Functions in respect of provision of primary and secondary schools*

*(1)A local education authority shall secure that sufficient schools for providing—*

*(a)primary education, and*

*(b)education that is secondary education by virtue of section 2(2)(a),  
are available for their area.*

*2)The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.*

2. There is no duty placed on individual schools to expand and as the school system has become more diverse, particularly with the introduction of academies, the role of the Council as LA in providing enough school places has become more challenging. The LA cannot simply order a school to get larger, the process has to be one of agreement and consensus.
3. The birth rate in Torquay is rising.

### Live Birth Rates (Source: Office of National Statistics)

School Year	Intake Year	Live Births By Town		
		Brixham	Paignton	Torquay
2001-02	2006-07	139	370	570
2002-03	2007-08	141	452	678
2003-04	2008-09	148	451	666
2004-05	2009-10	141	468	729
2005-06	2010-11	110	436	729
2006-07	2011-12	147	461	789
2007-08	2012-13	118	476	819
2008-09	2013-14	172	481	771
2009-10	2014-15	129	462	812
2010-11	2015-16	157	499	840

4. Many school sites are very restricted in Torquay. Children's Services engaged architects in November 2011 to review the sites of eight primary schools across Torquay and a schools-wide consultation was undertaken to discuss various options put forward from this exercise. From this consultation projects at Cockington, Torre, Ellacombe and Warberry emerged as the best options to provide sufficient primary school places across Torquay.
5. Cockington is the project that will provide additional places for the central Torquay/Chelston area. To enable the school to take additional pupils and the Council to fulfil its statutory duty there is a £3.5m capital project planned which will provide seven additional classrooms, new hall and staff room. This will enable the school to take an additional 210 pupils and address some of the main issues of the current school in an inadequate hall space for current numbers on roll which hampers activities such as assemblies and curriculum delivery of PE, poor dining facilities and inadequate staffroom facilities.
6. The allocation of the additional area from Torre Valley North is integral to the project as a very substantial amount of the school's current hard play area will be taken by the new school extension.
7. The 2007/8 Torquay birth year (September 2012/13 school year) was a large year at 819 births. These pupils started school in Reception year in September 2012. The Council added an additional 75 places to that year group, 15 at Torre, 15 at Warberry, 15 at Ellacombe and 30 at Cockington. This Reception year group is currently full in every school across Torquay with the exception of Ellacombe which has 18 places and Barton which has 3 spaces. Some of these spaces may be taken after the summer break when families traditionally time their home and school moves. This year group has another 6 years in primary education to continue to provide sufficient places for families moving into the area. Any child that moves into Torquay who is under 8 or on Free School Meals and lives over two miles walking distance from the nearest available school such as Barton or Ellacombe will be entitled to free home to school transport- a taxi due to their age.
8. The September 2014 intake is projected to be another large year (812 births). Given the experience of September 2012 if Cockington does not admit 90 pupils (the additional 30) then it is very likely that there will not be enough places for Reception age pupils starting school in Torquay.

## **Chronology**

January 2011 – Primary Pupil Number projections undertaken by Officers in Children's Services indicated a significant increase in primary pupil numbers expected from Sept 2012.

April 2011 – LA Children's Services appointed consultants to consider options for future school expansions in Torquay & Paignton.

January 2012 – LA consulted with all schools regarding options for providing the additional primary places needed, including proposals for expanding Cockington Primary School.

15 February 2012 and 3 March 2012 – Children’s Services presented reports to SCOPE regarding need for places and funding for expansions at several primary schools including Cockington.

11 May 2012 – Follow up report to SCOPE regarding primary expansion projects including Cockington – including the need to acquire additional play space from adjacent land at Torre Valley North.

April 2011-May 2012 – Officers from Children’s Services and Residents and Visitors services discussed the possible transfer of part of Torre Valley North to Cockington Primary School on several occasions and also raised it at Corporate Asset Management Team on 10 September 2012.

Children’s Services consulted fully with all schools in Torbay regarding the proposed expansion of Cockington Primary School.

Residents and Visitor Services informed sports clubs regarding the transfer of the playing field.

A public notice to dispose of Public Open Space was not done before the land was transferred to Children’s Services.

