

Executive 22 April 2014

Report from the Strategic Director of Regeneration and Growth and Strategic Director of Children and Families

For Action

Wards Affected: Wembley Central

Copland Community School and adjacent lands - proposed land rationalisation and update on Academy conversion and Priority Schools Building Programme

Not for publication ('below the line')

Appendices 1, 3, 5 & 6 of this report are not for publication.

1. Summary

- 1.1. Copland Community School (CCS), which is currently a foundation school, is scheduled to become a sponsored Academy on 1 September 2014. The school will transfer to ARK Schools (ARK) and will operate in a close relationship with ARK Wembley. In the interim period the school is being managed by an Interim Executive Board (IEB).
- 1.2. Post transfer and until a new school is built, the school will continue to operate as an eight form of entry (FE), providing places to children aged 11 to 18 in secondary education. It has been confirmed that CCS will receive capital funding as part of the Priority Schools Building Programme (PSBP) funded by the Education Funding Authority (EFA). It is anticipated that a new school will be completed by September 2016 and at that point the school will expand by an addition one FE.

Meeting Date Version no. Date

- 1.3. In order to facilitate the best possible solution for the new build school, this report proposes arrangements to rationalise land ownership, ensure an optimum footprint for the new school buildings, and support the wider regeneration of the area in line with the Wembley Area Action Plan.
- 1.4. The proposals contained in this report facilitate the delivery of much needed new and expanded secondary school, providing a vastly improved learning environment for the students and helping meet the medium term demand for secondary school places. The proposals will also enable the delivery of additional primary school places at the adjacent Elsley Primary School, which are critical to meeting additional demand for primary school places.
- 1.5. Additionally the proposals seek to facilitate the delivery of new homes including affordable homes, commercial and community space at the frontage of the existing CCS in line with the aspirations set out in the Wembley Area Action Plan.

2.0 Recommendations

That the Executive:

- 2.1 Notes that Copland Community School has been approved by the Secretary of State for Education for conversion to an Academy with the ARK as a sponsor.
- 2.2 Notes that Copland Community School is proposed for rebuilding under the Priority Schools Building Programme and that the Education Funding Authority will be responsible for delivery of the new school.
- 2.3 Agrees to assist Copland Community School's Interim Executive Board with removal of the title restriction.
- 2.4 Agrees to the Council entering into a deed of indemnity with Copland Community School 's Interim EB as further explained in Section 6 of the report and the confidential appendix 1
- 2.5 Agrees to the land transfers as outlined in the report and for the Council to seek appropriate approvals from Copland Community School's Interim Executive Board, the Secretary of State and The Ark Academy as required.
- 2.6 Agrees that the Council will underwrite costs arising from the build of the new school including provision of Furniture Fittings and Equipment & ICT as well as other associated costs together with transitional liabilities of the current school as set out in the confidential appendix 1.
- 2.7 Agrees that officers work with Copland Community School's Interim Executive Board, the Ark Academy, the Education Funding Agency (in

- relation to both conversion issues and the Priority Schools Building Programme) and Secretary of State for Education and Sport England to secure appropriate agreements and consents.
- 2.8 That authority be delegated to the Operational Director of Regeneration & Growth (Policy and Projects) in consultation with the Chief Finance Officer and the Operational Director of Children & Families to agree the scope and detailed terms of the land rationalisation proposals outlined in this report.

3.0 Detail - Background

Copland Community School

- 3.1 CCS is a large secondary school in Brent. The school has faced challenges in recent years including mismanagement by the previous leadership team, low attainment, a falling student roll and repeated changes at senior leadership level. In March 2013, the school was inspected by Ofsted and placed into special measures. Following this Brent appointed the IEB (in place of the former Governing Body) who appointed an interim head teacher.
- 3.2 Brent appointed the IEB to develop a plan which would provide long term stability to the school and secure its future. The IEB believes that the best way to ensure the school continues to improve is for CCS to become an Academy in line with Department for Education and Skills (DfES) expectations. The ARK operates a network of 27 schools across London, Birmingham, Hastings and Portsmouth, and is the sponsor of the Wembley Park Academy. The Secretary of State (SoS) issued an Academy Order in October 2013 to begin the process for CCS to join the ARK network.
- 3.3 CCS will become an Ark Academy on 1 September 2014. The school would continue to be non-selective, non-denominational and coeducational. Current pupils and staff would transfer to the Academy. The IEB has consulted the school community on proposals and a consultation report was published called "consultation on the Copland Community School Academy proposal" dated January 2014. Some essential works to the fabric of the existing school will be required before the transfer takes place, as set out in confidential appendix 1.

