



Executive

19 May 2016

Report of the Director of Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

Delivering the Burnholme Health & Wellbeing Campus

Summary

1. This report seeks consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the **Site**) in Heworth ward.
2. Following extensive engagement with the public, key stakeholders and with potential partners and in the context of a worked-up spatial plan for the redevelopment, Members are asked to sanction the procurement of a nursing and residential care home (the **Care Home**) at Burnholme, the preparation and submission of a planning application relating to the provision of community and library facilities, an access road and associated car parking and investment in enabling works to allow the Care Home to be developed. Members are also asked to sanction the sale of former school playing fields for housing development (or the development of that land by the Council itself for housing) subject to necessary Department of Education (**DfE**) consents being obtained.

Recommendations

3. The Executive are asked to:
 - a. Note the positive resident and stakeholder support for the plans to re-develop the Site to create a Health & Wellbeing Campus.
 - b. Agree the spatial plan prepared for the Site as the guide to its redevelopment.
 - c. Agree to:
 - a. procure a developer/operator to construct and operate a Care Home on the Site;

- b. dispose of the site of the Care Home to its developer by way of a long lease in return for payment of a premium/capital sum;
 - c. impose a condition within the lease that the land can only be used as a Care Home for a specified period;
 - d. procure a contract under which the Council would seek to purchase access to a specified number of beds in the Care Home at a specified rate for a specified number of years;
 - e. (in order to facilitate construction of the Care Home and development of adjoining land for housing) the undertaking by the Council of demolition, road construction and other enabling works estimated to cost in the region of £981,000; and
 - f. the cost of this procurement and the necessary demolition and enabling works initially being paid out of the Older Persons' Accommodation Programme budget and later by receipts from the disposal of land on the Site.
- d. Agree to receive the recommendation to sell land for the Care Home to the preferred bidder in accordance with Financial Regulations.
 - e. Agree to the preparation and submission of a planning application (relating to the community and library facilities, the new access road and car parking on the Site) in order to facilitate the development of the Care Home with the cost of preparing the planning application estimated to be £90,000, to be initially funded from the Older Persons' Accommodation Programme and subsequently from future receipts from the disposal of land on the Site.
 - f. Agree to seek a developer or alternatively for the Council to undertake development for housing of approximately 4.5 acres on the Site subject to obtaining necessary DfE consent and the funds released by this development are used to support the provision of community, library and sports facilities on the Site.
 - g. Agree to receive the recommendation, where relevant, to sell land for housing to the preferred developer in accordance with Financial Regulations.
 - h. Recommend to Council that the estimated £981,000 of costs for the enabling works and the access road needed to facilitate the

development of the Care Home are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

- i. Request that reports are brought to Executive later in 2016 to:
 - i. Provide details of the health facilities that can be provided on the Site and the structure of the partnership which will deliver them.
 - ii. Sanction investment in the community, library and sports facilities once DfE consents have been obtained.
 - iii. Sanction arrangements for the future management of the community facilities on Site once DfE consents have been obtained.

Reason: So that the project can progress.

4. The Council is committed to securing a viable future for the Site in Heworth ward. Burnholme Community College closed in summer 2014. During consultation on the school closure the Council committed to continue community use on the Site and encourage the on-going use of its sports facilities. In the winter and spring of 2014 initial public engagement explored appetite for these uses.
5. The result was the solution which was presented to and sanctioned by Executive in October 2015, namely: continued community and sports use of the Site, complemented by wider health, care and enterprise services and new housing. This sanction followed gateway reviews by Executive in July 2014 and July 2015.
6. The Council has also committed to procure a new Care Home on the Site as part of the wider Older Persons' Accommodation Programme (the **Programme**). This needs to be delivered by the end of 2018 as it forms the final step in this three year modernisation programme.
7. It is recognised that there should also be housing on the Site, both to meet housing accommodation needs and to generate funds that will contribute to the costs of delivering the refurbished community, library, sports and enterprise facilities.

8. The delivery of the Burnholme Health & Wellbeing Campus will realise a range of strategic and financial benefits by enabling the potential provision of:
 - a. accommodation for an Explore Centre, relocating and enhancing the services currently provided from Tang Hall Library, including a reading cafe;
 - b. nursery and out of school care for pre and primary school age children;
 - c. meeting and activity spaces for community and voluntary sector groups and communities of interest, including existing faith groups and the Tang Hall SMART;
 - d. premises for rent by start-up enterprises or by small third sector organisations;
 - e. flexible training and meeting spaces for health service and lifestyle group meetings;
 - f. a wide spectrum of both formal and informal indoor sports and active leisure provision;
 - g. sports pitches and other outdoor activities to encourage active lifestyles and community cohesion;
 - h. accommodation for General Medical (GP) and community-based health services;
 - i. a care home, in relation to which the Council will seek to enter into a contract with the operator to purchase a specified number of beds at a contractually fixed price for a period to be determined;
 - j. complementary commercial offering e.g. pharmacy, community cafe etc; and
 - k. new housing.

(together the **Project**).
9. At the request of Executive in October 2015 we have commissioned a spatial plan for the Site (see **Annex 1**). This plan confirms that all the components of the Project identified in paragraph 6 above can be contained on the Site and further confirmed that land use and acreage development assumptions are achievable.
10. The spatial plan, the proposals for the Site and proposals to dispose of Area C, which is currently designated as “playing field”, have been the subject of an extensive public information and engagement activity (between 1st March and 12th April 2016).

This engagement has reaffirmed the support of local people and stakeholders for our plans (see **Annex 2**).

11. We have also undertaken market engagement with potential providers of the Care Home on the Site, and with other potential partners, as requested by Executive in October 2015. This engagement has shown that the assumptions behind the Burnholme business plan are robust and there is interest in being involved in the Project.
12. The proposal to invest in refurbished community, library and sports facilities and retain playing fields while also setting aside land for development to deliver a Care Home, a Community Health Hub and housing is forecast to be affordable based on current projections. This is because the development of land will release funds for the refurbishment of the community, library and sports facilities, where existing site users will be accommodated. The operation of the community and library facilities can be sustained from rents and other receipts from users.
13. While a pragmatic solution has been agreed for delivery of this vision, the Site remains complex. The range of complementary uses, which will bring benefit above and beyond the sum of the parts, also bring challenges for construction phasing and interface issues.
14. The clear first step in unlocking the Site will be to address issues around site services, demolition of redundant classroom blocks and the creation of a new access into the Site, facilitating the delivery of the services identified above and, particularly, unlocking the site for the Care Home.
15. These enabling works will initially be funded from the Older Persons' Accommodation Programme, as they will facilitate early delivery of a Care Home on the Site, and later by receipts from the disposal of land on the Site.
16. In parallel, it is proposed that the Council progresses the procurement of the Care Home on the Site. The Council is seeking a developer/operator to construct and operate a dual-registered Care Home on approximately 1.5 acres of the Site. The Council will seek to purchase a specified number of beds, at a fixed price for a fixed period from the developer/operator once the Care Home has been constructed.
17. An application for consent under Schedule 1 of the Academies Act 2010 (for change of use and disposal of non-playing field school land) has been submitted to the DfE.

