

Addendum report - Planning Committee - 10 September 2019**Application No. DM2019/00985 - Rosehill Recreation Ground, Rose Hill Sutton****Changes to the officers recommendation**

In response to additional information being received to the satisfaction of the Lead Local Flood Authority which addresses their objection, draft reason for refusal (7) is withdrawn. Had the application been considered acceptable in all other respects, details of a final detailed drainage design including drawings to be submitted to and approved in writing prior to commencement of work and the permitted development shall not be occupied until the sustainable drainage scheme has been completed would have been reserved by condition

Amendments to the officers report (to correct missing information)

Page 10, para 2.1 to include (1,550 pupils) after the words 'including sixth form' and (36 pupils) after the words '(SEN)

Page 17 third text box from bottom of page in officers comments to add the words "as a temporary school."

Page 35 Para 5.39 amend last para in bold to read "**implicit in this decision** [to de-designate MOL]....."

Page 68, para 5.228 to insert the words 'of the Local Plan' between 'Biodiversity' and 'states'

Additional letters of representations

In addition to the representations detailed within the officers report at paragraphs 3.6 – 3.8, a further 4 letters of representation have been received. 2 of these representations were in objection to the proposal and 2 was in support of the proposal.

Letters of objections were received from the following addresses.

18 Grennell Close
55 Angel Hill

No additional reasons for objection have been raised in the letters submitted that have not been addressed in the report.

Letters of support were received from the following addresses.

Flat 17 Springwell Manor, 38 Albion Road
34 Crichton Avenue

In addition to the reasons for support set out in paragraph 3.11, additional support is raised in regards to the design of the building.

Response to applicants submission of 6 September 2019

The applicants submitted a 34 page representation on 6 September in response to the officers report to assist Planning Committees consideration of this planning application. The majority of this submission outlines differences in opinion identified within the report but also claims that matters have been reported which are factually incorrect or mis-represented.

The applicant outlines matters which they consider to be common ground but officers do not make any comment on this as their views on the application are clearly set out in the report. The applicant also sets out the reasons why they consider the application complies with the Development Plan, but this does not introduce any new information that was not included in the application or presented in the officers report.

The applicant refers to officers not considering further information submitted after the publication of the report but does not acknowledge that officers gave ample opportunity to agree an extension of time to the application to resolve all issues prior to the publication of the report. However, the applicant was not prepared to discuss changes to the scheme to address all of the officers concerns. As such, the Committee report is based on the available information received before the report was finalised. The applicant is aware that the Council is not obliged to consider amendments during the course of the application but officers have been as accommodating as possible by seeking to respond, where reasonable, to any information contained within the submission received on 6 September.

The applicants submission repeats information already in the application documents and therefore only those points which merit clarification or relate to new information not previously considered within the officers report are referred to in the officer's response below:-

Response to the applicants comments on officers report are in bold:-

Para 5.22 - "It is incorrect to say that the DfE was not granted the site area sought".

Officer comment: The DfE sought an area of land north of the overflow car park which is to the east of the defined Sports Village boundary delineated by the landscaped bund on its east and north side. This was not agreed by the Council as it would have resulted in development creep to the east when the Council sought to contain the development to the western part of the Rosehill site. The Council acknowledges that the 2.0 hectare area was not the DfE's proposal, but para 5.22 does not conflate the two issues as suggested by the applicant.

The applicant has introduced new material which was not included within the planning application but merits comment. The applicant suggests that feasibility studies prior to the adoption of the Local Plan 'demonstrated that both schools with associated external areas and car parking could be delivered within the 'main site' ['main site' is not defined in their late submission]. Whilst an indicative layout showed it was

feasible to accommodate a school within the site in this planning application, the discussions were high level and did include any more detail including proposed designs.