Priority Schools Building Programme

3.4 Funded by the Department of Education, the PSBP programme is a centrally managed programme set up to address the needs of the schools most in need of urgent rebuilding. The first schools were planned to complete in 2014, with 5 batches containing 46 schools expected to be delivered by the end of 2017. It was recently announced that Brent had been successful in its bid for CCS, paving the way for a complete rebuild

- of the school. The PSBP is run by the Education Funding Agency (EFA), who will design the school and appoint and supervise the building contractor. The EFA is aiming to open the new school by September 2016.
- 3.5 A new school building for CCS is seen as essential in the drive to improve educational standards at the school. The building is no longer fit for purpose. In addition to improving conditions for the current students the PSBP project will provide a 1 FE expansion. The expansion has been part of the scheme from the application stage and is built into the EFA funding package.
- 3.6 A new school could be provided solely within the footprint of the existing school. However, this could result in a sub-optimal solution and will entail considerable disruption to the learning environment during the two year construction period. Working with the EFA we are keen to investigate the possibility of a better solution which would include simplifying land holdings to provide fit for purpose accommodation and enhancing FFE and ICT to allow for a much improved student school experience and educational offer.
- 3.7 The aspiration to deliver a new school is complicated firstly by the existence of a time limited restriction on transfer/disposals on the legal title of the site. This restriction expired in January 2014 and can be released upon application to the Land Registry as further explained in section 6 (Legal Implications) and the confidential appendix 1.
- 3.8 The proposals for the PSBP are further compromised by the existing land ownership structure, with the school owning a majority of the site on a freehold basis (though with the restriction as referred to above), but with a significant proportion being held on a leasehold basis, with the freehold being owned by the Council, as shown on the plan at appendix 2.

Elsley Primary School Expansion

3.9 The expansion of Elsley Primary School by two FE from September 2015 has been included by the Executive as part of the school expansion programme, providing much needed primary school places. In February 2014 it was reported that the school "is currently undertaking statutory consultation on permanent expansion from September 2015". In fact this consultation is now halted pending the outcome of review of land matters. It has now been established that the proposed Elsley Primary expansion cannot be delivered without CCS land being released. This requires agreement with the IEB and the SoS for Education on a number of land transactions as set out in confidential appendix 3.

Planning Policy

- 3.10 The northern part of the CCS site is situated within the Wembley Regeneration Area, as designated within the Council's Local Development Framework Core Strategy (2010). The Wembley Area Action Plan identifies the site as part of the Wembley Link lands with a primary function of stitching together the older traditional High Road with the new large scale mixed use developments adjoining the National Stadium.
- 3.11 Wembley is an important strategic town center, identified as a growth area in the Council's Local Development Framework Core Strategy (2010), which needs to strengthen its offer to remain competitive.
- 3.12 The Council's strategy is to create a continuous active frontage from Wembley High Road to Wembley Park Station, via the new London Designer Outlet and the Wembley Park Boulevard.
- 3.13 The northern part of the existing CCS site is an important and prominent site in the delivery of the wider regeneration strategy for Wembley.
- 3.14 In 2006 the CCS site received planning consent for the demolition of the existing school buildings and their re-provision elsewhere on the site, and the erection of a mixed-use commercial and residential scheme on the frontage (see appendix 4). This planning consent has now expired.

Brent House

3.15 In the context of CCS and planning policy, it is noteworthy that Brent House was marketed last year, following which the Executive approved the disposal to a preferred bidder in December 2013. This transaction is at heads of terms stage and therefore a small window exists to review the CCS proposals in the context of the Brent House plans.

