

# DETERMINATION OF STATUTORY PROPOSALS TO ENLARGE THE PREMISES AT 14 PRIMARY SCHOOLS

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| <b>Cabinet Member(s)</b>    | Councillor David Simmonds   |
| <b>Cabinet Portfolio(s)</b> | Deputy Leader, Education & Children's Services  |
| <b>Officer Contact(s)</b>   | Venetia Rogers – Planning, Environment, Education and Community Services                                |
| <b>Papers with report</b>   | Appendix 1: Consultation Responses<br>Appendix 2: Complete Proposals]<br><b>(CIRCULATED SEPERATELY)</b> |

## 1. HEADLINE INFORMATION

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| <b>Summary</b>                                  | Following statutory consultation, statutory proposals were published by the Local Authority to enlarge the premises of 14 primary schools (Phase 2 School Expansion Programme). The next stage is the determination of these proposals by the Local Authority. |
| <b>Contribution to our plans and strategies</b> | Improving aspiration through education and learning (Community Strategy)   |
| <b>Financial Cost</b>                           | The Primary Schools Capital Programme Phase 2 budget provision is £78,215k.  |
| <b>Relevant Policy Overview Committee</b>       | Education & Children's Services  |
| <b>Ward(s) affected</b>                         | All  |

## 2. RECOMMENDATION

**THAT CABINET CONDITIONALLY APPROVES THE STATUTORY PROPOSALS TO ENLARGE THE PREMISES AT:**

- 1. HARLYN PRIMARY**
- 2. GLEBE PRIMARY**
- 3. FIELD END INFANT & FIELD END JUNIOR (LINKED PROPOSALS)**
- 4. RUISLIP GARDENS PRIMARY**
- 5. HERMITAGE PRIMARY**
- 6. HIGHFIELD PRIMARY**
- 7. HILLINGDON PRIMARY**
- 8. RYEFIELD PRIMARY**
- 9. RABBSFARM PRIMARY**

- 10. PINKWELL PRIMARY**
- 11. HEATHROW PRIMARY**
- 12. CHERRY LANE PRIMARY**
- 13. WEST DRAYTON PRIMARY**

**SUBJECT TO THE FOLLOWING CONDITION FOR EACH PROPOSAL BEING MET BY 31<sup>ST</sup> JULY 2013:**

**THAT THE NECESSARY PLANNING PERMISSIONS ARE GRANTED.**

#### **Reasons for recommendation**

This is Phase 2 of the Primary Expansions Programme. Additional places are needed to meet demand arising from higher birth rates, changes to migration patterns and housing development. Enlargement of the premises of the schools is necessary in order that they can admit additional children.

Comments received have been considered. However, no new proposals have emerged that had not previously been considered and the expansion of the above schools is still considered to be the best solution to providing local school places in this phase of the programme.

#### **Alternative options considered / risk management**

Alternative options were considered as part of the feasibility study in arriving at the proposals. The main risk of not proceeding with the proposals is that sufficient places may not be available, as there will be impacts on the timing of the building delivery programme.

The alternative decision options, within the parameters set by legal requirements, are set out in paragraph 3.1.

#### **Policy Overview Committee comments**

None at this stage.

### **3. INFORMATION**

#### **3.1 Background**

Prior to 2009, a modest number of additional primary school places were assessed as being required. However, in summer 2009, data on 2008 births became available, which showed a significant increase in birth rates. This has continued. In addition, migration into the borough has increased and housing development has also contributed to a significant increase in the number of primary aged children. Updated borough pupil forecasts are in preparation and will be available in early October. Any areas where further action is needed will be identified.

A first phase of expansions of seven existing schools was approved by Cabinet. However, additional places are needed and the expansion of more schools is part of the overall strategy for meeting future demand.

Existing schools have been assessed for expansion potential. As a result of this exercise 15 further schools were identified as being the most suitable for expansion. In order to significantly

enlarge the premises of maintained schools, a statutory process has to be followed. In spring 2012, statutory consultation took place. A report on the outcome of the consultation was prepared for the Cabinet Member for Education & Children Services and on 1<sup>st</sup> August 2012, the Cabinet Member took a decision to proceed to the next stage of the statutory process – the publication of statutory notices. The Cabinet Member decision included proposals for Wood End Park Primary School. However, as this school was due to convert to Academy status on 1<sup>st</sup> September 2012, it was not included in the statutory proposals, as the local authority cannot decide school organisation changes at Academies. A different process will need to be followed by the Park Federation now that Wood End Park Primary has converted to academy status.

