

NORTH LANARKSHIRE COUNCIL

REPORT

AGENDA ITEM NO. 9

To: Education Resources Sub-Committee	Subject: Reclaim Land at Victoria Primary School
From: Director of Education	
Date: September 2004	
Ref: MM/IS/PH	

Introduction

The purpose of this report is to seek committee approval for the return of land, at Victoria Primary School to the education estate.

Recommendations

- (1) It is recommended that the education resources sub-committee notes the decision of the policy and resources (property) sub committee to return land at Victoria Primary School to the education estate and notes that this land be re-allocated to Victoria Primary School for nursery play facilities.
- (2) Approve the development of nursery play facilities on the site.



Members wishing further information about this paper should contact:

Michael O'Neill, Director of Education on 01236 812337

Murdo Maciver, Head of Provisions/Contracts Services on 01236 812268

NORTH LANARKSHIRE COUNCIL: DEPARTMENT OF EDUCATION

Reclaim Land at Victoria Primary School

Report by the Director of Education

1. Background

- 1.1 On 25 February 1999 the education resources sub committee approved the disposal of 1059 square meters of land at Victoria Primary. The department has subsequently opened a nursery in the school. This includes a requirement for additional dedicated play area space to comply with statutory standards. It is therefore proposed to reclaim this ground for this purpose.

2. Present Position

- 2.1 On 24 June 2004 the policy and resources (property) sub committee approved the re-allocation of the land to Victoria Primary School, to satisfy these operational requirements. A copy of this report is attached as appendix 1.

3. Recommendations

- (1) It is recommended that the education resources sub-committee notes the decision of the policy and resources (property) sub committee to return land at Victoria Primary School to the education estate and notes that this land be re-allocated to Victoria Primary School for nursery play facilities.
- (2) Approve the development of nursery play facilities on the site.

AGENDA ITEM No.7.....

NORTH LANARKSHIRE COUNCIL

REPORT

To: POLICY & RESOURCES (PROPERTY) SUBCOMMITTEE	Subject:
From: DIRECTOR OF HOUSING & PROPERTY SERVICES	LAND AT VICTORIA PRIMARY SCHOOL, AITCHISON STREET, AIRDRIE
Date: 24 June 2004	Ref: MJC/CPT/ 90003012

1. INTRODUCTION

- 1.1 The purpose of this report is to seek Committee approval to reverse the previous decision of this Committee in respect of the proposed disposal of 1059 square metres or thereby, of land, forming part of Victoria Primary School grounds.

2. BACKGROUND

- 2.1 Committee are asked to refer to item 12 of the Policy & Resources (Property) Sub-Committee of 12 June 2003.
- 2.2 At that time a report was placed before Committee recommending sale of the area of ground to the adjoining proprietor for the sum of £50,000.
- 2.3 The disposal price quoted at £50,000 is based on a gross value as it was anticipated that adverse ground conditions existed which would require remedial works and expenditure.
- 2.4 The land in question was declared surplus to Education Department requirements at The Education (Resources) Sub-Committee of 25 February 1999.

3. PRESENT POSITION

- 3.1 The Department of Education have opened a nursery within Victoria Primary School and this increased use of the building leads to a requirement for additional play area space to comply with statutory standards. Accordingly Education have stated that the area of land formerly declared surplus is now, once again, required for operational purposes.
- 3.2 The proposed purchasers, the operators of the adjoining Nursing Home, have been in discussion with the Property Division for some time concerning a variety of proposed uses for the land in question. This culminated in May 2003 with the proposed purchasers agreeing to provisional Heads of Terms in respect of the sale, at a purchase price of £50,000.
- 3.3 The proposed purchasers have now obtained Planning Permission for an extension to the Nursing Home, to be constructed on the area of land in question. Access has also been granted to carry out site investigation works in relation to their proposed development and these works have been completed.

3.4/

- 3.4 There is no contractual missive in place between North Lanarkshire Council and the proposed purchasers in respect of this sale of land. The previous exchange of letters agreeing provisional Heads of Terms expressly stated that the exchange of letters should not be contractual.

4. ***PRESENT POSITION***

- 4.1 The Department of Education has stated that the nursery would not be able to continue to operate with only the reduced playground area available.

5. ***CORPORATE CONSIDERATIONS***

- 5.1 In the report dated 12 June 2003 it was considered that the sale of the land would not have an impact on the Council's operations. This is no longer the position, and in the intervening period since February 1999 when the land was declared surplus, the operational requirements of the Department of Education have changed. Consequently the sale of this land would now impact on Council operations.

- 5.2 Reallocation of the land to the Department of Education will result in the downturn of up to £50,000 in the Capital Receipt Programme for the current financial year.

- 5.3 Land or buildings declared surplus by any Council Department remain available for uptake by any Council Department, including the Department declaring the land or buildings surplus, where an operational requirement is identified, prior to sale of the surplus land or buildings.

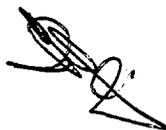
- 5.4 The purchasers solicitors have indicated that the purchasers may pursue the Council for abortive costs in relation to their professional fees and outgoings to date. The Head of Legal Services has advised that it is unlikely that such a claim would be successful.

6. ***RECOMMENDATIONS***

- 6.1 It is recommended that Committee agree to allocate the 1059 square metres of land to Victoria Primary School, to satisfy the current operational requirements of the Department of Education.
- 6.2 In agreeing to the above, Committee accepts that the decision of the Policy & Resources (Property) Sub-Committee or 12 June 2003 will not be implemented.

7. ***BACKGROUND PAPERS***

Background papers are available within the Department.



THOMAS McKENZIE
Director of Housing & Property Services

Enc

Contact Officer: Ian Nisbet
Head of Property Services
01236 616305