Access

- 3.16 CCS has its main pedestrian entrance prominently situated fronting the High Road providing excellent public transport access via bus, tube and main line rail services. The primary vehicular access is via Cecil Avenue off the High Road with occasional secondary access directly off the High Road adjacent to the Brent House eastern boundary.
- 3.17 St Joseph's Primary School is accessed via Chatsworth Avenue and Waverley Avenue to the east of the site and via a public footpath to the east of Brent House adjacent to the recently redeveloped Elizabeth House which runs to the south and crosses the CCS site in an east west direction.
- 3.18 To the south of the site, Elsley Primary School is accessed via Tokyngton Avenue and the former Dennis Jackson Centre and Wembley Youth & Community Centre via London Road.

- 3.19 There are a number of pedestrian access points that are shown on the ownership plan at appendix 2.
- 3.20 Should proposals proceed the opportunity will be taken to consider rationalisation of existing access points into the site.

4.0 Land Rationalisation Proposal

IEB and transfer to the ARK

- 4.1 CCS is a foundation school and therefore the land and buildings are mainly in the ownership of the school itself, the responsibility for which is vested in the IEB. The IEB has expressed agreement to transfer the freehold of the site which it currently owns to the Council instead, in order for the Council to rationalise the ownership and use of the site overall, ensuring an optimum footprint for the school. The ARK would under these proposals be granted a 125 year lease on the final school site.
- 4.2 As part of these transactions, the Council would secure enough land from the overall site to facilitate the proposed expansion of Elsley Primary School.

Title matters

- 4.3 Current land ownership is as detailed at appendix 2 of this report and the arrangements for removal of the restriction from the CSS title are referred to in Section 6 of this Report (Legal Implications).
- 4.4 The current arrangement is complex and unless there is consolidation, it leaves the optimum site for the new school in multiple-ownership. In order to simplify the proposed transactions and future ownership, officers have discussed with the IEB the transfer of the entire CCS freehold to the Council subject to the restriction on title being resolved. Unless the restriction is removed, none of the other proposals are possible.
- 4.5 On completion of the freehold transfer the Council will grant the ARK an interim lease agreement to allow occupation of the existing school building until the new building is completed. Following this a 125 year lease arrangement will be granted. The transfer from the IEB needs to happen before the conversion to Academy Status, because the IEB will cease to exist on the conversion date, proposed for 1st September.
- 4.6 In order to expand Elsley School by two FE additional land is required for the purposes of building additional play space and land requirements will be provided as per confidential appendix 3. Brent's schools capital team in Regeneration & Growth is responsible for delivery of the school expansion.

4.7 In relation to existing rights of way over the site, the need to stop up, provide temporary provision, appropriate and relocate are all requirements that would be inherent in any redevelopment plan.

Redevelopment proposals

- 4.8 Under the PSBP programme it has been confirmed that CCS will be a design and build scheme.
- 4.9 The EFA runs the PSBP, and so it will be the EFA who designs the building and lets and manages the works contract, as opposed to the ARK. The intention is that the procurement process will be stream-lined and cost effective with the EFA taking the contractual and delivery risk. So rather then the local authority selecting a contractor for the construction of the new school the risk will be with the EFA.
- 4.10 The EFA expects the Council or Academy to enter into extensive back to back arrangements to deal with matters such as granting unimpeded access to the site and license to carry out works.
- 4.11 Brent has started initial dialogue with the IEB and EFA. The starting point is to ascertain the preferred location for the new school. The preference is for one decant as opposed to the development of temporary accommodation in order to build on the existing school site.
- 4.12 Having reviewed a number of options the preferred school location appears to be for the new school to be located immediately behind the existing CCS and Brent House, in a similar location to that which secured planning consent in 2006 (See appendix 5). The location and access layout both during and post construction are yet to be signed off by the IEB and ARK and an initial draft redline plan (confidential appendix 6) has been provided to the EFA to enable the feasibility study to proceed, we anticipate some dialogue on the plan before it is finalised.
- 4.13 Planners' view on this proposal is that this solution allows for direct access from the primary road network during construction and when open as a school, as well as direct access to bus stops, providing visual and signing prominence on Wembley High Road. The EFA's model layout can be accommodated provided an adequate amount of the shared areas is dedicated for the Sports Hall. This solution will require a relatively limited boundary adjustment with Brent House to facilitate direct access, this option appears not to present any significant decant issues.
- 4.14 The preferred bidder on Brent House has indicated that they would be willing to work with us in delivering the suggested boundary adjustment subject to further design detail being developed, as it has little impact on their emerging plans. This site is in close proximity to the existing school and careful management plans will need to be in place to safeguard a