Once DfE consent has been obtained, the initial phases of the Project described above will be able to be progressed.

18. At the end of the six week consultation period, which concluded on 12 April 2016, we submitted an application to the DfE for consent under Section 77 of the School Standards and Framework Act 1998 for re-use of the Site and disposal of Area C (former school playing fields). Once the Secretary of State for Education consent has been obtained, or alternative options implemented, the remaining phases of the Project, described below, can progress.
19. Approximately 4.5 acres of land (Area C) identified for residential development will be prepared for development for housing use, generating funds which will be reinvested in those aspects of the Site which bring social benefit to the area.
20. The finalisation of the design of the community/library area and submission for planning consent will be progressed “at risk” until DfE consent is secured and the re-development of the land assured. Progress on this matter has been identified by potential bidders for the Care Home as necessary proof of intent.
21. Additionally, the sale/long-term lease of the Care Home site and the freehold disposal of the housing site will not complete (and the capital receipts will not be obtained) unless and until planning permission on terms satisfactory to the respective developers has been obtained by them.
22. Council officers continue to work closely with health provider organisations including Priory Medical Group and Tees Esk & Wear Valley NHS Foundation Trust, and the Vale of York Clinical Commissioning Group who see this as an opportunity to create an integrated community health “hub” to the East of the City.
23. By making the decisions requested in this report we can progress the Project and seek to deliver under the following timescale:

May 2016	<p>Executive approval to:</p> <ol style="list-style-type: none"> a. Commence the procurement of the Care Home. b. Prepare and submit a planning application for the community and library facility, the access road and associated car parking.
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	<p>c. Invest in enabling works to allow the Care Home to proceed, funded from the Older Persons' Accommodation Programme budget.</p> <p>d. Sell Area C to a housing developer in order to generate funds for the project, subject to the Council having first obtained School Standards & Framework Act consent (or alternatively for the Council to construct housing on Area C itself for sale and rent and manage resources accordingly).</p>
July 2016	Demolition and enabling works commence, assuming that DfE consents obtained.
August 2016	Planning submission for community/library facility and new access road, assuming that DfE consents obtained.
December 2016	Building of new access road begins, assuming that planning and DfE consents obtained.
Q4 2016	Seek Executive approval for disposal of part of the Site (by way of long lease) to a Care Home provider following formal procurement.
Q4 2016	Seek Executive approval, where relevant, for disposal of Area C to a housing developer (or alternatively for the Council to construct housing on Area C itself for disposal on the open market).
Q4 2016	Works commence on community/library phase.
Q2 2017	Works commence on Care Home construction.
Q3 2017	Residential site development commences.
Q3 2017	Community/library phase complete.
Q4 2018	Care Home complete and in operation.

Background

24. Executive approved the closure of Burnholme Community College in May 2012 due to dwindling school numbers. When approving the closure, an undertaking was made to attempt to preserve the existing community uses of the Site.
25. In June 2013, a separate procurement was undertaken to deliver a new Older Persons' Home on redundant playing fields to the south of the Site.

For reasons of affordability this procurement was abandoned in March 2015 with the alternative plan agreed by Executive in July 2015 that the whole of the Site should be developed as an integrated Health & Wellbeing Campus.

26. A report to Executive in October 2015 received Member sanction to:
- a. Seek interest from partners to progress:
 - i. continued community and sports use on the Site;
 - ii. a residential care home for older people;
 - iii. housing provision; and
 - iv. health services delivered in a community setting.
 - b. Agree that Officers develop a spatial plan for the Site in order to maximise land use and draw up a development timetable, utilising resources already held in the Older Persons' Accommodation Programme budget.
 - c. Request that a report is brought back to Executive in Q1 2016 to further examine the risks and rewards of the development and approve the approach/s to procurement of relevant partners.

Reason: To secure the most appropriate and best value approach to develop and deliver the vision for the Burnholme Health & Wellness Campus including the delivery of a residential care home as part of the Older Persons' Accommodation Programme; so that best use is made of this Site; and so that the project can progress.

A community resource

27. Since the Council Asset & Property Management team took over the operational management of the Site on 1 September 2014 community and voluntary sector tenants have been supported to continue to deliver valuable services to the local community.
28. The Sport & Active Leisure team have been managing the sport facilities on Site in order to ensure that they are preserved for the local community. Bookings for both indoor and outdoor sport and activity use have increased significantly over this period with some 1100 people per week accessing the sports facilities during the 2015-16 winter season.

29. A training room has attracted many and disparate bookings, demonstrating a need for flexible spaces to meet community requirements.
30. Discussions with representatives of the Tang Hall Big Local and other members of the community have reconfirmed community support for improved and increased provision of assembly, activity and meeting spaces on the Site.

The Vision

31. The vision for the redevelopment of the Site delivers a range of integrated public, private, community and voluntary activities and services, all of which support each other and contribute to improved health and wellbeing for the local community.
32. This vision is entirely congruent with the Council Plan key priorities of:
 - **A prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
 - **A focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
 - **A council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities.
33. The co-location, within improved environments, of health and care providers, alongside community and voluntary sector groups and wider public, commercial and community services such as the pharmacy and social-enterprise led activity will provide an invaluable test-bed for a range of new models of integrated care.
34. In addition, the Care Home and other services on the Site will create new jobs as well as opportunities for training and enterprise.

Development Strategy

35. In order to achieve best value, yet retain control over build standards and usage, as well as being able to exploit synergies between the different areas of the Site, it is proposed that:
 - a) pitches, sports and active leisure facilities are retained freehold by the Council (operational management may be separately procured at a later date);

- b) premises reserved for use by community, enterprise and third sector organisations (including accommodation for existing tenants such as the Burnholme nursery, Tang Hall SMART and an Explore Centre) together with flexible spaces for training and lifestyle support are retained freehold by the Council;
- c) Explore York Libraries and Archives Mutual Limited be offered a head lease over the community and library facilities, for a rental sum to be agreed between the Council and that organisation, in order that they are able to manage the building operationally. This lease would be co-terminus with their contract for the provision of services. Renewal, expiry or earlier termination of the service contract and the lease would be simultaneous and inter-linked. When the service provision contract is renewed or re-tendered, any new provider would be required to enter into a new head lease.
- d) the building currently leased to Hempland Kids Club is retained.