The statutory notice for the remaining 14 schools was published on 15<sup>th</sup> August 2012, following which there was a 4 week Representation period for any further comments that ended on 12<sup>th</sup> September 2012. Following the end of the representation period, the Decision Maker (in this case the Cabinet) has 2 months to determine (decide) the proposals. If it fails to decide proposals within this time scale, the proposals must be forwarded to the Schools Adjudicator for decision.

The decision options available are:

- (a) To approve each proposal
- (b) To reject each proposal
- (c) To approve proposals subject to modification
- (d) To approve proposals subject to a condition being met (only certain types of conditions are permitted).

The proposals for Field End Infant and Field End Junior are linked and must be decided in a single decision.

Following the Cabinet decision, certain bodies (the relevant ones in this instance being the local Church of England diocese, the bishop of the local Roman Catholic diocese and the governing bodies of the schools) have the right of appeal (which must be made within 4 weeks of the notification of the decision).

## **3.2 Responses to Proposals**

### **3.2.1 Statutory Consultation Period**

Detailed information is set out at Appendix 1.

#### **(a) General**

There appeared to be a general understanding of the need for additional primary school places but understandably respondents had concerns regarding the impact of expansion on specific schools. These, and the suggested responses, are summarised in the table below. It is considered that most school-specific concerns can be addressed through careful scheme design and project management. It is acknowledged that, whilst some potential impacts such as increased traffic and parking, can be mitigated through careful design and other measures, some residual impact may remain. However, given the nature of the borough and the location of schools, it would not be possible to bring forward alternative proposals for the expansion of existing schools where such issues would not be likely to arise and the need to meet the local authority's statutory duties for the education of young children needs to take priority.

## (b) Alternative Proposals

### *Community Schools*

Within the responses were suggestions that three alternative community schools, Laurel Lane and Minet Infant and Minet Junior, should be expanded. The expansion of all of these schools was considered in developing the proposals. Laurel Lane was not included in the proposals because there were more popular schools serving the local area that could be expanded. The Minet schools were not included due to site constraints.

### *Faith School Provision*

The largest single area of concern was from respondents who felt that the proposals should have included additional faith school provision. The majority of these respondents were concerned about the lack of Catholic school places in the programme. It is acknowledged that the proposals would mean that the proportion of places in faith schools would be lower, as proportion of the total places available, than it is at present. However, in arriving at the proposals, the potential and suitability of all schools (including faith schools) was considered in developing the proposals and the fact that no faith schools were included in the proposals was a reflection of the outcome of the assessments that were undertaken. In consideration of the responses received, follow-up meetings were held with the diocesan boards. It was agreed that some specific faith schools' suitability for expansion would be re-assessed.

### *Church of England Schools*

Two schools, Dr Triplett's and Cowley St Laurence were re-assessed. In relation to Dr Triplett's, whilst the site is deemed large enough to accommodate an additional form of entry, there are significant issues as follows:

- It would be difficult to achieve a satisfactory configuration of accommodation, due to constraints of the existing building footprint.
- It is located within the Hayes Village Conservation Area.
- There are numerous trees on site, many of which, due to their location within the conservation area, are afforded protection and likely to pose a significant constraint to development.
- The school is situated on a narrow one-way road that becomes severely congested. Development of the school would be likely to be a significant issue for local residents.

The conclusion is that the existing proposal for an expansion in this planning area (a local Community school, Wood End Park) is a much more suitable option.

In relation to Cowley St Laurence, it has been assessed that the site is large enough to support expansion but there are constraints, such as the fact that the school is bounded by residential properties on all sides. For school places planning purposes, this school is in the Uxbridge area and it is assessed that the current proposal to expand Hermitage Primary school better meets local needs due to its central Uxbridge location.