- decent learning and education environment during both construction of the new school and redevelopment of the frontage.
- 4.15 The Council will need to continue to work with the EFA, IEB and ARK to reach agreement on the precise and optimum location for the new school. It should be noted that from the Council's experience with Alperton School, which also has PSBP funding, that the EFA will expect the Council to pick up costs that do not relate purely to the fabric of the school, including (but not limited to) planning requirements that the building is BREEAM Excellent (as the EFA only funds to Good) and Planning conditions relating to off site highway and road junction improvements..
- 4.16 In addition the EFA have made clear their expectation that the existing CCS furniture, fittings, equipment and ICT is expected to be re-used in the new school building. The conditions of these items are generally poor and as part of commercial negotiations the IEB and the ARK have asked that the Council consider funding a replacement and renewal proposal.
- 4.17 At the appropriate stage and on completion and occupation of the new school, arrangements and costs for demolition and site clearance will need to be factored into plans relating to the existing CCS site.

Secretary of State for Education and Sport England

4.18 The land transaction proposals in the report are dependent on the Secretary of State for Education agreeing to disposal of education land, and specific consent surrounding disposal of school playing fields, this is an absolutely critical point referred to further in section 6 below and the confidential appendix 1.

Timetable

- 4.19 The anticipated project timetable is as follows:
 - 1. IEB to lift title restriction immediately.
 - 2. Secretary of state and Sport England consent to land disposals to Council May 2014.
 - 3. EFA/PSBP planning application following 2 (May 2014).
 - 4. Transfer of freehold to be completed before 31/8/14.
 - Agreement's with the ARK (1) standard commercial transfer agreement on Academy conversion (2) license to occupy and to grant 125 year lease on the letting of the design and build contract for the new school - 1st September 2014 or on completion of the new school

actual date to be confirmed and (3) surrender agreement (as appropriate).

- 6. Opening of Ark Elvin (on existing site) 1/9/14.
- 7. Expanded Elsley Primary School opens 1/9/15.
- 8. New Ark Elvin School (on new site) opening 1/9/16.

Risks

4.21 Principle risks are as detailed in title matters above, the legal section below and confidential appendix 1. Usual statutory services checks will be required to ensure proposals are deliverable as proposed. Site surveys will be needed for the purposes of supporting any planning application.

5.0 Financial Implications

- 5.1 It is proposed that the following principal agreements/documents will be entered into:-
 - 1. The Council to enter into a deed of indemnity with the IEB relating to the restriction on title see confidential appendix 1.
 - 2. The IEB transfer to the Council the freehold interest in the CCS site at nil consideration.
 - 3. The Council accepts a surrender of CCS's leasehold interests at nil consideration.
 - 4. Council, IEB and the ARK enter into Commercial Transfer Agreement concerning the conversion, IEB ceases to exist.
 - 5. The Council grants the ARK a short term lease of the existing CCS buildings at peppercorn rent.
 - 6. The Council or the ARK will enter into required PSBP agreements see confidential appendix 1.
 - 7. The Council will grant the ARK a 125 year lease of the new school site at a peppercorn rent.
 - 8. The ARK will surrender the lease to the existing school at nil consideration.
 - 9. The Council will provide Elsley Primary School the land required for the proposed school expansion as per confidential appendix 3.

- 5.2 The benefits of this transaction as outlined above are the delivery of a new and expanded secondary school and an expanded primary school, along with new homes (including affordable housing) retail, commercial and community floor space in line with the ambitions of the Wembley Area Action Plan. The transactions may generate a capital receipt that will help offset the costs of this proposal as outlined in confidential appendix 1, some of which will be incurred irrespective of whether the freehold transfer proceeds or not.
- 5.3 However there are significant financial risks associated with agreeing the proposals set out in this report. These include:
 - The expenditure and income items in confidential appendix 1 are estimated and subject to negotiation and or/tender;
 - That significant expenditure (as set out in confidential appendix 1) may need to be committed/incurred before funding for that expenditure is secured; and
 - That the proposed freehold transfer is subject to IEB, the ARK, and SoS approval.