Para 5.23 - The applicant has stated that the Council has a statutory responsibility to provide school places, and that this role is substantive. **Officer comment: - the report states “*The substantive role of the Local Authority in these proposals is limited to the Local Planning Authority function*” (underlining added for emphasis). This means that the assessment of the planning application by the LPA is the LA’s substantive role in this case. The report recognises the statutory duty of the Local Authority in providing school places in paragraphs 5.12 and 5.23 of the report.**

Para 5.45 - The applicants assert that “There is no such thing as ‘DfE superblock funding” **Officer comment: Whilst it is correct that there is no such term per se, the national framework rates the DfE work to be based on an assessment of what the DfE consider schools buildings should cost (excepting abnormal). The baseline designs will inform this assessment and will have been agreed with Wates as part of the contract. The DfE (and Wates) would not wish to vary from these budgets and baseline designs unless absolutely necessary.**

Para 5.46 - The applicant despite advising that the DfE’s explanation of why the whole site was not being used, was not to form part of the application now says that it should, in a redacted form. This is included as part of this addendum. The essence of the letter is that there are a number of reasons for not using this land, not least the requirement for a third party to enter into a deed of variation for the existing lease, but some details are redacted due to ‘commercial confidentiality’. **The Council’s Asset Management team has advised the Planning Service that none of the reasons advanced by the DfE are unduly prohibitive in bringing this land within the red line of the application site. The advice of the Asset Management team is that this decision is based entirely on financial and not planning reasons.**

Para 5.54 - The applicants state that “The use of the land to the north of the GLL was not discussed with the DfE or the Inspector at the EIP nor was it raised subsequently with the DfE as a potential alternative to the DfE’s original request for the existing overflow car park to be extended. **Officer comment: This is not the case. The Council proposed the northern section of land in the presence of the ESFA (now DfE) at the Examination into the Local Plan and no objection was made then or subsequently in the consultations on the main modifications to the Local Plan. There is a reference to a meeting on 9 January 2018 where the LPA raised no objections to the ‘control option’ on the basis of high level floor plans without having been through pre-application discussions and in the absence of any detailed designs. The Transport Assessment, which is now indicated to be superseded, does not demonstrate that there would be no adverse effect on the public car park during the school day. Instead, it demonstrates that at the time of peak demand all remaining spare capacity (28 spaces) could be taken up by school staff. Full utilisation of the car park allows no**

future increased demand for other users of the park and Sports Village and as such would constitute an adverse impact.

Para 5.55 - The applicant makes further statements to the effect that there has been no rigid adherence to a single design. **Officers strongly disagree**

Para 5.57 and 5.58 - The applicant considers that the Bromley appeal has no comparison to the Rosehill proposals. **Officer's comment is that reference to this appeal decision was to draw Committees attention to the fact that whilst Educational Need is a material consideration of considerable weight in this case, it is not the overriding consideration, and the whole Development Plan must not be cast aside in the minds of the decision makers when considering the weight they wish to give to Educational Need.**

Para 5.59 - The applicant advises that the DfE will not fund the temporary school without the certainty of a planning permission on the permanent site. **Officer's comment: This is acknowledged but is nevertheless a material consideration in that the immediate pressure on school places could be alleviated by the temporary school in the absence of a permission for a permanent school. The DfE's position is acknowledged in the last sentence of para 5.59**

5.72 - The applicant questions what its meant by exemplar or exceptional design and continues to assert that the Council has not explained how or why the design can be improved adding, "even is this were deemed necessary"* **Officer comment: There is no definition of what constitutes exemplar or exceptional design. As such, the ordinary meaning of the words are the starting point. It is for the applicant to justify their designs, not the Council, who have the responsibility of ensuring that these are of the requisite quality. The Council set out in detail within its pre-application letter the reasons the design is unacceptable and has recommended ways in which it could be improved and so it is not true for the applicant to say they were not made aware of the concerns of officers or the independent design review panel.**

*** the underlined sentence is an accurate summation of the applicants response throughout the pre-application engagement. The applicant has never agreed that the design needs improvement beyond changes to the elevations which have not addressed officers principal concerns.**

5.75, 5.76, 5.77 and 5.78 - The applicant repeats information already within the application documents. **Officer comment - these comments do not add anything to members understanding of the case.**