### *Catholic Schools*

Two schools, St Catherine's and St Swithun Wells, were re-assessed.

## St Catherine's

This an over-subscribed school located in the West Drayton area. However, the two schools proposed for expansion – Cherry Lane and West Drayton - attract significantly more applications. St Catherine's site is below that recommended were it to expand by even one form of entry. It is also in a Conservation Area and bounded quite tightly to the north, east and west by residential properties.

The school's accommodation proposals for expansion have been reviewed in detail by external consultants. Their conclusion is that, in principle, it may be possible to expand by a form of entry. However, there are significant issues in relation to developing this site, which mean that it is less suitable for expansion than the two schools in this planning area that are included in the Council's proposals (i.e. West Drayton Primary and Cherry Lane Primary). These include:

- Logistical issues – almost every part of the school would need alternations and, a secondary structure needed for an additional floor. Therefore decanting (quite possibly of the whole school) would be needed. This would require temporary accommodation. However, given the constraints of the site, it is difficult to see where this could be located.
- The school is in a flood plain and, whilst low risk, under planning policy there is a requirement to undertake a sequential test by considering sites outside of the flood plain first (e.g. West Drayton and Cherry Lane).
- The draft cost plan provided by the school's consultants provides a realistic construction budget for the proposed project. However, at over £6m it is expensive for one additional form of entry and is more expensive than either of the existing proposals for the area.

In addition, there is a significant housing development in the area and one of the proposed schools (West Drayton) is much closer to this.

## St Swithun Wells

This school is near Field End Infant and Field End Junior, which are included in the current proposals. The school's accommodation proposals for expansion have been reviewed in detail by external consultants. One issue would be the level of demolition of existing accommodation that would be needed in the context of an operating school. Subject it being possible to resolve this, the consultants concluded that there would appear to be potential for expansion by a form of entry.

However:

- As set out in the draft cost plan provided by the school's consultants, the anticipated cost (at over £5m), is expensive for one additional form of entry.
- The school site is far more constrained than the Field End schools' site.
- The St Swithun project is more expensive than the proposed project at Field End schools.
- Based on first preference applications for Reception places, Field End Infant is clearly the more popular school.

### **3.2.2 Representation Period**

During the Representation period, six responses were received as follows:

- Ruislip Gardens – concern regarding the timing of the consultation period

- Ruislip Gardens - expressing concerns about the impact upon local residents (especially in relation to increased traffic/congestion on the estate), that local residents had not received sufficient information and the impact on the school of increased numbers
- Hermitage – concern regarding the closure of the after-school club
- School size & faith provision – concern that enlarged schools would lose their sense of security and community. Further comment that no faith schools are included
- Faith provision – letter from Chairman of Governors at St Catherine’s RC. The Governing Body set out previous contact with the local authority and set out the Governors’ view that it had not received a sufficient or adequate response to the proposals for the expansion of St Catherine’s. The letter stated that the Governing Body would be discussing with the Catholic Diocese a referral to the Schools Adjudicator. Further reasons given for this included the lower proportion of faith school places that would result and that the need for faith school places had not been considered.
- Cherry Lane – request for information regarding details of the proposals.

In relation to these concerns:

- The school organisation consultation period is separate from consultation relating to the planning application.
- Arrangements for the after-school club are a matter for the school and are not part of these proposals.
- Regarding the representations concerning faith school provision, these were raised in the Consultation period and are addressed in this report. A meeting had already been arranged with the Catholic Diocese for September. However, as set out in paragraph 3.1, the local diocese does have the legal right to lodge objections to statutory proposals.
- The other concerns expressed were also raised during the Consultation period and are addressed in Appendix 1.

### **3.3 Duty of the Decision Maker**

The Local Authority is the Decision Maker in this case. The Decision Maker should consider whether the statutory notice complies with statutory requirements and whether consultation has been carried out prior to publication of the notice.

In addition, when considering each school organisation proposal, the Local Authority must follow statutory guidance in considering some key issues, which are:

- *A System Shaped by Parents, and Diversity*

The Local Authority has a duty to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools. Whilst a significant number of comments have been received regarding increasing faith school provision, especially in Catholic schools, the borough already has diversity of provision with local Catholic and Church of England primary schools and a Sikh primary school. A proposal for a new four form entry Sikh Free school in the borough has recently been approved by the Secretary of State.