6.0 Legal Implications

- 6.1 The restriction that is currently registered against the CCS title effectively prevents any transfer, disposals or leases being completed in respect of this land, as without a consent from the beneficiary any such transaction could not be registered at the Land Registry.
- 6.2 Public land and school playing fields are protected by various statutory provisions. Disposals or the change of use of such land requires notification to and/or prior consent of the SoS.
- 6.3 Therefore, prior to any disposal or change of use of school land the relevant statutory process will need to be followed. The relevant statutory process that applies will depend upon who owns the said land (for example a governing body of a school, or local authority), and whether the land is playing field land, or non-playing field land. Each process for consent and/or notification has its own specific requirements and complexities.
- 6.4 Accordingly, the first stage of the transaction highlighted by this report (the transfer of the freehold from the IEB to the Council) will need to follow the necessary process for consent in relation to the playing field land (section 77 School Standards and Framework Act 1998) and notification in respect of non-playing field elements (section 22 of the School Standards and Framework Act 1998).

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- 6.5 The second stage of the transaction (the grant of the leasing arrangements from the Council to the Academy Trust) will also need to follow the necessary processes (Schedule 1 to the Academies Act 2010).
- 6.6 Any further disposal or change of use of the school land by the Council would also need to comply with the necessary process (Section 77 of the School Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010).
- 6.7 The Department for Education's guidance on disposals and changes of use of school land notes that parties should have no expectation that an application for consent will be approved; each application will be considered by the Department for Education bearing in mind the site specific and local school issues. The SoS considers a number of issues in its deliberation of applications one of which is whether the land being disposed of could be used for the provision of land for an Academy/Free School in the local area. In this situation, the portion of land intended to be leased to the Academy by way of 125 Year Lease is already being proposed for such use.
- 6.8 The Council should note that as a result of these statutory restrictions on the disposal and use of school land, where consent is required from the SoS no disposal should be made or completed before the necessary consent has been obtained or notification been made.

7.0 Diversity Implications

7.1 The majority of pupils at CCS are from BME communities and many are from families with social disadvantage. This work will ensure a successful future for CCS and will directly contribute to promoting educational achievements and therefore equality.

8.0 Staffing/Accommodation Implications

- 8.1 All staffing matters are within the remit of the CCS/IEB and ARK and therefore not covered in this report.
- 8.2 Accommodation implications are as per the main body of this report.

9.0 Background Papers

9.1 The IEB and ARK "consultation on the Copland Community School Academy proposal" dated January 2014.

10.0 Appendices

Appendix 1: Commercial Matters (Confidential)

Appendix 2: Copland Community School and adjoining land ownership

Appendix 3: Elsley Expansion Plan (Confidential)

Appendix 4: 2006 Copland Community School planning consent

Appendix 5: Brent's preferred school location (Confidential)

Appendix 6: Draft red line plan (Confidential)

Appendix 7: Equality Analysis

Contact Officers

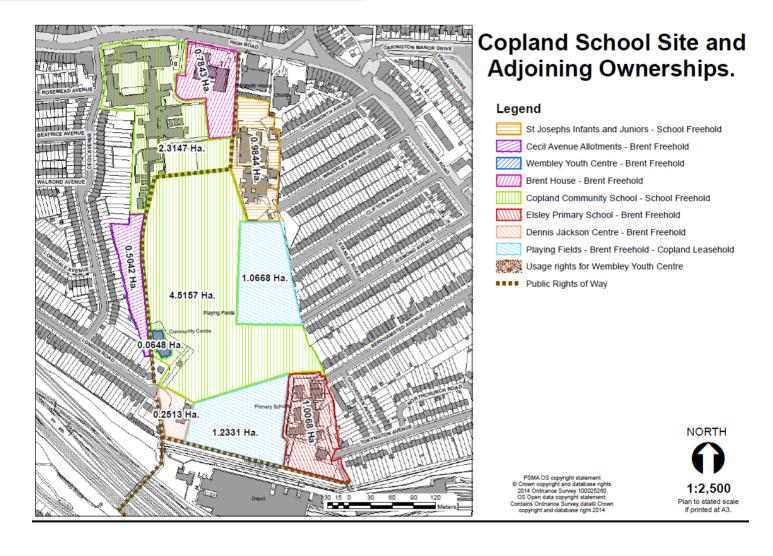
Sarah Chaudhry
Head of Strategic Property
0208 937 1705
Sarah.Chaudhry@brent.gov.uk

