

Report No.  
DR15/012

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:**      **Executive**

**Date:**                      **11 February 2015**

**Decision Type:**      Non-Urgent                      Executive                      Key

**Title:**                      **HAVELOCK ROAD RECREATION GROUND, BROMLEY -  
LA FONTAINE FREE SCHOOL**

**Contact Officer:**

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**Chief Officer:**              Executive Director of Education, Care & Health Services, Director of  
Regeneration & Transformation

**Ward:**                      Bromley Town;

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1. Reason for report

This report seeks Members' agreement to make part of Havelock Road Recreation Ground, Bromley available for the development of permanent accommodation for la Fontaine Free School on a conditional basis, including the grant of planning permission..

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2. **RECOMMENDATIONS**

**Members are recommended to:**

- 2.1 Agree to the principle of approximately 4 acres of Havelock Road Recreation Ground, Bromley, being made available for the development of a permanent building for La Fontaine Free School on a conditional basis, including the grant of planning permission.,**
- 2.2 Note that agreement to recommendation 2.1 above will require the Council to advertise its intention to dispose of public open space be advertised in accordance with S123 (2A) of the 1972 Local Government Act.**
- 2.3 Agree that the EFA be permitted, under licence, to carry out ground investigation surveys at Havelock Road Recreation Ground.**

Corporate Policy

1. Policy Status: Existing Policy:
2. BBB Priority: Children and Young People Safer Bromley Not Applicable:
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Financial

1. Cost of proposal: As set out in the Part 2 report
2. Ongoing costs: Not Applicable:
3. Budget head/performance centre: Not Applicable
4. Total current budget for this head: £ Not Applicable
5. Source of funding: Not Applicable
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Staff

1. Number of staff (current and additional):
2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement: Section 123 Local Government Act.
2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approx 500.
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#### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Any comments received will be reported at the meeting.

### 3. COMMENTARY

- 3.1 La Fontaine School, opened under the Government's Free School policy in September 2014 in temporary accommodation at Princes Plain School, Bromley. Although the school had intended to open as a 3 Form Entry School, its initial intake was of 2 reception classes and a Year 1 and Year 2 class. It is planning to admit a further 2 reception classes in September 2015. The school is able to occupy this accommodation until July 2016, at which time it must be relocated as the accommodation will be required for the expansion of Princes Plain, which is now part of the Aquinas Trust.
- 3.2 La Fontaine is a primary school which has a specialism in French and it was the academy's intention that it be located in an accessible, central Bromley location to enable children to be recruited from the local area and from further afield, the latter making use of Bromley's rail links for travel. The academy's admission criteria are based on taking 50% of their roll from children living nearest to the school and the rest via random selection. The Education Funding Agency (the EFA) has been working with the Council to identify a permanent site for the school to meet its requirement to be located in or near central Bromley. 3.3 There are currently insufficient school places in planning area 4 (central Bromley – Bromley Town, Plaistow and Sundridge and Bickley Wards). Without La Fontaine there is a deficit of 53 places (including the 5% surplus for choice and contingency) in 2014/15 rising to 108 by 2025/26. Initial school admissions data suggests that there have been at least 49 applications for school places at La Fontaine for September 2015 from within a mile of Havelock Road Recreation Ground.
- 3.4 The EFA identified sites in Bromley town centre and reviewed their suitability for the school. The area of search meant that, effectively, it was not possible to find a suitable, undeveloped site which was free from any planning designation which would seek to preclude development. As a result of its exercise to identify sites the EFA identified Havelock Road recreation ground as its favoured option for the location of the school. The recreation ground has an area of approximately 9 acres and the EFA has advised that the school requires a site of approximately 4 acres. The recreation ground is in its preferred location, close to the town centre and the EFA considers that it offers an excellent opportunity to develop a new school in an area where school places are required.

Havelock Road Recreation Ground is allocated in the saved policies of the UDP as urban open space. Development of sites with this designation will only be permitted when:

- (i) the development is related to the existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use); or*
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or*
- (iii) any replacement buildings do not exceed the site coverage of the existing development on the site.*

*Where built development is involved; the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space.*

There is a former sports pavilion in the southern corner of the site which is now used as a children's day nursery and is let on a 50 year lease expiring in 2056. This is not affected by the proposals put forward by the EFA. The rest of the recreation ground is undeveloped, with no facilities provided. It is no longer used for formal sports activities because the condition of the site is unsuitable as a result of the presence of buried bricks and tiles dating back to its former

use as the site of a Victorian brick and tile factory. It is surrounded by residential properties, having no road frontage. Vehicular access is obtained from Marlborough Road at the south of the site, and there is a pedestrian access via a footpath from Homesdale Road on the western boundary.