- *Standards*

The Local Authority should be satisfied that proposals will contribute to raising local standards and improved attainment for children and young people. The Local Authority should pay particular attention to the effects on groups that tend to under perform. Fundamentally, these

goals can only be achieved if there are sufficient local school places for children to attend, and this is the reason for the proposals. Research has found no apparent link between school size and attainment so there is no obvious reason why schools' standards should be affected.

### *Every Child Matters*

The Local Authority should consider how proposals will help every child and young person achieve their potential in accordance with the ECM principles. Again, fundamentally these goals can only be achieved if there are sufficient local school places for children to attend, and this is the reason for the proposals.

### *Equal Opportunities Issues*

The Local Authority should consider whether there are discrimination issues that could arise from the proposed changes. There will be no issues, as the proposals will provide school places for each local community regardless of sex, race, religion or belief, or disability.

### *Need for Places*

The Local Authority should consider whether there is a fundamental need for the expansion and should consider the evidence for this. The Local Authority is proposing these school expansions based on clear evidence of increasing demand. This evidence has been gathered from the Office for National Statistics (ONS); the Greater London Authority (GLA); the monitoring of local housing activity; and actual school applications.

The evidence overwhelmingly supports the fundamental need for more school places in the borough. This is not purely a local phenomenon, as other boroughs are experiencing similar pressures. Births have risen, as confirmed by ONS data, which means more children will require local school places in future. Migration into the borough has increased since 2008, again confirmed by ONS data. New housing developments are contributing to the growing local demand for schools. Temporary school expansions have already been necessary in several parts of the borough.

Where feasible, the more popular schools in each area have been proposed for expansion.

Further information on forecast demand for places is provided within the Complete Proposals (Appendix 2)

### *Travel and Accessibility*

The Local Authority should be satisfied that accessibility planning has been properly taken into account, that journey times would not be extended, and that consideration has been given to sustainable travel. The proposed new school facilities will comply with disability regulations. The anticipated increase in demand will come from more local families, and the proposals will prevent excessive travel to other areas of the borough that may have school vacancies.

The Council has been working with, and will continue working with schools to consider sustainable travel patterns through tools such as School Travel Plans, which can help reduce car journeys and the consequent impacts on the highway network. A Transport Statement or Transport Assessment is also something that would be prepared to support the planning applications for each proposal.

- *Land and Capital*

The Local Authority should be satisfied that the land and capital required to implement the proposals are definitely available and this should include confirmation of funding. For Local Authority proposals, the confirmation of funding should come from an authorised person within the Local Authority.

Land is available. All of the school proposed for expansion are community schools and are council assets. Capital is available as the Local Authority has made clear in publishing its own proposals. Confirmation of the funding is given in the Finance sections of this report.

- *School Playing Fields*

The Local Authority should be satisfied that the proposals will meet the required standards for school premises, including the minimum areas for team games, as set out in the Education (School Premises) Regulations 1999. If the minimum requirements cannot be met, then the proposers are required to seek Secretary of State agreement in principle to relax the regulations.

The Local Authority has assured stakeholders that the proposals will meet the required minimum standards for premises and playing fields. In some cases, this will require Multi-Use Games Areas (MUGAs) and access to nearby off-site playing fields.

- *Special Educational Needs*

The Local Authority is not proposing any changes to SEN provision with any of the statutory proposals presented in this report, therefore the Special Educational Needs Improvement Test is not applicable.

- *Views of Interested Parties*

The Local Authority should consider the views of all those affected by the proposals or anyone who has an interest in them. This includes objections made during the representation period once statutory proposals have been published. Statutory guidance stipulates that the Local Authority should give the greatest weight to any representations from stakeholders likely to be directly affected.

Information was provided to the consultees specified in the School Organisation (Prescribed Alternations to Maintained Schools) (England) Regulations 2007 and Section 176 of the Education Act 2002. It was also made available more widely via the Council website. The consultation periods were as advised in Department for Education guidance.