12 July 2012 – Planning application submitted for new playground

25 April 2013 – Planning application approved in full

28 May 2013 – Work began on new playground

27 June 2013 – The contractor instructed to cease all work until further notice.

### **Planning Application**

9. The Planning Application outlined a 16m wide strip from the base of the bank at the school boundary, 1,200 m<sup>2</sup>, in May 2012. There has been no increase in area since then.
10. To expand the school to 630 to enable the Council to fulfil its responsibility to provide school places the school needs a large hard play area to be provided. If the area becomes too small the expansion of the school, and the provision of sufficient school places could be jeopardised.
11. The DfE guidelines outlined in Building Bulletin 99(BB99) give guidance on the amount of hard play area different sizes of schools should have. For a school of 630 it is 3,205 square meters. This is not statutory guidance as the large majority of primary schools nationally do not comply with the space outlined in the guidelines. With the area of hard play outlined in the planning

application Cockington will have 2,080sq m – 1,125sq m short of the BB99 recommendation.

12. The application for 'Adjustment of school site boundary to create additional play area' adjacent to Cockington School (Torre Valley North) covers a site area of some 0.1 hectares. There was an error in the narrative of the application submitted by the architect as it stated 0.01 hectares but the supporting plans showed the correct area of 0.1 hectares. That falls below the definition for major development, which in this case would be a site area of over 1 ha (0.5 ha in relation to the creation of dwellings).
13. The application was advertised through site notice and this was posted on 19 July 2012. In addition, the 12 nearest neighbours were written to in the vicinity of the application site, in line with planning protocol.
14. The application was not published in the local newspaper, since it is not a major planning application, nor is it within a Conservation Area.
15. No representations were received either for or against the application. As such, in referring to the scheme of delegation, there remains delegated authority to issue consent. The scheme of delegation states that applications should go to committee where they "relate to land owned, controlled or occupied by the Council (unless there are no objections and / or it is a minor variation to an existing planning permission)".
16. In this event, the application was not for major development and there were no objections, hence it continued to be dealt with, and in the end approved, under delegated powers.

### **Consultation with Sport England**

17. Sport England was consulted at several stages during this process and did object initially. The LA then had to agree to provide funding for establishing two new pitches at Steps Cross and King George V plus new changing pavilion at Steps Cross in compensation for this change of use at TVN. Sport England then agreed to this.
18. The original information given to Sport England was ambiguous. A distance to the boundary for the cricket was quoted as 50 m and the proposal to move the rugby pitch further down the playing field was mentioned. The fact that the 50 m was conditional upon moving the cricket square and rugby pitch southwards within TVN was not made clear.

### **Council Transfer process**

19. There is no formal process involving members for transferring land within departments of the Council (appropriation). Historically any land transfers between departments have been agreed at officer level within the Council. This agreement was following past procedures.

20. Transfer of part of Torre Valley North to Cockington Primary School discussed between Children's Services and Residents and Visitor services on several occasions and also discussed at Corporate Asset Management Team on 10 September 2012

### **Disposal of Public Open Space**

21. A public notice to dispose of Public Open Space was not done before the land was transferred to Children's Services because this was not thought necessary. However, because the Council has appropriated public open space land for education land there should have been a notice advertised for two consecutive weeks in a local newspaper asking for objections to the appropriation. The duty of the Council would have been to consider those objections. No notice has been published.

### **Summary**

22. The ramifications upon the future use of Torre Valley North were considered.
23. The future provision of Athletics, Association Football, Cricket and Rugby on TVN were considered and this informed the area of land that was considered for transfer.
24. The 16m strip of land outlined in the planning application for transfer still gave enough land for all the sports to continue on TVN albeit with some realignment of facilities. This proposal also gave enough space for the continuation of football but Sport England stipulated new dimensions for new junior football pitches which then led to the need to provide football facilities at Steps Cross and King George V playing fields.
25. This part of TVN was purposely excluded from the Jubilee bid submitted in 2012 so that this land could be included in the school site to enable the Council to provide sufficient school places. Therefore, there are no implications for this designation.
26. Officers sought to ensure that the transfer followed the correct procedures with liaison between departments and followed established procedures. The transfer was raised with SCOPE and Corporate Asset Management Team. Planning permission was applied for. With the benefit of hindsight a more structured and wider consultation/information process would have been beneficial and may have prevented some of the problems experienced over this proposal.
27. Members and officers of the Council are in discussion with representatives of the sports clubs to reach an agreement that will enable the Council to provide additional hard play area for Cockington to expand and the Council to provide sufficient school places and the sports clubs to continue to use TVN.