The EFA has identified a site of approximately 4 acres in the southern part of the recreation ground, backing onto properties in Havelock Road, which would meet its needs. Access would be obtained via Marlborough Road. The exact configuration and location of the site have yet to be discussed, but if Members are prepared to agree to the principle of the development of the school on this site, the exact location and shape of the site would have to be agreed. The Council would wish to ensure that the access to and use of the remaining area of the recreation ground were not significantly compromised by the development. The EFA has asked the Council to enter into an agreement to transfer the site to it, or to the school's sponsoring trust as appropriate, on a 125 year standard academy lease, the agreement to be conditional on the outcome of ground investigation surveys and the grant of planning permission for the school.

### Issues

There are significant issues relating to the development of part of this recreation ground which would require resolution before any development could take place:

#### i) Loss of public open space

The development proposed by the EFA would result in a significant reduction in the size of the recreation ground. In discussions on the possibility of developing the school on part of the recreation ground the EFA has been advised that, if the principle were to be agreed, it would have to be on the basis that the remaining area would be upgraded with landscaping and the possible addition of a children's play area. An approximate cost for this work has been estimated by Council officers and the EFA has agreed that it would, effectively, pay this sum as its consideration for the site. Details of this are included in a separate Part 2 report on this agenda.

If a local authority proposes to dispose of public open space it is required under S123 (2A) of the 1972 Local Government Act to advertise its intention to do so. The Council would have to consider any responses to the advertisement before making a final decision on the disposal of the land. If Members are prepared to agree to the principle of transferring land for the development of the school, it will be necessary to advertise its intention to do so and for the responses to be considered before, or at the time of making the final decision.

#### ii) Planning

As stated above, the recreation ground is allocated as Urban Open Space (UOS). The EFA is aware of this designation and that any agreement in relation to this site would have to be conditional on the grant of planning permission determined on the basis of local, regional and national planning policy.

The development of a school on UOS would be contrary to UDP Policy G8 which would resist such a proposal. Although the draft emerging Local Plan Policy G8 increases flexibility on existing education sites, this is not given significant weight at this stage of its preparation.

Much of the east of Bromley Town Centre and Bickley lies within an area deficient in Local Parks of 2 hectares (4.9 acres) or more. The proposed development would reduce the available park below the Local Park threshold during school hours (although possibly not outside school hours/term time dependent upon the detail of the proposal). This would increase the area of deficiency in Bickley and to the east of Bromley Town Centre, where there are significant increases in flatted development,

The London Plan policy 7.18 advises that “loss of local protected open spaces must be resisted unless equivalent or better provision is made within the local catchment area” but advises that “replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate”.

The National Planning Policy Framework places great weight on the need for school places. However it also advises that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision.

School proposals would be subject to a planning application and / or may be considered through the Local Plan school sites allocations process currently being undertaken which will assess the range of potential sites in light of existing and emerging Local Plan policy to determine whether allocations on protected open space are necessary and justified. The scheme proposers are encouraged to participate in pre-application planning discussions and to carry out their own local public consultations on the proposal. Any planning decision can only be made at a future stage when the full details of, and justification for, the proposals are known.

### iii) Ground Conditions

It is known that, as a result of previous uses of this site, there could be ground conditions that will add considerably to the cost of development which might make the use of the site by the school uneconomic. The EFA wishes to undertake ground condition investigation works, which could include intrusive investigations such as the sinking of bore holes, as a priority. If Members are prepared to agree to the principle of the use of this site for the development of the school, it is recommended that the EFA be allowed, under licence, to enter onto the site in advance of a final decision, to undertake ground investigation surveys. Under the terms of the licence the EFA would be required to reinstate the land to the Council’s satisfaction.

### Conclusion

At this stage Members are asked whether they are prepared to agree to the principle of the release of approximately 4 acres of Havelock Road Recreation Ground for the development of a permanent building for La Fontaine School. The school needs to relocate from its current temporary accommodation by the end of July 2016 and ideally this would be to its permanent building. However, before a binding commitment could be made the exact location and configuration of the site within the recreation ground will have to be agreed in principle to allow the advertisement of the proposal to dispose of public open space to be progressed. The responses from the advertisement would then have to be considered by the Council in coming to its decision. The EFA has requested that, if Members agree to the principle of the release of the site, this exercise be carried out quickly to allow a final, binding decision (subject to the grant of planning permission) to be made at the Executive’s meeting in March. A delay beyond this could have a serious impact on the school because of the impending purdah period before the General Election and the likely standstill period following the election which could result in problems in providing accommodation from August 2016.