5.79 The applicant refers to "This is an incorrect statement" **Officer comment: The applicant does not clarify which part of paragraph 5.79 is believed to be incorrect and their subsequent comments end with the actual point being made that .."we disagree that the analysis was inconsistent". Officers acknowledge there is a difference of opinion on this point but the comments in the report are not an 'incorrect statement'.**

5.80 Applicants consider the reference to criteria which assessed impact on the adjacent MOL is unclear. **Officers disagree as the criteria were put forward by the applicant without prior discussion with officers, focused on the clients brief and less on meeting the requirements of the Development Plan, with little or no reference to the policies relating to the setting of MOL or taller buildings despite this being drawn to the applicants attention repeatedly throughout the pre-application process.**

5.81 Applicants say that this is an incorrect statement. **Officer comment is that this is their opinion which is not the same as a factual inaccuracy**

5.84 The applicant's comments in response to officers recommendations do not introduce any new material **Officers have no comment to make**

5.90 The applicant states that the internal spaces have been designed in line with DfE Facilities Output Specification and with Greenshaw Learning Trust who are both happy with the internal layout. **Officers refer to the comments of the Design Review Panel**

5.93 The applicant says that the Belmont school is not comparable to the Rosehill school. **Officer comment is this reference is about proper engagement in a pre-application discussion and shows the contrast between the two projects. It is completely untrue for the applicant to say that "During the pre-application consultation process the Council did not advance any alternative practicable or workable solutions to the delivery of the secondary school on the Rosehill site".**

5.93 The DfE question why the council considered a smaller site area would be suitable during the Local Plan process but "now (underlining for emphasis) consider that the site area should be increased by an unwarranted incursion into land currently used as open space and capable of being reinstated as MOL. **Officer comment - the DfE were present at the EIP when this was discussed and made no objection to the site area in S98 or to the Main Modifications consultation. It is not the case that this is only being referenced now. The DfE were aware of the site area in the site allocation from September 2018.**

5.112 The applicant despite having submitted a Transport Assessment is now stating that reference to overspill parking does not form part of the application and is withdrawing the reference to the use of 28 spaces in the shared car park for staff saying "...the Transport Assessment can be updated to reflect the same". **Officer comment - there was no discussion with officers about using spaces in the Sports Village car park and the TA does form part of the application, where repeated references to using 28 spaces for staff are also found in sections 9.47, 9.58 and 11.1.**

The reference to a School Travel Plan (STP) stating no more than 68 staff would drive to the school by the time of full occupation is a target within the STP, based on aiming to achieve TfL Gold accreditation under their STARS scheme by time of full occupation in 2026. If exceeded, there would not appear to be any measures proposed to prevent staff from parking off-site. The measures outlined within the STP (10.3,

10.14, 10.15) are only concerned with restricting access to the 68 spaces within the staff car park, not preventing additional parking by staff externally.

5.115 In response to concerns about preventing drop off and picks up the applicants state "It is not expected that parents will use the Sutton Sports Village car park to drop-off and pick up students"

Office comment: This is a vague commitment that would be very difficult to enforce given that the public car park is freely accessible to everyone. The inclusion of additional measures within a later STP to discourage such use is welcome but they may well not be effective, even once the STP has been accepted prior to first occupation (at which time there will be no available evidence on actual pick-up/drop-off behaviour). In this regard, Highways would expect them to be detailed within the planning application so that their suitability can be assessed

5.116 and 5.117 The applicant states that "The Trust will monitor where parents park, to ensure that all parents park within desirable streets, i.e. not Rosehill

Officer comment: Highways are concerned to minimise the impact of additional on-street parking on its network and would therefore require the applicant to provide a detailed assessment of parking demand based on the actual assumed parking locations and for details on how parking will be restricted to those locations to be included at the time of application. It should not be for the applicant to determine unilaterally, and subsequent to planning approval, what is considered a 'desirable street' for parents to park. The measures and monitoring processes to be included in a forthcoming full STP and CPMP should have been provided, at least in outline, in drafts submitted with the planning application, particularly given that some of the proposed measures may apply to use of the Sports Village Car Park.