Detailed Information on the responses that have been received and comments on them are set out at Appendix 1. The Local Authority feels that all of the concerns and points of objection can be addressed now, or will be addressed at the planning application stages. Active involvement of local stakeholders in developing the accommodation proposals for each school is being encouraged through planning consultation meetings at each school.

- *Complete Proposals*

There is a statutory requirement to include with this report the Complete Proposals documents for each proposal. These statutory documents set out the reasons for the proposals and include details of consultation held prior to the recent statutory representation period. The Complete Proposals for each school are contained in Appendix 2 to this report.

## **Conclusions**

Whilst carefully considering and addressing each point made, the Local Authority still believes that each proposal offers the best solution to providing sufficient local school places in the required timescales. Significantly, no new options have emerged during the consultation process that had not been considered before drawing up the proposals.

## **Financial Implications**

The Council's overall budget for Primary School Capital Programme is £127,405k of which £78,215k is allocated to the Phase 2 schools mentioned in the body of the report. The individual school budgets are yet to be finalised.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The recommendations will, subject to conditions being met, provide necessary school places for local residents. The expansion of local schools is necessary to meet the growing demand for primary school places resulting from changes to London migration patterns and increased birth rates. Schools will also benefit through improved accommodation.

### **Consultation Carried Out or Required**

A statutory consultation process has been undertaken in accordance with legal requirements as set out in the report and at Appendix 1.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report requesting conditional approval of the statutory proposals to enlarge 13 primary schools. These works form a significant part of the Primary Schools Capital Programme (PSCP) to provide 27 forms of entry by 2015 and will be financed from a variety of sources but chiefly central government grants, third party contributions (S106) and the Council's own capital resources. The Council has set aside revenue resources from each year's budget to provide the financing costs associated with any borrowing required within the programme and this is now entrenched into the MTF. Consequently Corporate Finance can confirm that sufficient resources are available for the Council to undertake the PSCP in its entirety.

### **Legal**

The Council has a legal duty under section 14 of the Education Act 1996 to secure that sufficient schools are available in its area for the provision of primary and secondary education.

Proposals for prescribed alterations to schools must be made in accordance with statutory procedures which are set out in the Education and Inspections Act 2006, the School Organisation [Prescribed Alterations to Maintained Schools] [England] Regulations 2007, as amended in 2008 and 2009, and associated DfE Guidance.

All fourteen schools, set out in the report, which are subject to proposals for prescribed alterations are community schools. Schedule 4, Part 1 of the above Regulations provides that prescribed alterations include an enlargement of the premises of a school which would increase the capacity of the school by more than 30 pupils and by 25% or 200 pupils [whichever is the lesser].

Before publishing notice of its proposals, the Council is required to consult with interested parties which include the school concerned, other schools which may be affected, parents and families of pupils and prospective pupils, school staff and trade unions, other local authorities and Members of Parliament.

If, having considered the consultation responses, the Council decides to proceed with the proposals, a formal statutory notice is required to be published which invites representations and objections within a four week period.

In this case, the Council has published separate notices for each of the fourteen schools and the four week period expires on 12th September 2012. The notices each contain a summary of the proposals and it is made clear that fuller details of the proposals can be made available on request.

Once the four week period has expired, the Council has a period of two months in which to make a decision in relation to the proposals. If it fails to make such a decision, the proposals must be referred to the Schools Adjudicator for decision.

The decision can be implemented by the Council unless an appeal is received from any of the following persons/bodies within a period of four weeks from the date of notification of the decision:

Church of England Diocese  
Bishop of the local Roman Catholic Diocese  
Governing Body of the school in question

In making its decision, Cabinet must have regard to DfE statutory guidance and the types of issues which it is required to consider are spelt out in the body of the report.

Finally, before approving the proposals which are the subject of this report, Cabinet must be satisfied that the necessary capital resources are available to meet the cost of the expansions programme. The proposals may be approved subject to the condition that planning permission is granted by a specified date. In this instance, the date given is 31st July 2013.

### **Corporate Property and Construction**

Statutory proposals are necessary in order to take forward the building programme, which is the subject of a separate report to September Cabinet.

## **Relevant Service Groups**

Not applicable.

## **6. BACKGROUND PAPERS**

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