

Dartington C of E Primary School – Proposed Remedial Building Work

Joint report of the Head of Highways, Capital Development and Waste, and the County Treasurer

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that Cabinet:

- (a) notes the findings of intrusive building investigation works at Dartington C of E Primary School;**
- (b) agrees the proposal to proceed with Option 1 the demolition and rebuilding of cluster 4 and repair of clusters 1, 2 and 3, in advance of a legal claim.**

1. Summary

The replacement Dartington C of E Primary School was commissioned in 2008 following a Design Competition. The lead consultancy role was subsequently awarded to an external architectural practice with previous experience in designing school buildings incorporating material that involved low energy consumption in their production.

The new school was completed and occupied in December 2010. The design of the new school featured four separate "clusters", constructed from cross laminated timber boards. The primary weather proofing material of the pitched roof areas was provided by sweet chestnut boards, and on the flat roofs via a single roof membrane.

Shortly after completion, evidence of water ingress became apparent. Following a prolonged period of repair work, which had limited success, Devon County Council commissioned a technical specialist to undertake an intrusive investigation and report on the continuing water ingress issues.

2. Background

Since the last report to Cabinet on 11 September 2013 in order to ensure the pupils and staff continued safety the buildings at Dartington School have been kept under regular review by a consultant structural engineer. Based on the structural Engineer's advice temporary repairs have been undertaken to allow the majority of the accommodation to continue in use for a limited period of time. In the case of the school hall (situated within cluster 4) it was subsequently taken out of use in July 2013 and temporarily propped internally to allow the remainder of cluster 4 to remain in use. Temporary hall and school kitchen facilities have been provided on the existing school playing field.

The technical specialists' reports together with an expert witness report are now complete and have been used as the basis of two legal claims. In order to allow the school to remain operational contractors have been instructed to provide temporary accommodation on an agricultural field situated adjacent to the school's existing playing field.

An option appraisal exercise based on the outcome of the technical specialists and expert witness reports is now complete and considered a range of options as follows:

- Option 1: Demolition and rebuilding of cluster 4 and repair of clusters 1, 2 and 3.

- Option 2: Demolition and rebuilding of all clusters with a compliant design reusing the existing sub-structure.
- Option 3: Complete demolition and rebuilding of all clusters to a compliant design using cross laminated timber to the existing design template.
- Option 4: Complete demolition and rebuild of all clusters using cross laminated timber panels to an alternative (simpler) design.
- Option 5: Complete demolition and rebuilding of all clusters using traditional construction materials based on a standardised design model.

3. Proposal

Following the completion of the technical specialists' reports and taking into account the recommendations within the expert witness report, cluster 4 has been identified as being beyond economical repair. It is, therefore, proposed to proceed with Option 1, to demolish and rebuild cluster 4 to a new compliant design using traditional construction and undertake repairs to the remaining clusters which house the majority of the teaching accommodation.

Due to the extent of the proposed demolition, construction and repair work, and taking into account the Health and Safety of the children, staff and potential disruption to the school, the school will be relocated for the duration of the building work within temporary accommodation located on a site adjacent to the existing playing field.

In order to proceed with the building works as quickly as possible the County Council has engaged consultant architects as well as a construction framework partner who have been commissioned to prepare a specification and undertake a subsequent tender exercise in order to commence work to the existing school buildings in late September 2014 once the temporary school is operational.

4. Timescales

The draft programme for the permanent remedial works is expected to take 96 weeks in duration. However, it should be noted that due to the nature of the disassembly and subsequent repair works an accurate programme is difficult to quantify at this time. Therefore it is anticipated that the school will be able to return to the permanent buildings in early 2016.

5. Finance Considerations

The cost of completing option 1 is estimated at £5,115,886. This is capital spend which will be initially funded from internal borrowing. The recovery of the above cost forms part of the County Council's legal claim (referred to in Section 7 below).

In addition to the capital costs of repairing and rebuilding the school, there are the revenue costs of hiring the temporary school accommodation, undertaking the legal claim and additional associated costs. These may total in excess of £2m. The recovery of these costs also forms part of the County Council's legal claim.

6. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and

- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

The commencement of demolition, construction and repair work including the relocation of the school to temporary accommodation is in order to allow the school to continue to provide education and social opportunities for children and young people, as well as the wider community.

An Impact Assessment on the above proposal has been prepared, a copy of which has been circulated to Cabinet Members, and is available alongside this report on the Council's website at: http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/index_exc.htm

7. Legal Implications

Letters of claim have been issued to the original designer White Design Architects as well as the original contractor Interserve, for the recovery of costs associated with the remedial building work, the temporary relocation of the school and associated costs and expenses. These two claims are in excess of £7.0m.

Given the complexity of the legal process it is unlikely that any claim will be resolved until at least the first quarter of 2015. As such Devon County Council will be progressing with remedial work at cost risk until legal process is concluded.

8. Risk Management

The proposal to rebuild and repair the school will eliminate the safety risk associated with continued operation of the dilapidated buildings. The risk of financial losses is mitigated by the legal claim against the original scheme designer and contractor.

9. Public Health Impact

The rapid deterioration of the building fabric if left unchecked will pose an unacceptable safety risk to the health and well-being of the children, staff and occupants of the school, as well as leading to the school's closure.

10. Reason for Recommendation

This proposal is to ensure the long-term health and safety of the children staff and occupants of the school.

David Whitton
Head of Highways, Capital Development and Waste

Mary Davis
County Treasurer

Electoral Division: South Brent & Dartington

Cabinet Member for Resources and Asset Management: Councillor John Clatworthy
Cabinet Member for Children, Schools and Skills: Councillor James McInnes

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Chris Dyer

Room No. Matford Lane Offices, County Hall, Topsham Road, Exeter. EX2 4QD

Tel No: (01392) 382531

Background Paper	Date	File Reference
Cabinet report	11 September 2013	HCW/13/35

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