36. In order to obtain sufficient capital receipts to enable the community areas to be provided without additional Council investment, it is anticipated that:

- a) approximately 1.5 acres is disposed of (by way of long term lease) as land for the development of a Care Home. The lease shall contain a restriction stating that the land must be used for the operation of a care home for a period to be determined in due course;
- b) land is sold as the Site for the GP/primary care/NHS services. This should be offered either leasehold or freehold, enabling our NHS or other healthcare provider partners to invest in the construction and running costs of the new facilities; and
- c) approximately 4.5 acres of the Site which is not required for the uses described above will be developed for residential housing, with no condition other than those (if any) prescribed by the Local Planning Authority.

Progress since October 2015

Public Information and Engagement

37. During the six week consultation period (1 March to 12 April 2016):
- i. Our proposed plans have been on display at Tang Hall library along with comment cards.

- ii. An on-line consultation has been available for comment on the Council website.
 - iii. An e-mail address burnholme.development@york.gov.uk has been live for public feedback.
 - iv. 350 leaflets have been delivered to areas around the Site inviting comment and feedback.
 - v. Posters have been displayed in local shops, GP surgeries and community facilities in Tang Hall.
 - vi. Officers have displayed plans at parents' evenings at St Aelred's Primary School.
 - vii. Individual briefings have been held with Councillors from Heworth and Osbaldwick Wards, with relevant Group leads and Executive Member and with Osbaldwick Parish Council.
 - viii. Two public engagement events have been held at the Site between 4pm and 7pm on Wednesday 16 and Tuesday 22 March.
 - ix. Existing tenants of the building have distributed leaflets and comment cards to their clients, requesting feedback on our plans, which have been displayed within their leased areas.
 - x. Additional invitation leaflets were delivered to immediate neighbours of the Site, offering an additional personal discussion at a final event at the Site on Thursday 7 April 2016.
 - xi. A notice was published in the York Press newspaper on 1 and 9 March seeking comments on the Council's proposal to dispose of approximately 1.515 hectares of former school playing field land.
38. The primary focus of the engagement related to the spatial plan, though early designs for the community/library facility have also been available for stakeholders and the public to comment on.
39. The feedback has been extremely positive, with the vast majority of respondents being supportive of our plans. Those who commented were particularly pleased to see that the Council was proposing to honour the early commitments made regarding continued community and sports use and were pleased to see progress towards delivery of these commitments. A regular comment made was: "and now get on with it", reflecting citizen views on the need to deliver Council programmes.

40. However, there were some concerns and queries raised during the engagement period which are welcomed, and these will be taken into account as our plans progress. These include:
 - a) Adequacy of car parking indicated on the plans shown.
 - b) Potential traffic impact on neighbouring streets.
 - c) Potential increased water run-off, impacting on existing adjacent properties.
 - d) Impact of increased residential development on available school places.
41. A full report on the six-week engagement period and responses received is included at **Annex 2**.
42. In light of the results of the most recent public engagement we ask Executive to note the positive resident and stakeholder support for the plans to re-develop the Site.

Spatial Planning

43. Following previous approval from the Executive, a firm of architects were appointed to apply their expertise to the spatial planning for the Site and to secure the most appropriate and cost-effective use of the land available.
44. The spatial plan has enabled:
 - a) Decisions regarding access and site service infrastructure to be informed; and
 - b) Areas of land to be “parcelled” for eventual sale/lease (subject to final approval).
45. A copy of the spatial plan is attached at **Annex 1**.
46. The plan demonstrates that our aspirations for the Site can be accommodated and further confirms that land use and acreage disposal assumptions are achievable.
47. The plan identifies that a central area of the Site, sitting between the Community and Library facilities and the Sports facilities should be the location for the proposed Community Health Hub. This site has strong presence as it can be easily seen from Bad Bargain Lane while also being in the heart of the Site close to other services.

This location means that the desired integration between health, library and sports uses can be easily achieved. The location has been welcomed by health partners. We continue to work on the detail of the health partnership.

48. We therefore propose to Executive that the spatial plan for the Site is agreed and that a further report is provided to give details of the health facilities that can be accommodated.

Department for Education Consents

49. An application has been submitted under Schedule 1 of the Academies Act 2010 for the appropriation and disposal of the redundant Burnholme Community College buildings at Area A. This is progressing and we await approval of this application.
50. Notices have been placed in the newspaper and a formal six-week consultation undertaken in relation to the proposed disposal of former playing field land at Area C, for which consent under Section 77 of the School Standards & Framework Act 1998 is required. At the end of this consultation period (12 April 2016) an application for disposal of Area C under Section 77 of the School Standards & Framework Act 1998 was submitted to the Secretary of State for Education. We await approval of this application.

Market Engagement – Care Home developers/operators

51. As requested by Executive in October 2015 a market engagement event was held on Monday 14 March 2016 to which potential developers and operators of the Care Home were invited.
52. Ten separate organisations attended the event and received a briefing from the Council team regarding the whole Site vision and the proposals for the Care Home including the proposed contract structure, followed by a Site visit.
53. A questionnaire was then sent to the attendees, to determine whether the Council's proposed commercial and contractual structure for the procurement of the Care Home would be seen to be commercially viable and would attract suitable bids.
54. This market engagement has shown that:
 - a. There is proven demand for and interest in building a Care Home in this location, with one respondent demonstrating an under-supply of 300 beds within a 5 mile radius.

- b. That the proposed location of the Care Home on the Site is appropriate.
 - c. That, to give confidence to bidders in any competitive process, they would like to see enabling works underway (including the access road) and planning consent for the community facilities in progress.
 - d. There were mixed views as to the size of the home (ranging from 66 to 90 bedrooms) with the decision very much driven by the individual company's operating model.
 - e. There were mixed views on the number of beds which could be "block purchased" by the Council and at what value. All agreed that such "block purchase" arrangements would be time-limited with the suggested length of the purchase agreement varying according to company operating model.
 - f. Should TUPE obligations arise (and based upon recent care home closure experience they may not) potential bidders were concerned about the additional costs that would fall to them and reflected that this will influence how much they can pay for the land and the price they charge for "block purchase" beds.
55. Feedback from this event will now be incorporated into our procurement proposals. The Council will obtain further legal advice on the procurement and contractual structure and in relation to determining the Council's commercial requirements which will form the basis of the procurement offering.
56. Subject to further legal advice, it is anticipated that the following aspects will be included in the procurement:
- a. The Council will seek a developer/operator to construct and operate a dual-registered Care Home on approximately 1.5 acres of the Site.
 - b. The land for the Care Home will be disposed of (by way of long term lease) to the developer and shall contain a restriction stating that the land must be used for the operation of a care home for a specified period.
 - c. The Care Home will be built to a timescale and minimum standard to be specified within the tender documents and agreement for lease.

