

Committee: Strategic Development Committee	Date: 3 rd October 2006	Classification: Unrestricted	Report No:	Agenda Item: 6
Report of: Interim Head of Democratic Renewal and Engagement Originating officer(s) Louise Fleming Senior Committee Officer		Title: Bonner Primary School Wards Affected: Mile end & Globetown		

1. SUMMARY

1.1 At a meeting of Full Council on 13th September 2006 the following motion was passed:

“Refer the Demolition of the Old Bonner School to a meeting of the planning committee to enable officers to consult on this decision, and enable a proper debate involving residents and councillors from across the council which will result in an informed and transparent decision as opposed to a decision made in private by the cabinet and prevent the school being demolished in the meantime”

1.2 This report seeks the confirmation of the Committee that it has no jurisdiction under its terms of reference to make a decision regarding the demolition.

2. RECOMMENDATIONS

Committee is recommended to:

2.1 Confirm that the demolition of unlisted buildings is not a matter that requires planning consent and under the functions set out in the Council’s Constitution the Committee has no power to consider the demolition of the old school building.

Local Government Act, 2000 (Section 97)
List of “Background Papers” used in the preparation of this report

Brief description of “back ground papers”

Motion of Council 13th September 2006
Letter from English Heritage 14th March 2006
To be completed by author

Name and telephone number of holder
and address where open to inspection.

To be completed by author ext. 4878

3. BACKGROUND

- 3.1 Planning Permission was granted in 2001 for a two storey plus basement primary school with playground, incorporating part of the existing ecological garden on open land between Hunslett and Stainsbury Streets, North of Old Bonner Primary School, London E2 0NA (PA/01/01194).
- 3.2 In March 2002 the DfES allocated financial support enabling the old school building to be demolished and its site to be used for an improved recreation area in association with the new school.
- 3.3 The Council entered into a Private Finance Initiative (PFI) contract for the building of the new school on 30th June 2002. There remained local opposition to the proposals and they sought revocation of the 2001 planning permission and the matter of the PFI contract was reconsidered by Cabinet on 11th December 2002.
- 3.4 The commitment of the Council to the new development and the demolition of the old school building remained unchanged. The Cabinet resolved:
- “That implementation of the existing Private Finance Initiative rebuilding scheme for which planning consent in relation to Bonner School has been granted, in association with the subsequent demolition of the old school building and layout of the area for school and community recreation use be confirmed.”
- 3.5 Subsequently, on 22nd January 2003 the Full Council resolved not to revoke the 2001 Planning Permission.
- 3.6 The Council's contractor was proceeding with the works preparatory to the demolition of the structure of the old Bonner School building. This has been suspended pending the decision on the motion.
- 3.7 On 19th August 2006 local objectors applied to the Council to have the old Bonner School building added to the list of Locally Listed Buildings and to have the surrounding area made a conservation area. An application by the objectors to English Heritage to have the building listed was refused.
- 3.8 By letter dated 24th August 2006 the Council refused the application to add the old school building to the Locally Listed Buildings and refused to designate the surrounding land as a conservation area. This was in accordance with the General Advice in PPG 15 and from English Heritage on the designation of

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Conservation areas. It would be inappropriate to designate a conservation area just for a single building.

- 3.9 On 6th September 2006 the Council received a petition signed by 643 people objecting to the proposed demolition of the old school building.
- 3.10 In accordance with Council's Rules of Procedure the Petition was submitted to the Full Council for consideration on 13th September 2006. During the course of that debate the motion referred to in paragraph 1.1 was passed by a majority of the Councillors present and voting.

4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 4.1 The decision to demolish the old school was taken by the Cabinet in December 2002.
- 4.2 The functions of the Strategic Development Committee are set out in Part 3, paragraph 3.3.5 of the Constitution. They do not include a power to review decisions by the Cabinet to demolish unlisted buildings.
- 4.3 The functions of the Development Committee are set out in Part 3, paragraph 3.3.4 of the Constitution. They do not include a power to review decisions by the Cabinet to demolish unlisted buildings.
- 4.4 Whilst the decision to allow contractors to commence demolition of the old school may raise significant levels of local interest in some quarters it is not a matter listed within the terms of reference of either the Development or Strategic Development Committees, therefore the Committee does not have the power to make any decision and if it were to do so it would go beyond its terms of reference which this Committee does not have the legal power to do.
- 4.5 Members are advised that the motion referred to in paragraph 1.1 will be placed on the agenda of the next Cabinet Meeting on the 4th October 2006.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 Delay to the programmed works has financial implications under the PFI contract. These costs are set out in the Cabinet report which has been circulated to all councillors.

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6. EQUAL OPPORTUNITIES IMPLICATIONS

- 6.1 The demolition of the old school building is a benefit to the external areas available to local children and the community.

7. ANTI-POVERTY IMPLICATIONS

- 7.1 No implications

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The design and construction of the new school has taken account of sustainable practices.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There is a risk of unforeseen additional costs due to delay in the PFI contact.

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