## **4. POLICY IMPLICATIONS**

- 4.1 Bromley Council has an established policy for the review and strategic planning of school places and related school organisation. The need to ensure sufficient school places, the quality of those places and their efficient organisation is a priority within the Council’s strategy ‘Building

a Better Bromley' and contributes to the strategy to achieve the status of being an excellent Council. This policy also contributes to key targets within the education portfolio plan.

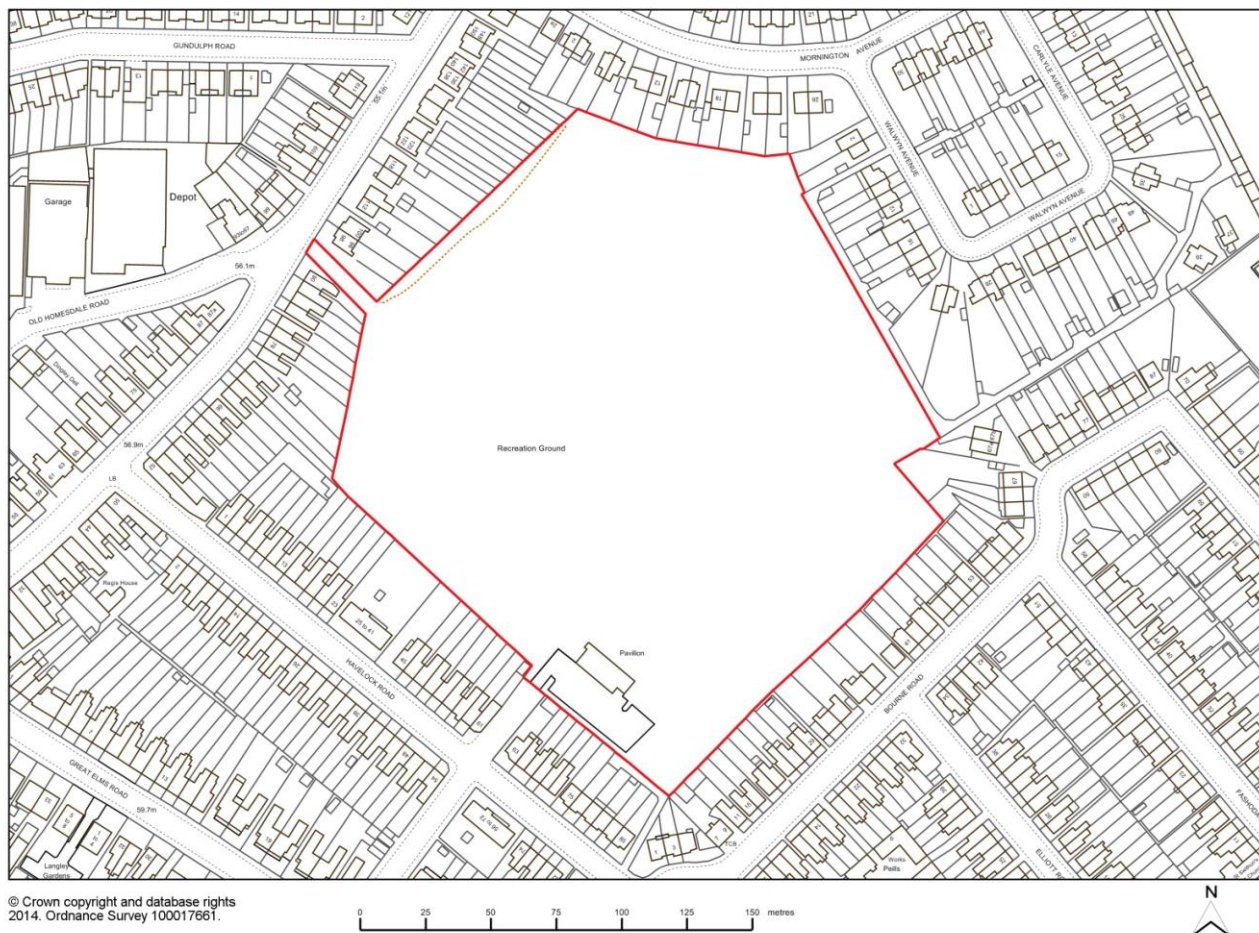
**5. FINANCIAL IMPLICATIONS**

The financial implications are set out in the Part 2 report elsewhere on this agenda.

**6. LEGAL IMPLICATIONS**

The Council would have to comply with S123 (2A) of the Local Government Act 1972; This section provides that the Council cannot dispose of land consisting of or forming part of an open space unless it has advertised its intention in a local paper for two consecutive weeks and considered any objections to the proposed disposal.

S123 also requires the Council to secure the best consideration reasonably obtainable when disposing of land (other than on a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State.



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<b>Non-Applicable Sections:</b>	Personnel Considerations
Background Documents: (Access via Contact Officer)	