



Cabinet
23 May 2016

**Report from the Strategic Director
Resources**

Wards affected:
Queensbury, Fryent

**School site, 399 Edgware Road, NW9 0JJ & 434 Church
Lane, NW9 9BD**

*Appendices 1 & 3 are not for publication

1.0 SUMMARY

- 1.1 The Cabinet is asked to approve the grant of a 125 year lease to the Floreat Education Academies Trust (FEAT) to enable the construction of a two form entry primary school on a site that forms part of the Oriental City redevelopment site. Granting an interim 3 year lease to FEAT for the period of construction at 434 Church Lane, Kingsbury, NW9 9BD, on completion of construction, FEAT will move out of Church Lane to the new school at the Oriental City development.

2.0 RECOMMENDATIONS

- 2.1 The Cabinet approve the grant of a 125 year lease, to Floreat Education Academies Trust, on the terms described in this report and the head of terms in confidential appendix 1, for the proposed two form entry primary and nursery school, at the Oriental City redevelopment at 399 Edgware Road, NW9 0JJ, "the subject site", appendix 2.
- 2.2 That Cabinet approve the grant of a 3 year lease to the Floreat Education Academies Trust, on the terms described in this report and the heads of terms in confidential appendix 3, for 434 Church Lane, Kingsbury, NW9 9BD, appendix 4.
- 2.3 That authority is delegated to Strategic Director Resources in consultation with Strategic Director Children and Young People to finalise negotiations and enter the leases.

3.0 DETAIL

Background

- 3.1 As part of the redevelopment of the Oriental City site which has now been partly completed. Consent has been granted for 7817 M2 Gross External Area (GEA) of retail A1 space and 5207 m2 GEA of other shops and offices and 183 residential units along with a two form entry primary and nursery school (Class D1).
- 3.2 Brent Council entered a S106 agreement on 26 June 2013 which included the requirement of the developer to provide a school site. This site has now been completed as part of the overall development that provided a Morrison's superstore. The site comprises of a concrete slab at first floor level with parking beneath. The area that will be leased edged in purple approximately 0.27ha (0.67 acres), it is proposed the Council will have a long 999 year lease interest in the land, we wait for confirmation from land registry that the lease is now registered.
- 3.3 The Education Funding Agency (EFA) have looked at early design feasibility and are satisfied that a school to provide space for 420 primary pupils could be provided on site. This will require the design of a school on 2 levels with a roof top outdoor open space. The EFA have reached an in-principle agreement with FEAT to deliver the school. They require that Brent council enters a 125 year lease incorporating the EFA's standard heads of terms and conditions that it seeks when approving the provision of a new free school.

Floreat Education Academies Trust

- 3.4 FEAT was established in April 2014. They currently run 5 Primary Schools in London, Floreat Wandsworth, Brentford, Southall, Colindale and Montague Park. These are all newly established schools.

The proposal

- 3.5 The EFA has spent a long time trying to get a free school provider matched up to the 399 Edgware Road/Oriental City site so that a new school could be built. FEAT were approved to open a school in Alperton from Sept 16 and through dialogue with the EFA have decided to move to the available Edgware Road site. The school is planned to open in September 2016 and will offer much needed school places in a part of the borough with a projected shortfall, the EFA and Council have had to move quickly because offers for primary school places are made nationally on 18 April and if the school is to open in Sept 16 the site must be secured soon.

- 3.6 It is therefore proposed that FEAT will take a 3 year lease on 434 Church Lane, Kingsbury, NW9 8BD which was recently refurbished and modified. It was previously used as a pupil referral unit. The building was originally intended to provide 3 classrooms under the temporary school expansion programme but has not been used for classes to date as demand has not required it. By having this building as temporary accommodation in advance of the new build school at 399 Edgware Road, FEAT will be able to start taking children from September 2016.

Headline lease

- 3.7 The headline lease terms are for the grant of a 125 year lease to FEAT at a peppercorn rent. FEAT are to use the site and buildings for the provision of educational services. The Tenant, FEAT will have the right to break the lease at the end of the 25th year, 50th, 75th and 100th anniversaries. The tenant, FEAT will have the right to exclusive use of 32 car parking spaces below the podium.
- 3.8 Vehicular access to the property will be provided by a rear service goods yard for deliveries to the school along with the allocated spaces below the podium. Access to the car parking spaces is via the entrances to the Morrison's car park on Grove Road and Plaza Walk. There will be no vehicular access along Airco Close. Pedestrian access will be via an entrance on Airco Close which is opposite existing residential uses.
- 3.9 The EFA expect the school to be completed by September 2018. The site is a constrained site where excellent design will be required to ensure a satisfactory overall scheme. An outline planning consent has already been approved and the area established as suitable for school use. The EFA intend to submit a new detailed planning application due to the lapse of time. The lease would start from the date when detailed planning consent is issued.
- 3.10 The site represents a security and management risk if it remains vacant for any length of time.

Demand

- 3.11 The proposed new free school at Oriental City forms part of the School Place Planning Strategy that was approved by Cabinet in November 2015. The site is located in Planning Area 1 which has a projected shortfall of school places even with the proposed new school opening. The proposal is therefore an essential part of the Council's ability to meet its statutory duty.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of constructing the new school will be provided by the EFA.

5.0 LEGAL IMPLICATIONS

- 5.1 The school site is being transferred to Brent Council pursuant to a planning obligation under the terms of the Section 106 Agreement which provided for the grant of lease of at least 250 years to Brent Council.
- 5.2 In the event the developers were granted a 999 year head lease of the site in May 2015 and proposed transferring the same lease term to Brent.
- 5.3 This has been agreed in principle. We are waiting confirmation of the new title number, to confirm that the 999 year lease has been registered at HM Land Registry by the Developer and are awaiting replies to preliminary enquiries so we can proceed with completing the transaction.
- 5.4 The proposed EFA 125 year lease by Brent to a free school is a template lease and reflects the Secretary of State's extensive residual powers under the Academies Act 2010

6.0 DIVERSITY IMPLICATIONS

- 6.1 Free Schools are legally academies so are funded by central Government and have a range of freedoms in what they can do including choosing what curricula to teach or varying the school day. They are open to all and are not allowed to select students by ability. They run an admissions policy in parallel with the local authority admissions process. The School Place Planning Strategy report to Cabinet 16/11/2015 aimed to address equality issues around social disadvantage and disability. An equality analysis screen was completed.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

8.0 Background Papers

Planning Committee 22/05/2013 ref 12/2166 and S106 agreement 22/06/2013.

Appendix

1. Heads of terms, 125 year lease (confidential)
2. Site plan the proposed two form entry primary and nursery school, at the Oriental City redevelopment at 399 Edgware Road, NW9 0JJ, "the subject site".
3. Heads of terms, 3 year lease (confidential).
4. Site plan, 434 Church Lane, Kingsbury, NW9 9BD.

Contact Officers

James Young
Head of Assets and Valuation
Property Services
James.young@brent.gov.uk
0208 937 1398

Sarah Chaudhry
Head of Property
Sarah.chaudhry@brent.gov.uk
020 8937 1705

Stephen Hughes
Strategic Director Resources

Appendix 4. Site plan, 434 Church Lane, Kingsbury, NW9 9BD.

