

<b>Meeting:</b>	<b>Cabinet</b>
<b>Meeting date:</b>	<b>Thursday 10 May 2018</b>
<b>Title of report:</b>	<b>Marlbrook Primary School: new permanent accommodation and additional on-site car parking</b>
<b>Report by:</b>	<b>Cabinet member young people and children's wellbeing</b>

## **Classification**

Open

## **Decision type**

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **Wards affected**

Redhill;

## **Purpose and summary**

To approve the business case for a new permanent building at Marlbrook Primary School to accommodate the additional pupils admitted from 2014 in response to rising numbers in South Hereford and to meet parental preference, and to agree the procurement approach to deliver the required works.

Marlbrook Primary School is rated as an outstanding school by Ofsted and has been consistently oversubscribed since 2011. In 2015 and 2016 additional permanent and temporary accommodation was provided to enable the school to take in additional children.

Funding has been identified in the council's capital programme to enable Marlbrook Primary School to become a full three form entry school.

A design and build approach is being recommended for delivery of the extension.

The scheme will provide additional classroom and associated support spaces, as well as addressing car parking and other traffic management issues.

## **Recommendation(s)**

**That:**

- (a) Planning permission be sought for the permanent expansion of Marlbrook Primary School;**
- (b) Subject to securing planning consent, an extension to Marlbrook Primary School to enable its permanent expansion from two forms of entry (60 pupils per year group) to three forms of entry (90 pupils per year group) and provision of additional car parking and associated works to fulfil planning and transport requirements, be approved at a cost of not more than £4,688,500;**
- (c) a design and build contract is procured from one contractor to deliver the works; and**
- (d) the director for children's wellbeing be authorised to take all operational decisions necessary to implement the above recommendations within the agreed budget, including the process to procure and thereafter appoint a contractor who will deliver a design and build solution.**

## **Alternative options**

1. No capital investment is made. Additional places for 30 children in reception could not be accommodated at Marlbrook Primary School in September 2019 or September 2020. The children would have to be accommodated at another school in South Wye, Hereford. For a number of years there have been more children whose parents have requested a place at Marlbrook Primary School than there are places available at the school. While there are other schools in the area that might accommodate these children, there are not sufficient places in the appropriate year groups to enable this and parental preference over a number of years has been for places at Marlbrook. There are also indications of a longer term need for places at Marlbrook and across the local area.
2. Another mobile could be installed to provide additional classroom space. The siting of a mobile would not be considered best value as they are looked upon as temporary solutions, have a finite planning term and do not have the life span that a permanent build accommodation would have. The installation of a mobile would still require investment in car parking and traffic management works. The council's Schools Capital Investment Strategy includes the objective that: "children are not taught in temporary classrooms".

3. Design consultants could be appointed to complete the detailed design work prior to engaging a contractor which could be from a different company. This would involve two separate tender processes to appoint a design consultant and subsequently appoint a contractor once the design had been finalised. This option has been discounted due to the tight timescales to complete the build by September 2019 and it would not maximise the value of the work that could be secured from the budget allocated.

## Key considerations

4. Marlbrook Primary School is a council maintained school located in the south of Hereford. It is currently rated outstanding by Ofsted and is also a teaching school. The school was a two form entry school with a planned admission number of 60 pupils per year, but has been consistently oversubscribed since 2011. The council requested the school to take 90 pupils in 2014, and it has taken larger year groups each subsequent year. Its planned admission number is now 90, but the school does not have a permanent building to accommodate this number.
5. In line with the council's School Capital Investment Strategy (SCIS) principles, the council has supported the school in its expansion plans through making provision in the 2015 and 2016 capital programme for a permanent and temporary classroom respectively to enable the school to continue to admit up to 90 reception children each year. In approving these arrangements, it was noted that a longer term permanent build solution was required for 2018 onwards.
6. The council's capital programme for 2018/19 includes provision of £5.135m to enable Marlbrook to become a full three form entry school. This provision was based on a provisional estimate of costs, recognising that more detailed feasibility work would need to be carried out to inform any decision to proceed. Initial high level costings support the allocated budget.
7. There are a number of ways in which new buildings can be procured. The design and build solution proposed by this report will seek tenders from contractors within an approved procurement framework. The same contractor will develop the design and the building within well-defined parameters provided by the council. These will include a schedule of accommodation including the required floor area of the spaces required, as well as details of the performance of the building. The advantage of this approach is that only one procurement process is required, rather than separate processes for design and subsequent construction. As the same contractor is responsible for both, the design will take the proposed construction system fully into account. The total timescale between approving the project and completion should be reduced by using this approach.
8. The new building will comprise classroom accommodation, shared practical areas and circulation space, a new additional hall, an enlargement of the kitchen, office and storage space, special educational needs teaching and administrative space, and other spaces as defined in the Department for Education's Building Bulletin 103 Area Guidelines for Schools, which set out nationally agreed standards. A hygiene room and physiotherapy room will be specified in order to provide for children with a range of special needs, meeting the requirements of the Equalities Act 2010.
9. The feasibility work investigated ways in which Marlbrook could be extended in the context of its expansion. The current project is based on the suggested approach for modifying the main building. The schedule of accommodation has been cross checked against Building Bulletin 103, to ensure that all required space is provided cost effectively.

