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17 May 2013

Dear Stephen

LAND EAST OF CLITHEROE ROAD, WHALLEY
APPLICATION REF: 3/2013/0137

We write further to receipt of comments from Lancashire County Council (LCC) (Education) (dated 14 March 2013) with regards the application proposal to locate a new one form entry primary school within the site.

We are pleased to note that LCC is seeking provision of a primary school site on Lawsonsteads and therefore supports the principle of our proposal. However, it has questioned the suitability of the proposed location of the school within the overall application site and stated a preference for it to be provided in an alternative location.

For the avoidance of doubt, the proposal seeks to locate the school within the area near the site entrance, to the south of the internal spine road. This area is shown in yellow on the submitted Parameters Plan (Ref: PL1158.3.M.101 Rev A).

LCC is seeking that it actually be relocated to the north of the spine road and have enclosed a plan showing their preferred alternative location (dated 12 March 2013). At the time of writing and notwithstanding that we have asked for further information (through the planning authority) no detailed justification has been given in support of their stance. Rather, the only comments provided relate to the shape of the proposed area of land and its proximity to an adjacent watercourse.

We can confirm that the alternative location suggested by LCC is not available. Outline planning permission for residential development on this land was granted by the Council (Ref: 3/2012/0687) on 9 November 2012. This land remains in the applicant's control and there is a very realistic prospect that the permission will be implemented.

Why the proposal is acceptable?

We have undertaken some detailed work to assess the deliverability of a new one form entry primary school on the proposed site area (in physical terms). The enclosed plans demonstrate that, contrary to LCC's opinion, there is no reason why a new school cannot be feasibly delivered in this location.

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In addition, we enclose a letter from Schools Partnership Trust Academies (SPTA) (dated 7 May 2013) who is an independent education provider of academies across the north. It is currently working with the applicant (CEG) to deliver a new one form entry primary school on site elsewhere in the North West.

SPTA has reviewed the application proposal having regard to the submitted parameters plan, and considers that the proposed location is suitable, having regard to central government guidance and design standards for new schools.

We note that these guidelines are applicable to all schools, regardless of whether it is an existing education authority or alternative provider (like SPTA) that is delivering the school.

The enclosed plans demonstrate that the site is capable of delivering a new one form entry primary school on the site comprising the following:

- A single storey building comprising 11,240 sqm of floorspace;
- Associated car parking for staff;
- Service yard (for school deliveries / waste collection etc);
- Soft informal and social play area of 1,325 sqm;
- Hard informal and social play area of 1,735 sqm including a games court area of 1,020 sqm;
- New sports pitches including for football, rounder's and athletics track.

We also enclose some illustrative visualisations to demonstrate how the site would sit in the overall site context.

Delivery

In accordance with the recent Academies Act 2010, the education authority (in this instance, LCC) is no longer the sole authority able to deliver new schools. Therefore, an approved academies provider such as SPTA, could deliver the school proposal on this site instead of LCC.

To reflect this and help ensure that a new school is delivered as part of this scheme, the submitted draft Heads of Terms (dated 8 February 2013) have been updated to allow for either LCC or another approved provider, to deliver a school (enclosed).

In brief, the proposed mechanism works as follows:

- Prior to occupation of an agreed number of dwellings, the owner and LCC would agree the precise location and boundaries of the school land within the site.
- The agreed location is then reserved and held by the owner for an agreed amount of time, solely for the construction and operation of a primary school.
- During this time but in any event, not before occupation of the agreed number of dwellings, LCC may seek to establish a school on the land and if so, call for the land to be transferred.

- Alternatively, the owner may enter into a contract for the transfer of the school land to an alternative provider. If this happens, LCC's ability to call for the land falls away.
- The land is released from the S106 obligations in the event that neither LCC or the owner call for the land to provide a school within the agreed time period.
- In the meantime, any primary school contributions will be provided but ring fenced towards the delivery of a school on the site.
- Should neither LCC nor the owner call for the land within the agreed time period, the primary contribution can be used towards providing extra primary school places at identified schools within the catchment area.
- However, should the owner call for the land to be transferred in order to deliver the school site independently, the requirement to provide the primary contribution will fall away, with any monies already paid to LCC to be returned to the owner.

We trust that, based on this additional information, the Council is satisfied that the proposed school can be suitably accommodated on the application site as proposed. Furthermore, that the proposed draft Heads of Terms are acceptable and provide further certainty on how the school site can be funded and delivered.

We would be grateful if the Council could confirm in writing that no further information is required at this stage.

Should you have any questions, we would be happy to discuss these with you and to attend a joint meeting with the Council and LCC (Education) if this would assist.

We look forward to hearing from you shortly.

Yours sincerely



Sarah Wozencroft

Enc: Illustrative Site Layout and Visualisations for School Proposal
Letter from SPTA dated 7 May 2013
Revised Draft Heads of Terms relating to Education Provision dated 17 May 2013

cc: Ms Maxine Smith, LCC (Education)
Commercial Estates Group