5.118 Further reference to staff parking within Sports Village car park **Officer comment: this is dealt with above [para 5.112]**

5.119 The applicant refers to agreement with GLL to use the shared car park which directly contradicts their latest intention to remove reference to using 28 spaces in the shared car park

Officer comment: this is dealt with above [para 5.112]

5.120 As above it is a completely unsubstantiated statement to say that using the shared car park was discussed as this is not the case.

Officer comment: this is dealt with above [para 5.112]

5.121 The applicant says it is incorrect to say it is not the intention to use land to the north for car parking but instead proposes to use the Sports Village car park' **Officer comment: this is not the case as this was presented in the planning application and TA. There has been no discussion with LBS highways officers about the use of the shared car park for staff parking.**

5.127, 5.128, 5.129 and 5.130 **Officer comment: It is correct to challenge the assumptions about where the vast majority of pupil trips will originate as there is no persuasive evidence put forward to demonstrate this within the application. It is also understood that the suggested catchment distribution is based on full occupation and that below full occupation a different catchment distribution may apply.**

5.137 - **This is accepted.**

5.139 - **see 5.137 comments above.**

5.140 - **Noted, although that no commitment in principle to preventing uncontrolled on-street parking by construction staff was included in the outline CLP.**

5.146 The applicant agrees that the footways would not be sufficient at bus stop B. **Officer comments: information was received too late to be considered within the officers report and there has not been sufficient opportunity for this to be assessed.**

5.148 The applicant advises that a revised landscaping plan was submitted on the 28.8.19. **Officer comments: information was received too late to be considered within the officers report and there has not been sufficient opportunity for this to be assessed.**

5.154 - **noted.**

5.155 - 1.156 The applicant's comments do not introduce any new material **Officers have no comment to make.**

5.159 - **Highways share the concerns originally raised by TfL with respect to peak hour vehicle trips. The applicant mentions that a table has been amended in a response to TfL dated 22/08/2019 but Highways were not provided with this amended table. The applicant has sought to explain their methodology for estimating mode share, based on the non-divisibility of pupil/staff survey data within the TfL STARS school travel plan survey findings. The information has not been fully assessed by Highways.**

5.160-1.1561 - The applicant refers to Educational Need. Officer comments: **The assumptions regarding travel mode share and trip generation are noted but Highways still raise concerns as to their reasonableness given that the applicant has provided little or no supporting evidence to demonstrate their validity, and predictions based on dialogue with the Greenshaw Learning Trust would appear to have been accepted unquestioningly. In most cases, the underlying evidence relied upon by the Greenshaw Learning Trust in advising the transport consultants has not been included in the TA or directly provided to Highways.**

5.162 and 5.163 - **Highways are concerned that the published timetable may not necessarily represent an accurate reflection of staff and pupil arrivals and departures.**

In particular, it would seem reasonable that staff and sixth form pupils may come and go within the school times based on their particular commitments.

5.201 & 5.202 The applicant advises that information has been submitted. **Officer comments: The information submitted is considered acceptable by the Lead Local Flood Risk Officer, who removes the objection to the proposal. Had the application been considered acceptable in all other aspects a suitable condition would have been included.**

5.225 The applicant refers to additional information being submitted in regards to tree planting and biodiversity. **Officer comment: Additional information was not submitted within sufficient time for consultees to comment before the publication deadlines for the committee report. Based on the submitted information, the Tree Officer would agree that the details of species choice could be negotiated at a later date and covered by condition. However, the Tree Officer disagrees with the reasons given by the applicant that the site cannot accommodate a large canopy tree, suited to providing mitigation for a changing climate as well as a multitude of other environmental and amenity benefits.**

5.237 The applicant submitted two biodiversity responses (12.8.19 & 23.08.19), clarified an error in the ecological scoring and provided an amended DAS to show additional planting. The applicant suggests a Condition to secure details of establishment times and to re-run the Biodiversity Accounting. **Officer Comments: The second biodiversity response was received on the 28.08.19 and too late to be considered within the officers report. The Biodiversity officer did not agree with the applicants justification for reduced condition times without further information. Although changes have been proposed to the landscaping, the re-run of biodiversity accounting scores have not been provided.**