- d. The Care Home will be operated for a specified minimum period to a specified standard - and which satisfies the Care Quality Commission registration requirements.
- e. The developer will offer a capital receipt for the land. The amount will be at the discretion of bidders but will be a significant factor in evaluation of the final bids.
- f. Bidders will be asked to state the financial implications of TUPE as part of their bid (including the implications if TUPE does not apply). It should be noted that whether or not TUPE applies is a matter of law to be determined on the facts at the relevant time and TUPE cannot be contracted-out of.

57. We therefore propose to Executive that we procure the Care Home developer/operator, undertake enabling works and, at a future meeting, agree to the sale of land for the Care Home.

Enabling Works

- 58. Additional mechanical and electrical investigations, alongside more detailed planning associated with the production of the Site spatial layout has emphasised the need for enabling works, which will facilitate and expedite delivery of our plans, particularly the procurement and construction of the Care Home. Potential bidders for the Care Home opportunity emphasise that progress on enabling works will give them confidence when bidding.
- 59. The electricity supply, which serves the existing school buildings, runs from the sub-station to the north west, adjacent to Bad Bargain Lane, diagonally across the Site via the canteen and kitchen building to various outdated distribution boards within the existing buildings. This will need to be re-routed prior to any demolition taking place.
- 60. The existing gas supply runs to an underground central boiler room behind the school hall from which the heating pipes run along corridors, either along ceiling voids or in underground ducts, which no longer meet appropriate standards for access and maintenance.
- 61. New mechanical and electrical supplies will enable the community/library and the sports facilities to eventually be independent of each other and will enable separate metering.
- 62. The cost of these works, estimated at £981,000, can initially be funded from the capital receipts achieved from the sale of Oliver House and set aside for the Older Persons' Accommodation Programme with the

monies repaid from receipts from the disposal of the Burnholme Care Home land at a later date.

63. During the works to create a new community/library facility, the existing tenants will be decanted into a relatively “new” classroom block, which currently already accommodates the nursery and training room (the **Nursery Block**). The Nursery Block will therefore need to remain in situ until the new building is completed.
64. The Nursery Block does not encroach on the proposed site for the Care Home. The demolition of the canteen/kitchen and Eccles blocks, along with the two front classroom blocks and the corridor that links the school hall and the sports hall (as shown highlighted yellow on the demolition plan at **Annex 3**) will enable disposal of 1.5 acres of the Site to a Care Home developer to progress.
65. We therefore propose to Executive that they seek consent of Council to add the cost of the enabling works to the Capital Programme.

Design of the Community/library facility

66. Delivery of this element of the Project will:
 - a) Evidence Council support for community and voluntary sector groups and existing tenants at the Site.
 - b) Enable the Tang Hall library to be relocated from out of date accommodation and to embrace its wider remit as an Explore Centre.
 - c) Enable existing Tenants to vacate the Nursery Block, which will then be demolished, enabling the new access road to be extended to the rear of the Site. This in turn will enable residential development to commence.
 - d) Demonstrate to bidders for the Care Home opportunity that progress is being made towards redeveloping the whole Site.
67. The Project team has engaged with existing tenants and the Tang Hall library to understand their requirements and have drawn up a proposal which combines refurbishment and new build to the north east corner of the Site (fronting Bad Bargain Lane).
68. The tenants, who are to be accommodated in the proposed Phase 1 development are:
 - a. Explore Centre (moving from Tang Hall library)

To include library, children's area, space for IT and adult education (shared) and a reading cafe in the main entrance.

b. Burnholme Nursery

A charitable body, operating nursery facilities for around 30 pre-school children, including babies and toddlers.

c. Tang Hall SMART

A social enterprise that has two main strands: music-based clubs and events for local people and vulnerable groups, and entry-level music industry training.

d. Activity and meeting rooms

A range of spaces of different sizes and specifications, which can be rented on a sessional basis by individuals, groups or organisations, promoting social interaction and community cohesion.

e. Office bases

A number of offices are available for rent to community, voluntary sector organisations and for rent by local enterprises, particularly start-ups.

f. Specialist social activities for adults

The specialist activities, which are currently provided from Burton Stone community centre, will be accommodated within the new facility.

69. The proposal is focused around the existing school hall, which is a highly valued facility for the area. The design promotes the sharing of spaces, which are bookable on a sessional basis, for meetings, education and training and group activity.
70. The design has been costed by external quantity surveyors. These will be refined over the coming weeks as the design develops.
71. We therefore propose to Executive that they agree to the preparation and submission of a planning application relating to the community and library facilities, the access road and car parking.

Land available for residential development

72. As noted above, the development of land identified for housing (Area C) is dependent on the Council being able to secure consent from the

Secretary or State for Education for the disposal of land, which is currently designated as “playing field”. Sale to a developer (and eventual development) is also dependent upon planning permission being granted on terms acceptable to the prospective developer.

73. It has also been noted that the delivery of a new and refurbished facility for community meeting and activities and for Tang Hall library is partly dependent on funds released from the development of this land.
74. Failure to secure consent from the Secretary of State for Education, under Section 77 of the School Standards & Framework Act 1998, would preclude the Council’s ability to deliver much needed community and library facilities on this Site. An application for consent to dispose of the Site has been submitted following the six week formal consultation period.
75. Should consent to dispose be denied, this risk is managed by:
 - a. not proceeding with investment in either the sports, community or library facilities in part or whole; and/or
 - b. reducing the scope of works to match receipts available; and/or
 - c. part-funding investment in these facilities from alternative capital receipts and/or borrowing; and/or
 - d. a combination of the above.
76. No decision is needed on these options unless and until this risk is crystallised.
77. In the meanwhile, in order to expedite the Programme we propose to undertake the work to prepare to develop the land on the assumption that consent will be granted.
78. We therefore propose to Executive that approximately 4.5 acres of land is developed for housing and the Council procure a developer or progress to develop the land itself.

Financial Matters

Capital costs

79. The Project will cost the Council approximately £7m and is forecast to be self-financing in relation to capital expenditure based upon current estimates of capital receipts for the Care Home and housing land and

current estimate of construction costs for the enabling works and redevelopment of the community & sports facilities.