10. There is a range of Department for Education guidance addressing specific aspects of school design, such as acoustics, lighting, ventilation, and fire safety, all of which would be required to be addressed in the design.
11. A new external play space will be specified to replace that which will be lost as a result of the new building.
12. 53 additional car parking spaces will be provided to reduce the pressure of parking on neighbouring roads. It will be required that the contractor provides these at the start of the project.
13. Minor remodelling of the existing school building will be required as part of the project. This would be done during school holiday periods.
14. The project would include the removal and disposal of the existing modular buildings, which will not be required once the extension has been completed.
15. The completed works would be required to conform to all relevant safeguarding standards in respect of fencing and controlled access.
16. It is expected that procurement would commence in May 2018, with a successful contractor appointed in June 2018.

## **Community impact**

17. Marlbrook Primary School is highly valued by the local and surrounding community. It provides high quality education for its children, whilst also supporting adult learning, including for the parents of the school's children. Marlbrook was judged outstanding by Ofsted in 2009, and because of its very positive report no further inspection has been required since then. The school is directly involved in early years provision and works closely with the children's centre and private day nursery based in the Greencroft building. All these activities support the council's Corporate Plan priority and Children and Young People's Plan objective of keeping children and young people safe and giving them a great start in life. Some of Marlbrook's pupils are looked after children. The improved and extended accommodation will provide these children, who are a particular responsibility of the council, with enhanced high quality learning environments.
18. The proposal to expand Marlbrook has been prioritised according to the principles set out in the Schools Capital Investment Strategy. The requirement for a three form entry school and the data that supported this was considered by Cabinet in April 2016. The total number of reception year (YR) children admitted to schools in south Hereford increased from a low of 174 in autumn 2010 to a high of 255 in autumn 2017 – an increase of 47%. The total number of statutory age children, that is, those from reception year to year 6, increased from a low of 1,224 in 2010 to a high of 1,625 in autumn 2017 – an increase of 33%.
19. Marlbrook previously had an admissions number of 60 – equivalent to two forms of entry. The school agreed to expand its admissions number to 90 to accommodate more pupils in 2014. Subsequently, its admissions number has been formally increased to 90. It has filled its reception class to capacity each year. At the same time, Our Lady's RC Primary School and St Martin's Primary School in south Hereford have maintained their numbers, and Riverside Primary School has seen significant growth. Marlbrook continues to be a school in high demand and the surrounding primary schools are also experiencing growth

in the number of pupils in their early age groups. Previous growth at Marlbrook has been accommodated mainly by the use of mobile classrooms. These have been jointly funded by the school and the council. The intake of future years' reception will require additional classrooms and the best way of providing this is by permanent expansion of the existing school building.

20. Concerns expressed about vehicle management within the site, and the impact on the public highway, are recognised. The surrounding residential roads are relatively narrow, and can experience a high volume of parking by parents and other users of the school site, particularly at the start and finish of the school day. It is intended to provide additional permanent parking on site to address this problem. The council will work with the school on further developing travel plans to minimise the impact of vehicles either on the school site or the surrounding roads.
21. The works will require access by the contractor's vehicles. This will be managed by the contractor under the supervision of the council with a view to minimising the impact of the construction project on local roads.
22. Responsibility for the on-site health and safety during the construction phase of the project will lie with the contractor, once appointed. The contractor will need to conform with the CDM 2015 Construction Design and Management Regulation, under which they will need to produce the necessary method statements and risk assessments for the work undertaken. The site will be kept separated, as far as possible, once work has started, and will be kept secured at all times to prevent unauthorised access.

## **Equality duty**

23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation. Marlbrook Primary School serves communities where there is a relatively high percentage of children with special needs. The new building will be fully compliant with disability legislation and take into account the needs of pupils and users with protected characteristics.