5.238 - 5.241 The applicant states that this was addressed in the two biodiversity responses (12.8.19 & 23.08.19) and states that the Biodiversity Net Gain Calculator will need to be re-run using the revised landscaping scheme and agreed condition times. **Officer Comment: The submitted information still leaves uncertainty regarding the schemes 'no net loss' status and does not provide the Council with sufficient confidence regarding potential impacts. The second AECOM biodiversity comments were not received in time to be included in the officers report and require further assessment by the Council Senior Biodiversity Officer.**

5.239 The applicant refers to AECOMs biodiversity calculator and landscaping plan being submitted. **Officers comments: the above information was received on the day the committee report was finalised and was too late to be considered.**

5.255-5.257 The applicant advises that these comments were addressed in the submitted Biodiversity Planning response 23.8.2019 suggesting that further information could be provided, the Biodiversity accounting will be revisited and that a condition could be used to secure habitat provision and establishment. **Officer comments: Additional information was received on the 28.8.2019 containing a response to the comments made by the**

Senior Biodiversity Officer, a lux lighting plan and an external lux lighting letter. This needs further assessment by the Councils Senior Biodiversity Officer as it proposes new information for an emergency survey could be carried out on Tree 110. Additional surveys are proposed, but these would extend beyond the decision date of the application.

5.258-5.261 The applicant advises that additional information was provided on the 28.8.2019, further information including photographs, PRF targets and plans are to be provided prior to 10.9.2019 and an additional emergency survey on Tree 10 is to be carried out. **Officer comments: Additional information was received on the 28.8.2019 containing a response to the comments made by the Senior Biodiversity Officer, this needs further assessment by the Councils Senior Biodiversity Officer as it proposes new information for an emergency survey to be carried out on Tree 110. No details of the survey have been provided.**

5.262-5.263 The applicant advises that emergency surveys will be carried out and an additional climb and inspection survey might be possible. **Officer comments: No details of when the survey will be carried out and as an inspection of the tree has not been carried out this does not remove the objection on the applicants approach to bat surveys.**

5.264 The applicant advises that additional information was provided. **Officer comments: Information was only received on the 28.8.2019 as referred to above (5.255-5.257). This needs further assessment by the Councils Senior Biodiversity Officer.**

5.265 The applicant advises that an emergency survey will be carried out. **Officer comments: No details of when the survey will be carried out have been provided, as such, this does not remove the objection on these grounds.**

5.267-5.269 The applicant agrees to a condition for an updated INNS. **Officers have no comment to make.**

5.274 - The applicant states that this is an inaccurate statement: **Officer comment: The baseline light levels are required to enable light spill modelling. Whilst the Council accepts that light spill mitigation solutions could potentially be utilised, a full model of the current lighting levels has not been provided by the applicant.**

5.275 The applicant states that this is inaccurate. **Officers' comments - agree no lighting is proposed in the MUGA, however, it remains the case that no current lighting levels have been provided.**

5.277 & 5.278 The applicant advises this information was submitted on the 28.8.19. **Officer comments: These comments were received the day the report was submitted to committee services and was not assessed.**

(no paragraph number provided - after 5.277 & 5.278 above). **Officer comments: Please see comment above for 5.201 & 5.202.**

5.292 & 293 In response to concerns raised in regards to air quality, the information submitted on the 29.9.19. **Officer comment: information was received too late to be considered within the officers report and there has not been sufficient opportunity for this to be assessed.**



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Mr Webber

Sutton 1 + 2 Free Schools: Rationale For Not Including The Land To The North Of The Tennis Courts Within The Application Site