80. It is anticipated that the Project will also attract private sector and health sector investments of approximately £20m.
81. The original capital modelling was completed following an external assessment of the Site and the likely requirements of refurbishment. Industry standard assumptions were made regarding fees and an appropriate level of contingency. In addition, an amount was included for inflation, which was based on BCIS industry standard.
82. Prudent assumptions regarding the likely level of capital receipt that could be generated from the Site were made, based on an external assessment of the Site value.
83. Recent market engagement has proved these assumptions to be robust. Officers will continue to work on the whole-site financial model and closely monitor any change in assumptions throughout the life of the Project. As with all projects of this nature, the final costs of each element will not be known until its respective procurement process is complete.
84. Early enabling works, which will allow the Care Home site to be sold to a developer, will initially be funded from the Older Persons' Accommodation Programme budget. This Programme currently holds capital receipts of approximately £2.5m, a combination of accumulated social services capital grant and the receipt from the sale of Oliver House, and has the expectation of further receipts of at least £3m. While these receipts will be needed at a later date for use by the Programme they can meanwhile be used at Burnholme to facilitate the Care Home development. Once receipts are received from the sale of land at Burnholme the cost of the enabling works will be charged to these funds, releasing the Older Persons' Programme receipts back to their original intended use.
85. The cost of these enabling works is estimated to be £981,000.

This includes all associated fees, an assumption for any increases in inflation costs and a contingency sum for any unforeseen costs that may arise during the course of the works.
86. The approval of capital expenditure relating to the works on the community and library facilities and the sports facilities will be the subject of separate Executive and Council sanction.

87. We therefore propose to Executive that they seek consent of Council to add the cost of the enabling works to the Capital Programme and, at a later meeting, that they sanction the capital investment in the Community, Library and Sports facilities.

Revenue

88. Upon completion, the new community facilities are forecast to be self-financing and thus a sustainable resource for the people of the Tang Hall area.
89. It is proposed that a lease of the whole of the community and library facility is offered to the Explore Library service, enabling that organisation to maximise usage and respond to operational requirements. The head lease will be offered at a rent to be negotiated and will be co-terminus with their service contract, as stated above. Discussions and mutual understanding of these issues are well advanced.
90. Sports & Active Leisure, who are currently managing the indoor and outdoor sports facilities on site, are currently considering how the management of these areas might best be managed in the future.
91. Sanction to agree the management arrangements for the community facilities on the Site will be the subject of future report/s to Executive.

Implications

Legal

92. Legal services have been involved in the development of these proposals and their comments have been incorporated within this report. A full examination of the legal implications of the various property and procurement elements of this Project have been undertaken and these will be kept under review, and brought forward for due consideration, as we progress with the various elements of the Project.
93. Some external legal advice has been received to date in relation to the procurement of the Care Home and it is anticipated that further external advice will be required in due course in relation to this element of the Project.
94. The report properly identifies that the proposal to identify a developer to build and operate the Care Home should, in this instance, be regarded as a procurement rather than a land transaction.

95. The key legal implications at this stage relate to Department for Education consents for disposal of land at the Site.
96. Paragraphs 4 and 6 of Part 1 of Schedule 1 to the Academies Act 2010 requires that consent of the Secretary of State for Education is obtained before a local authority disposes of (or appropriates to non-educational use) any land or buildings which has been used for other school purposes (not as playing fields) within the last 8 years.
97. Section 77 of the School Standards and Framework Act 1998 requires that consent of the Secretary of State for Education is required for disposal or change of use by a local authority of land used as playing fields by a maintained school within the last 10 years.

Risk Management

98. The key risks to delivery of the Project are:

Risk	Likelihood	Impact	Score	Mitigation
Failure to secure consent to dispose of Area C to the South of the Site	3	4	12	Consultation has not elicited any valid objection. Failure to secure consent would prevent development for residential development, which in turn would mean that the community/library facility may be unaffordable as currently designed.
Failure to secure consent to use redundant school buildings	2	5	10	Engagement with DfE; early submission of application for consent. While relatively unlikely, the realisation of this risk would prevent the Council from progressing plans for the Site.
Failure to deliver an operational Care Home by the end of 2018	2	5	10	The delivery of the Care Home at the Site forms an integral part of the Older Persons' Accommodation programme and proposals for early enabling works will help facilitate delivery to timetable.

Risk	Likelihood	Impact	Score	Mitigation
Actual construction costs exceeds budget estimate	2	4	8	Contingency for inflation built in to budget planning. Estimated costs used for budget purposes have been externally validated.
Unforeseen technical matters arise	2	3	6	Investigation into utilities/services; environmental surveys commissioned.
Failure to secure Planning Consent	1	5	5	Colleagues in Commissioning & Design Services with extensive experience of design process and expectations of Planning officers and committee. Public support for the development has been evident during recent engagement.
Inability to meet existing tenant aspirations	1	3	3	Understanding of drivers; flexible spaces with ability to book on a sessional basis. Tenant feedback to date has been highly complimentary.

Equalities

99. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

100. The Equalities Act 2010 explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
101. An Equality Impact Assessment (at that time a “Community Impact Assessment”) for the Site was undertaken in July 2014 and remains valid. It particularly highlighted the positive implications of the Project for the health, security and wellbeing of all residents. This has and will continue to be updated as the project progresses.
102. An Older Persons’ Homes Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Project unfolds. The project team also continues to use established channels to communicate with, and gather the views of, members of the local community, partners, stakeholders and staff.

Human Resources

103. The HR implications of the Burnholme Health & Wellbeing Campus are being monitored as the Project progresses.
104. Should TUPE obligations arise in relation to the Care Home provision (and based upon recent care home closure experience it may not) potential bidders will be asked to identify the financial impact and potential mitigations which can be considered.

Crime & Disorder

105. Since the school closed, the Site has been the subject of vandalism and trespass, including access to the roof, which carries significant risk to the persons involved.
106. During redevelopment, plans will take account of design features, which minimise opportunities for vandalism and trespass and thus risk to the individuals concerned and ultimately financial risk to the Council.

Information Technology

107. There are no direct Information Technology implications to this report.
108. Provision has been made within the budget for the installation of an appropriate level of IT access for community use.