## Resource implications

25. The extension created in 2015 to provide one additional teaching space was delivered at a cost of £261k. These costs were apportioned equally between the council and the school.
26. The provision of a modular build to provide two additional classrooms was delivered at a cost of £110k. These costs were apportioned between the council and the school, 2/3<sup>rd</sup>:1/3<sup>rd</sup> respectively.
27. The school has contributed a total of £167k towards the expansion to become a full three form entry school. There will be no further contribution from the school.
28. £5.135m is included in the approved capital programme for the expansion of Marlbrook.
29. The funding has been secured as follows:

Corporate funding	£4,085,000
Basic Need	£1,000,000
Surplus funding from previous Marlbrook Primary School schemes	£50,000
<b>Total available for main project</b>	<b>£5,135,000</b>

30. £210k was originally committed to the feasibility works for the main extension. Of this £146.5k has been spent on developing options, which will provide the basis for the specification of the project. This leaves £63.5k which would be added to the budget for the design and build.
31. Cabinet agreed on 18 January 2018 to approve £300k from within the £5.135m to undertake the interim works to provide an additional classroom for September 2018 by modification of the Greencroft building. This leaves £4,688,500 to deliver the main project, including professional fees, design and construction of the additional accommodation.

Sum added to capital programme	£5,135,000
<i>Minus</i> feasibility costs	(£210,000)
<i>Minus</i> interim costs	(£300,000)
<i>Plus</i> unspent feasibility	£63,500
<b>Total available for main project</b>	<b>£4,688,500</b>

32. The figures shown are not final costs however they are based on a detailed analysis of the proposed schedule of accommodation and current professional advice on the cost range per square metre for new and refurbished school construction projects.

## Legal implications

33. The value of the proposed works is in excess of the EU procurement threshold for tendering. Accordingly, a competitive process compliant with the Public Contract Regulations 2015 will be undertaken to appoint a contractor. It is proposed that a pre-existing framework agreement will be used, to give the council a speedy route to market

and access to major construction firms with a national reputation but also an interest in the West Midlands region.

34. The design and build contract, procured through a two stage tender process, offers the council a route to securing the works which is intended to be more effective and quicker than tendering first for design services and then subsequently tendering for the works. The appointed contractor will provide the design and related professional services under a pre-construction services contract and during that first stage will work closely with the council to ensure that the council's requirements can be met within the overall budget. The council will then decide whether to award the works contract to that contractor. The firm contract price can be set before the end of the first stage before the council proceeds to award the works contract to the contractor. If for some reason the council does not decide, at the end of the first stage, to proceed with stage two i.e. the works contract, then the council will own the intellectual property rights in all the pre-construction work which has been undertaken, and it can choose to appoint another contractor to take on the works.

## **Risk management**

35. There is a risk that sufficient classroom space is not made available for September 2019. There is a potential to temporarily use existing building space on site, although the spaces may not be large enough to accommodate an entire class. More than one space could be used per class, at an additional cost or a teacher or teaching assistant to cover the extra spaces.
36. There is a risk that other users of the site, such as the nursery and residents' association, will be affected by the work. These parties have already been consulted about the proposed extension and will continue to be kept informed as the scheme progresses. The contractor will be required to ensure that the continuing operation of day to day activities of tenants and partners is not disrupted through regular site liaison meetings. Major plant movement and deliveries will be required to occur at times which do not impede the operation of the school, nursery or other site users.
37. There is a risk that planning permission is not granted. The planning team have been involved throughout the development of the options and the procurement process to be followed. Feedback to date has suggested that transport and parking are likely to be matters of concern to local residents. The provision of additional car parking spaces will be prioritised as part of the build.
38. There is a risk that the final costs of delivering the scheme, design and construction, will exceed the budget available. The costs will be monitored at all stages and value engineering applied to realise the project within budget. The chosen procurement route (two stage tendering) and the chosen form of contract, a design and build contract with a fixed cost or a target cost with an absolute ceiling, should also help ensure cost control.

## **Consultees**

39. Some consultation work has already begun and included school headteachers, staff and governors, the local ward member (who is supportive of the scheme), and members of the community.
40. The main comments received referred to the improved provision that would be provided for the school and potential difficulties in terms of an increase in car usage and parking.

41. The cabinet member for young people and children's wellbeing has been consulted and is supportive of the scheme. Comments were made regarding the inclusion of sustainability features such as solar panels. A partial energy efficiency survey has been undertaken for the existing school which identifies potential improvements to align it with the new extension. Further sustainability improvements will be discussed and considered as part of the final design.
42. It was also suggested that the new build should take into account the needs of autistic children in its design. This will be included in the design specification provided to potential contractors.
43. The potential re-use of the modular buildings used since the school began to increase in size was raised. If there are appropriate alternative uses for the buildings when they are no longer required this will be considered. The most beneficial and cost effective solution for their removal will be implemented, which could include sale for re-use elsewhere should they not be required by the council. Their removal will be included as a requirement of the main contract.
44. Political groups have been consulted. The only comment raised was that the scheme should be closely monitored to ensure we obtain value for money and high standards of workmanship.

## **Appendices**

Appendix 1 – Map of Marlbrook Primary School

## **Background papers**

None identified.