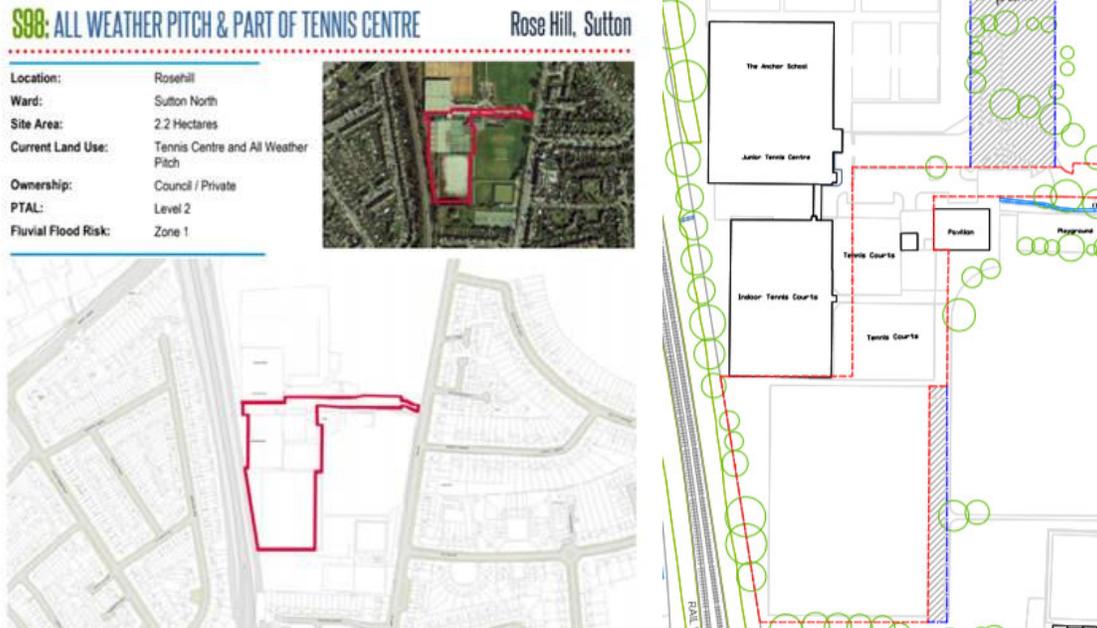
The Department for Education (DfE) aims to work closely with Local Authority Education Departments and Local Planning Authorities (LPA) to meet the demand for new School places and new Schools.

At the pre-application planning meeting for Sutton 1&2 Free School (7th May 2019), the LPA requested that the DfE confirm in writing the reasons why the development proposals did not consider utilising the full extent of the red line boundary, as identified in Sutton's Local Plan. The DfE offers the following comments in response.

As articulated at the meeting, there were a number of different parameters that needed careful consideration by the DfE to establish whether this additional piece of land is suitable for development as part of the project to deliver the schools Sutton 1&2.

In order to respond to the request of Sutton's planning department, the DfE has, under an additional exercise, sought the advice of Wates, their design consultants and the DfE's property & legal department, to assess the feasibility of the use of this piece of land. Please note, at this stage the reviews are high level and full surveys have not been carried out.

History of Site Red Line Boundary



The DfE has been in discussions with Sutton over the suitability of Site S98: the disused all-weather pitch and part of the Tennis Centre at Rosehill Recreation Ground for a number of years. In 2016, Sutton consulted on the draft local plan showing Site S98 (the red line boundary to the left above) as the proposed allocated site for the school project. At this point, the LPA was content that the site was capable of accommodating an 8FE secondary school with sixth form and SEN provision (without the land to the north).

In 2017, the DfE made representations at the Reg 19 consultation stage for the draft local plan and requested revisions to the red line boundary of site S98. At the time, the DfE had not undertaken any feasibility studies and was unable to confirm site suitability for a new 8FE secondary school + 56 Place SEN secondary school within the red line boundary that was proposed by the LPA.. The DfE was keen to ensure that the site was suitable, available and deliverable within the plan period and that the plan would be considered ‘sound’ by the Inspector.

The DfE therefore wanted a fall-back option of the land to the north in place to provide additional parking provision from the main development site, should the feasibility process confirm that the

required provision could not be accommodated within the redline boundary proposed. The intention was that if the main site could not accommodate all the parking required for the school, the additional land would be used for additional parking for visitors to the school and other park users. Staff parking would have still been accommodated within the main site as discussed with Sutton's Head of Planning during the initial discussions held (including a site meeting). This rationale was subsequently set out in oral evidence to the Local Plan examination.