Other Implications

109. There are no other implications arising from this report.

Annexes:

Annex 1 - Proposed Spatial Plan

Annex 2 - Burnholme Consultation and Engagement Feedback Report

Annex 3 - Plan showing proposed initial demolition works

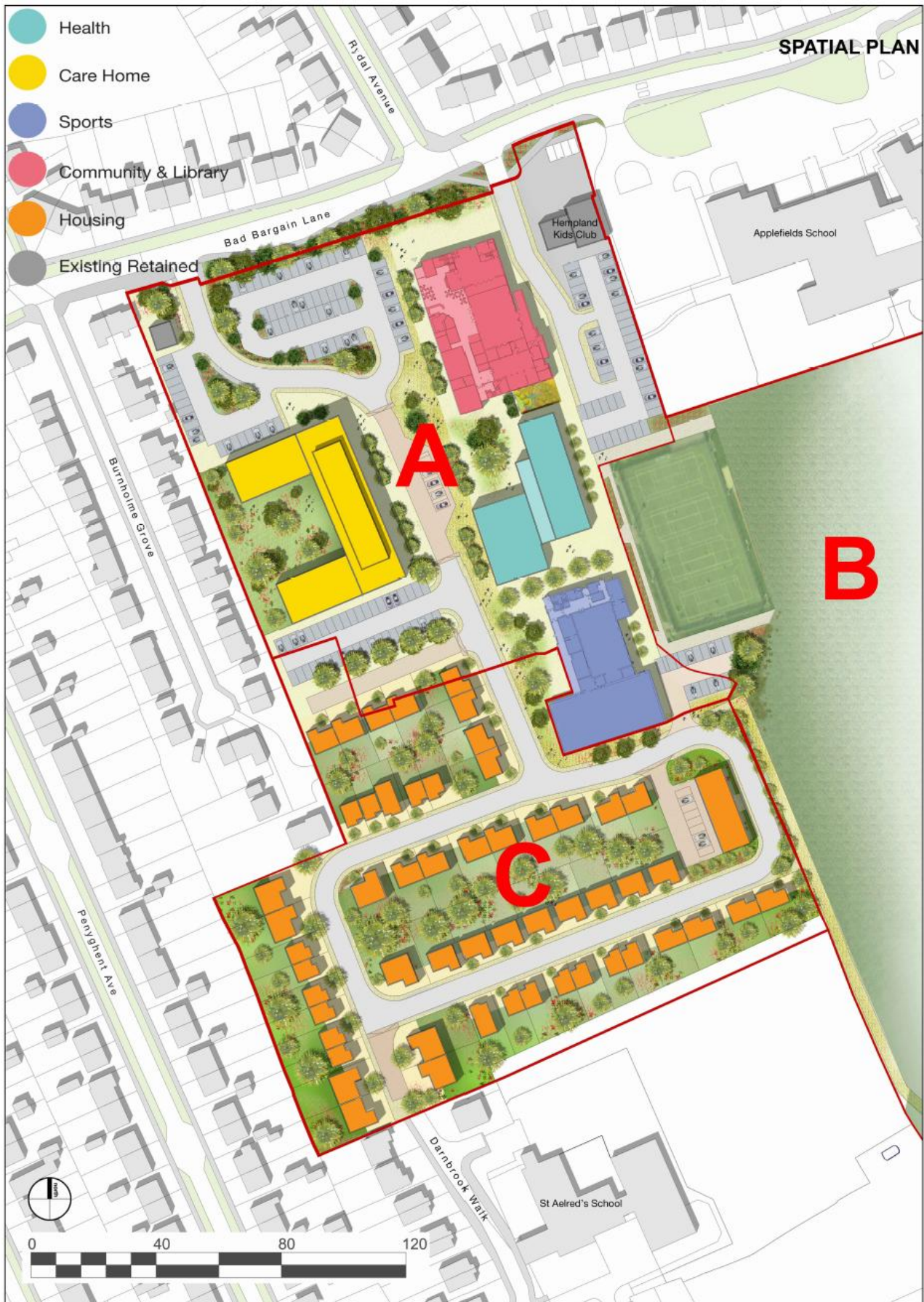
Abbreviations:

BCIS	Building Cost Information Service (part of the Royal Institution of Chartered Surveyors)
CQC	Care Quality Commission
DfE	Department for Education
GP	General Practitioner (family doctor)
IT	Information Technology
NHS	National Health Service
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended)

Contact Details

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	Report Approved	✓	Date	5 th May 2016
<p>Specialist Implications Officer(s)</p> <p>Legal – Ruth Barton (Ext 1724); Gerard Allen (Ext 2004) Finance and Procurement – Debbie Mitchell (Ext 4161), Andy Wilcock (Ext 1129); Mark Woolford (Ext 2237) Property – Nicholas Collins (Ext 2167) and Ian Asher (Ext 3379)</p>				
<p>Wards Affected: Heworth, Heworth Without, Osbaldwick,</p>				
<p>For further information please contact the author of the report</p>				

Annex 1 – Proposed Spatial Plan



Annex 2

Feedback Report: Burnholme Health & Wellbeing Campus

Public consultation, information and engagement

1 March 2016 to 12 April 2016

1. Promotion of consultation and engagement opportunities

The opportunity to view our proposals for the redevelopment of the old Burnholme Community College site, and to feedback comments was promoted using a variety of methods:

- Public notice in the York Press regarding proposal to dispose of an area of playing field and formal consultation on the proposal (advertised 1 and 9 March)
- A City of York Council press release sent to local media outlets and posted on the Council's website, with social media support, plus a follow-up, reminder release.
- Leaflet drop to approximately 350 houses in the immediate area
- Manned display at St Aelred's parents' evenings (15 & 17 March)
- Three-hour, manned engagement events at Burnholme school hall (Wednesday 16 and Tuesday 22 March, 4pm-7pm)
- Local Councillors 1:1 and distribution of leaflets/posters
- Attendance at Osbaldwick Parish Council
- Distribution of information via existing tenants
- Posters in local shops, Tang Hall GP practices and Tang Hall Community Centre
- Information on Tang Hall Big Local and Community Centre facebook pages
- Display and comments box at Tang Hall Library through six week duration

- City of York Council website shows plans and survey to capture feedback
- Display of plans at Hempland Kids Club, Burnholme sports and reception areas, Burnholme nursery
- York Press article following first engagement event
- City of York Council twitter feed, promoting engagement events
- Additional invitation leaflet to immediate neighbours (37 households) to engagement event on 7 April 2016

2. Burnholme Engagement Events

Two, three-hour (4pm – 7pm) engagement events at Burnholme school were augmented by displays from Explore library, York Community Church and Tang Hall SMART. Burnholme Nursery staff were also in attendance.

The display included copies of the spatial plans, architect images and proposals for the community and library redevelopment. Plans showing the existing school buildings were also available.

The events, which were held on different days of the week, were staffed by officers who took brief notes of conversations while inviting attendees to share specific thoughts on written comments cards.

Attendees' postcodes and/or street name were generally recorded, demonstrating that the majority of attendees were from the neighbouring streets.

The final engagement event was held on 7 April, with a specific targeted invitation to 37 immediate neighbours.