Richard Barrett
Operational Director of Property & Projects
0208 937 1330
Richard.barrett@brent.gov.uk

Sara Williams Acting Director, Children and Families

Andrew Donald Strategic Director of Regeneration and Growth

Appendix 2: Copland School and adjoining ownerships



Appendix 4: 2006 Planning Consent

BRENT COUNCIL



W15 4AZ

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE - APPROVAL

To: Montagu Evans Premier House 44-48 Dover Street London

I refer to your application dated 02/10/2002 proposing the following:

Full planning application for demolition of existing school buildings and erection of mixed-use commercial, residential and educational development comprising:

(i) 28-storey and part 4-, 5-, 6-, 7-, 8-, 9-, 10-storey residential block (323 self-contained flats) with basement-level health & fitness club (Class D2), ground-floor level commercial (Class A1, A2 & A3) on High Road frontage and 270 two basement-level car-parking spaces;

(ii) 2 no. part 5-, 7-, 8- & 9-storey residential blocks (128 self-contained units in total) of affordable housing to

(iii) 3-storey secondary school (including sports hall, swimming pool, performing arts and community hall uses);

(iv) formation of new vehicular access to Wembley High Road;

(v) construction of new, all-weather sports area;

(vi) alterations to existing footpath routes;

together with associated external works comprising landscaping, improvement of playing fields and the construction of surface parking spaces, and subject to a Deed of Agreement dated 11/04/2006 under Section 106 of the Town and Country Planning Act 1990 (as amended)

and accompanied by plans or drawings under the reference(s): RT/4978/C/1001/C, 1002/B, 1003/C, 1004/C, 1010/B, 1020/B, 1100/H, 1103/F, 1110/B, 1120/C, 1130/G, 1131/D, 2000/B, 2001/B, 2002/B, 2003/B, 2004/B, 2005/B, 2006/B, 2007/B, 2008/B, 2009/B, 2010/B, 2011/B, 2012/B, 2013/B, 2014/B, 2025/B, 2023/B, 2030/A, 2031/A, 2032/A, 2033/A, 2034/A, 2035/A, 2080/E, 2081/C, 2082/C, 2083/C, 2090/A, 2091/A, 2092/A, 2100/C, 2101/B, 2102/B, 2103/C, 2110/D, 2111, 2120/D, 2121/D, 2220/D, 2221/D and PCL/341A/09

at ALL BUILDINGS & PLAYING FIELDS, COPLAND COMMUNITY SCHOOL, High Road, Wembley, HA9

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission subject to the conditions set out on the attached Schedule B.

Date: 11/04/2006 Signature:

Director of Planning

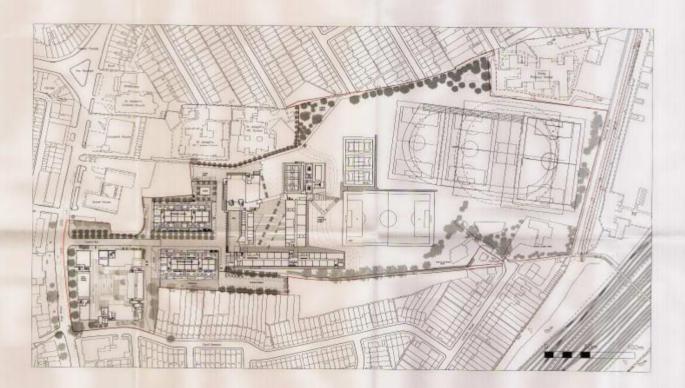
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01 proposed site plan