The DfE requested an additional area of land to the east of the site and that a further piece of land to the north of the existing car park site be made for inclusion into the proposed red line, in the draft site allocation (as can be seen from the image above right). Sutton's preference at the time was for the school site to remain within the smaller S98 red line boundary as above left and retained as Metropolitan Open Land (MOL). However following further discussions, the proposal for extending the existing car park was rejected by Sutton. The land to the north of GLL's site was subsequently included within the Local Plan as a Main Modification and the Inspector took the view that the site should be removed from the MOL.

As part of the feasibility study, feedback was received from several key stakeholders (including the LPA and the highway authority), prior to entering into the contractor procurement competition. The feasibility study clearly demonstrated how a full scheme could be developed on the plot of land, identified in the current lease agreement with Sutton and without the need to include the additional land to the north.

In January 2018, the 'control option' was presented to Sutton's Head of Planning and a senior highways officer. The control option demonstrated that the land to the north of GLL's site was not required for additional car parking. It was noted at the meeting that this land was contaminated, that the DfE had no right to build on it and that there was potentially a sewer under it. In light of the LPA's reluctance to see this land come forward for development, the DfE was advised by the Head of Planning to analyse the potential demand for car parking spaces for the school in the context of the sports village operating at full capacity to test if the land to the north was required. The DfE carried out this work and concluded that the land to the north was not required for additional car parking or any other form of development associated with the proposed schools.

In November 2018, Wates held two pre-application engagements with the LPA, whilst in competition and sought feedback from the LPA with regards to their initial proposals. In neither meeting with the LPA was any feedback received to formally consider allocating parking on the northern plot of land. The notion of incorporating the northern plot of land was cited for the first time by the LPA, some months later, following Sutton's Design Review Panel (DRP) presentation (12th March 2019). It should be noted that it was not identified as a potential design solution by the DRP.

Design Considerations

Following the request from the LPA, the DfE requested Wates undertake an initial design appraisal of allocating space for school parking considering the land to the north of the Greenwich Leisure Limited (GLL) facility. In summary:

- The parcel of land to the north of GLL facility more than meets the area requirements for the 65 parking spaces and 3 minibus parking spaces
- The disabled parking and the delivery & servicing (including the SEN school servicing) arrangements would still need to be retained within the main school boundary line
- Extended topographical re-profiling works will be required as the fall of the outer edges of the site (where the parking would be located) is roughly 1:55 if the whole area is levelled
- Many of the trees along the edge of the site boundary will need to be retained, with the root protection areas (RPAs) likely causing significant constraints on the works (This could possibly be resolved with a retaining wall or a planted embankment, which would be subject to planning control)

The land allocated in the local plan to access the parcel of land to the north of GLL strip currently is more problematic:

- The topography of this strip of land falls very steeply at 1:5 away from the trees towards the tennis courts
- To accommodate the road and a pedestrian path, the levels in this area would need to be substantially adjusted, requiring retaining walls of about 1-1.5m height up against the existing courts boundary fence and will be subject to the RPAs of the trees
- The location of the trees along the edge of the strip of land limits the amount of level manipulation possible due to the RPAs that will be required
- There will also be several spaces that will be lost in the shared car park to accommodate the access road
- The Trust is concerned with the obvious safeguarding issues for their staff, linked to the proposed distance (over 200m) from the north car park to the school

Town Planning Considerations

In the pre-application meeting, regarding the parcel of land to the north of the GLL facility, the disconnect between what is agreed within the (DfE and Sutton) lease agreement and what is shown within the Local Plan for Plot S98, was stressed.

Programme Considerations

Occupation for the new free schools was planned for September 2021. It is important to understand that the school is now scheduled to open in January 2022, a result of the LPAs insistence to lengthen the pre-application stage and the late requirement for the scheme to be viewed through the Sutton Design Review Panel (following appointment in December 2018).