3. St Aelred's School Parents' Evenings

The parents of the pupils at St Aelred's Roman Catholic Primary School were invited to attend one of two parents' evenings, at which the plans were displayed. There are currently almost 200 pupils at the school, approximately 50% of whom are from the immediate catchment area.

The first event held between 15:30 and 17:30 and attracted mainly local people from the Tang Hall area, while the second was held 17:00 – 19:00 and was attended mainly by parents from further afield. The teachers who were in attendance expressed particular interest in the plans.

The display showed the spatial plan, architects' images and proposals for the community/library refurbishment.

The two events were manned by the Project Manager. Notes were taken of conversations, in which a particular view (positive or negative) was expressed and all were encouraged to submit written comments.

4. Press Coverage

The reporter from York Press attended the evening event on 16 March and the editorial, alongside an image of the spatial plan, was published on 18 March 2016 with the headline:

Community groups back Burnholme redevelopment

PLANS to convert the former Burnholme school site into a "health and wellbeing campus" went on show in [Tang Hall](#) last night.

The old [Burnholme Community College](#) school buildings are earmarked for redevelopment by the city council, with proposals including a new care home of up to 90 beds, a health centre, space for the community groups already using the site, and housing on some of the playing fields.

On Wednesday night residents had the chance to see some of the plans and discuss what could happen on the site.

York Community Church has been using the Burnholme site for its Sunday services and other meetings since 2010, and will stay in the refurbished main school building.

Church leader Mark Lewis said they were keen to be part of a mixed community, and wanted to keep their church office in the new facilities, as well as the Christians Against Poverty debt advice services they run for the east of the city.

Their "wish list" for the redevelopment centre includes a hall at least as big as the existing one, and large rooms that they and other community groups can book.

Burnholme Nursery is another current user and chairman of the trustees Karen Todman said they were keen on the "community" aspects of the plans. "I think the health centre would be very useful for a lot of our families," she added.

The plans could see them lose part of their outside space, she added, but will mean they have a separate entry - important when it comes to safety and security for the children.

Karen, who also lives close by, said: "It's been a long time since the school closed so it's good to see something happened. A mixed community is good as well, rather than all housing, and I think it's something this area needs."

However some concerns were voiced about the plans. The city council's project manager Louise Ramsay said some people attending the consultation, many near neighbours of the site, were worried that not enough parking would be provided on site leading to overspill parking on the residential streets around.

Another exhibition and consultation will be held at the Burnholme school site on Tuesday, March 22 from 4pm to 7pm.

5. Conversations with public and stakeholders

In all, the team recorded 56 separate conversations (majority of which with couples/groups) in which particular views were expressed. Of these, several key themes emerged:

- ✓ Good plans:
 - Better than those submitted two years ago
 - Great to see integration of services
- ✓ Delighted to see retention of pitches/sports on site
- ✓ Keen to see extended range of Explore library services on site
- ✓ Will take advantage of the opportunity to visit GP/health services
- ✓ Grateful for the opportunity to comment on our plans
- ✓ Keen that we "get on with it" – take advantage of great opportunity
- ✗ Concerns raised regarding the amount of parking on site - particularly keen that family homes should have two "driveway" parking spaces each
- ✗ Potential traffic impact on Bad Bargain Lane and Tang Hall Lane junction
- ✗ Concerns regarding availability of (secondary) school places when Derwenthorpe and Burnholme residential developments are complete
- ✗ Local residents believe that the local water "run off" has been negatively affected by Derwenthorpe and more development might cause localised flooding.

6. Osbaldwick Parish Council

The Programme Director attended a meeting of the Parish Council on 15 March 2016.

Support was expressed for key elements of the proposals. They were pleased to see the large area of playing field provision, supported the community facilities including the relocation of the library, liked the idea that GPs would be on site and recognised that land for housing was necessary to pay for it. They were also keen to see the cycle route opened up.

They queried how the sports fields would be managed and whether full public access would be allowed at all times. They queried the massing/planning impact of four storey buildings on site. They asked about construction traffic and about access via Darnbrook Walk. They also asked that parking and traffic calming issues on Bad Bargain Lane are examined/reviewed. They noted that they would like to see more provision for teenagers.

The Parish Council thanked us for the effort we are taking to hear people's views.

7. Online survey

The City of York Council website carried the article below for the duration of the consultation and engagement period:

Burnholme Health and Wellbeing Campus - Have your say

Residents and businesses are being asked for their comments on plans for a new health and wellbeing campus on land including the former Burnholme School site.

The plans include developing the existing community and sports use of the site, complemented by wider health and enterprise services, building a residential care home for older people, together with housing and new community and social activities, including Tang Hall Library and a cafe.

You can have your say on the plans in a number of ways:

- Attend one of our drop-in events at Burnholme Community Hub on Wednesday 16 March from 4-7pm or Tuesday 22 March from 4-7pm.
- View the plans at Tang Hall Library and email any comments to **burnholme.development@york.gov.uk**
- Give us your views online

The closing date for comments is Tuesday 12 April.

41 responses were received, which followed broadly the same themes as those received on comment cards:

- Need to retain the existing school hall as a large bookable space
- Access to kitchen for events
- Concerns regarding parking and traffic issues
- Comments regarding the need for affordable housing
- Requests for more detail regarding the plans for specific areas and questions which would have been addressed by officers at engagement events.

A formal response was received from the Tang Hall Big Local

“On behalf of Tang Hall Big Local We are glad to see the site having a strong community focus and part of a mixed use site attracting a broad selection of the population. Can any of the housing be co-housing or self build? Will it have a village feel or will all the buildings feel separate? On the Community aspect - we would like to ensure that local people are involved in the running of this facility to give it as much credibility as possible. We hope that there will be a flexible approach to how the community space is run and that it can be adapted to the changing needs/desires of local residents as well as being attractive for a broader offering. It would also make sense for it to be complementary to the Tang Hall Community Centre and in a sense for the 2 to work together in a cohesive approach. THBL has been part of the consultation and would like to add to comments as the more detailed plan of the Community Space develops. Will there be small spaces for micro starts ups/rooms for community groups - space for Tang Hall Big Local etc? There is also the sustainability approach to keep future costs down - using almost passive house standards for insulations and using renewable energy will keep the future value of the building and reduce the energy costs to a minimum - providing an example of how it could be done. Don't forget cycle racks. The immediate environment of the buildings would make sense to make them attractive to walk around and be able to sit outside(when sunny:))and be able to maybe do a little attractive measured walking/ running circuit - will fit into to CYC wellbeing policy and social prescribing approach.

Anna Bialkowska Chair Partnership Tang Hall Big Local”

8. Comments and Feedback

A comment box was sited for the full six-week duration at Tang Hall Library and a second was kept in the Burnholme Sports area until the engagement events, when it was available on a separate table for attendees to give anonymous feedback. The comment cards asked which services the respondent currently uses, and which they would be likely to use in the future. Not all respondents completed this element, nor did everyone provide a postcode.

The existing tenants were encouraged to ask their current clients to complete comments cards. This is reflected in the number and, in some cases, the nature of the responses.

All of the 107 comments cards received have been transcribed and sorted into categories according to the content:

A	Positive or no specific comments	(59)
B	Include suggestions or questions	(31)
C	Include concerns	(4)
D	Unsupportive of our plans	(4)
	No comments included	(9)

In common with the online comments submitted via SurveyMonkey, those cards collected at the library included a higher proportion of questions and queries regarding the plans, and included more cards without specific comment. This compared with those submitted by the clients of existing tenants or by people who attended engagement events, where the respondents had been verbally briefed on the proposals.

The majority of comment cards received were highly positive and supportive of our plans. Examples include:

“Great Stuff! Really good community provision by the looks of it. Well done”

“I think the plans look great. Just what this area needs”

“The plans look great. Lots of space and a great way to connect with different parts of the community.”

“Wow! It’s great to see the rejuvenation of an often neglected area of York. I shall definitely be making the most of these exciting new resources “

“Library & GP welcome and also a chemist. Kids club vital for so many families. Meeting place and activities I would go to. Adult learning - a big “yes, please”. Care Home needed. Sports used by many.”

Within the category “B”, many were users of the Hempland Kids Club, making the case for an external play area for the children. Other themes include:

- The need for affordable housing
- The design of meeting and activity spaces, including need for access to a kitchen
- Parking and traffic issues
- Comments and suggestions regarding planning issues, from near neighbours

“Plans well presented and verbal explanation was very good - thank you. Site layout/uses - looks very good and a great improvement on the 2014 proposals. Comments: Can house development be subject to at least 1 x parking space OFF ROAD per dwelling. Community halls and meeting rooms - can they be made available for sensible prices e.g. £25 for 1/2 day meeting room for up to 20 - £65 per 1/2 day for the main hall. Thank you for the chance to come down to see people and to ask questions”

“Will the housing be affordable? We need affordable housing in York, maybe this could be the answer? Love the plans in general! Hope this goes ahead.”

“Youth access to sports activities and sports facilities. Encourage walking and cycling. Secure bike parking.”

Of the eight responses, which who expressed concerns or were unsupportive of our plans, the feedback focused on:

- Youths roaming the streets after organised activity
- Traffic concerns
- Insufficient car parking
- Lack of school places for new residents

- No need to move/change the library

“Concerned those additional houses would put pressure on the local schools. Would be concerned if the road continued on to Darnbrook Walk as there are already issues with traffic.”

“Do we really need more houses!! Where will everyone go to school?”

9. Current and future use

The comments cards and online survey also asked what facilities/activities the respondent currently uses, and which they expected to access when the project is complete.

Including all 148 respondents, 28 stated that they were users of the sports facilities, 69 were clients of existing tenants, 19 from church groups and 27 attend “other” activities on site.

Of the 122 who expressed a view: 79 would use meeting and activity spaces in the new development and a further 78 would use the library and reading cafe and 33 were keen to see adult learning from the site. 56 stated that they would use GP and health services, while 10 expressed an interest in the care home and 7 in the housing development.

10. Responses via e-mail address

The e-mail address burnholme.development@york.gov.uk was established to enable residents to feed back comments on the proposals for the site.

Three e-mails were received. The first commented on the venue for the proposed engagement events and the other two were looking for accommodation for community-focused activity.

11. Formal response to consultation

The notice below was published in the York Press on 1 and 9 March 2016:

THE COUNCIL OF THE CITY OF YORK
Section 77 of the Schools Standards and Framework Act 1998
(as amended)
Disposal of former school playing fields
NOTICE OF CONSULTATION OF CHANGE OF USE OF
FORMER SCHOOL PLAYING FIELD

Proposal: It is proposed that part (1.886 hectares) of the former Burnholme Community College school playing field, which is located to the South of Burnholme College site, Bad Bargain Lane, York, is to be disposed of by The Council of the City of York (“the Council”). This will enable the redevelopment of the community facilities on the wider site and the refurbishment of indoor and outdoor sports facilities adjacent, including the 4.33 hectares of sports pitches/playing fields which are to be retained and improved elsewhere on the wider site.

Application Site: As shown edged red on the plan showing the situation of the land which may be inspected during week days at the Reception to West Offices, Station Rise, York YO1 6GA from 8.30am to 5pm (4.30 on Fridays) from Tuesday 1st March to Tuesday 12th April 2016.

Title No: NYK 389493: Ordnance Survey map reference: SE6252SE

For further information please contact Louise Ramsay on 01904 551828 or email louise.ramsay@york.gov.uk Anyone who wishes to make comments regarding this disposal proposal should do so in writing, to the Assistant Director of Governance and ICT, West Offices, Station Rise, York YO1 6GA, Ref. GA/LPR1.7994 by noon on Tuesday 12th April 2016.

The plans for the Burnholme Health and Wellbeing Campus are available to view on the Council website and at Tang Hall Library until 9th April 2016, and at drop-in events at Burnholme Community Hub on 16th and 22nd March 2016 between 4:00 and 7:00pm. Please note that under the Local Government (Access to Information) Act 1985, your written comments will constitute a document which is available for any member of the public to see on demand.

An analysis of comments received will be forwarded to the Secretary of State for Education as part of the Council’s application for consent to the proposal.

For information, further opportunities will be made for the public to comment once the feasibility studies for the development of this land have been completed.

Dated 25th February 2016

Andrew Docherty

Assistant Director of Governance and ICT

Council of the City of York

No responses to this consultation were received by the Council.

12. The Way Forward

It is clear from the feedback received from our proposals, that there is broad and enthusiastic support for our plans. Local people are now keen to see the plans turn into reality, in order that they can access integrated services from the site and make full use of the range of facilities included within our vision.

In delivering our plans, we will

- Continue to engage with our existing and future tenants
- Ensure that local people are fully involved and continue to support our efforts
- Share the feedback, we have received with Council colleagues and with other stakeholders, who are involved in delivery
- Communicate local people's concerns regarding traffic impact, parking and flood risk to development partners, to ensure that they are aware when developing their designs.
- Review specific comments regarding the design of the community and library facility, incorporating suggestions wherever possible.

Burnholme Project Manager
12 April 2016

Annex 3: Plan showing initial demolition works in yellow