Sutton has a significant basic need issue and has approached the Trust and the DfE to open the school in temporary accommodation from September 2020. The Trust has agreed to this in principle on the proviso that the school would occupy the temporary accommodation for no more than 4 terms (1 academic year plus 1 term) and move into the permanent building in January 2022.

The Trust has a number of key activities to carry out, including appointing a principal designate, to ensure they are lined up for the temporary accommodation/school opening in Sept 2020. The DfE recommends that the principal designate is in place by January 2020. To ensure the trust is able to meet this target, Sutton has been advised (by the DfE) that a planning decision on the permanent scheme, is needed no later than November 2019.

To manage risk, the DfE will not issue a funding agreement to the school until consent is obtained and therefore any activities that the Trust progress with before they have received the funding agreement, will be at their own financial risk.

To achieve this tight schedule objective, the DfE must make a planning submission no later than 5th June 2019. Failing that, it is very unlikely that the DfE will be able to meet any of the other milestones and therefore the school will be unable to open in temporary accommodation in September 2020.

To be clear, the lease negotiations took over two years to arrive at exchange. Any deed of variation, new lease agreement etc will be reliant on detailed technical and survey information and subsequent funding approvals and is anticipated to add at least another 6 months to the programme.

Funding Considerations

The contractor, Wates, has provided indicative costs based on limited information on the site available to date. Not including the cost of any contamination, the ballpark figure for the development of the piece of land to the north into car parking is estimated at £1.7m. If this option

were to be considered this cost will come out of the overall project budget for the school. This is not considered good value for money, as funding should be used efficiently for the benefit of education and pupil places.

Through the DRP and pre-application meetings, a number of significant changes have been made to the scheme so far. This includes a substantial increase in costs for items such as façade treatments. A further commitment of £1.7m in addition to the cost of acquisition of the site for car parking will only detract from the main building. There will likely be a challenge from Treasury on why it is felt appropriate to spend c.£2m of allocated school funding on car parking.

Conclusion

The project team has listened to comments from both the planning officers, Members, local residents and the DRP and has worked at a number of design options, as demonstrated by the 7-option appraisal document presented at the meeting with Sutton on 7th May 2019. The project team has also investigated the use of the land to the north as described within this document.

To relocate the proposed parking requires extensive design development which would involve significant remodelling of the land to the north of GLL’s site, including retaining walls and lighting infrastructure. A variation to the lease will be required to pick up the strip of land currently outside the existing demise, to link the land to the north of GLL’s site.

[Redacted]

- [Redacted]
- [Redacted]

The overall costs of the proposal to use the land to the north are significant and would result in a reduction of funding available for the main buildings. This would thereby prevent the team from satisfying many of the design requirements that they have in the current proposals.

At this stage in the project, additional lease negotiations will impact the programme severely. As mentioned, it is estimated that the surveys and detailed technical work required for the variation to the lease would take an additional 6 months of work. A deed of variation at this stage would mean missing all the key milestones and will therefore take a September 2020 opening off the table. The permanent scheme in turn will be unable to open in January 2022 and with the estimated c6 month delay the school opening will be pushed back to September 2022 at the earliest. Sutton’s place

planning officers have told us there is a desperate need for secondary school places for September 2020. If this school doesn't open in September 2020, Sutton may well breach its statutory duty to provide sufficient school places.

The DfE has a responsibility to deliver schools in areas of basic need when they are needed, within government budgets, ensuring value for taxpayer's money. A balance is required that satisfies both design & programme, as well as the public purse. It is clear that any additional negotiations will be detrimental to the programme, design and budget of this project and ultimately will result in the school opening two years after it is needed.

The DfE and their design team have considered the many facets of this complex proposal. The current design delivers two schools on the site with suitable car parking space. The project team do not think the extra land is required nor is it desirable given its constraints. The school trust is happy with the current design and is not seeking nor does it want the car park facilities proposed to the north.

In conclusion, the DfE's position is to propose a school design that remains within the current red line boundary, as submitted in the design proposals to date. The DfE will not seek to acquire the further piece of land indicated in the local plan.

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