

<b>Subject:</b>	<b>Proposed options for the provision of 3 Junior forms in Hove and Portslade</b>		
<b>Date of Meeting:</b>	<b>10 November 2011</b>		
<b>Report of:</b>	<b>Strategic Director, People</b>		
<b>Lead Member:</b>	<b>Cabinet Member for Children &amp; Young People</b>		
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<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: CAB25599</b>	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Current and projected pupil numbers for the city as a whole show there is an immediate and ongoing need for additional school places in the city as a whole. This need is most acute in south central hove and on the Brighton / Hove border.
- 1.2 The most immediate need for places has been addressed by providing one permanent additional form of entry at Davigdor Infant and Somerhill Junior Schools, Goldstone Primary School, and Westdene Primary School and half a form of entry at Queens Park Primary School. In addition the Connaught building in Hove has been brought back into use as a three form infant school and Benfield Junior School has been changed into a two form entry primary school.
- 1.3 The result of these changes means that we now need to secure an additional three forms of entry for junior pupils in Hove and three forms of entry for junior pupils in Portslade.
- 1.3 This report sets out the options available to provide these places.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves the undertaking of negotiations for the conversion of St Nicolas VA Junior School into a four form entry junior school and the expansion of St Peter's Infant School into a one form entry Primary School for September 2013.
- 2.2 That the results of the negotiations be reported to the Cabinet in January 2012 for consideration.
- 2.3 That Cabinet approves the undertaking of further investigations on the options within this report for the provision of a 3 form entry junior element for Hove from September 2014, including exploring management opportunities of the options with primary head teachers in Hove.

2.4 That a further report be brought to Cabinet in January 2012 when the investigations have been concluded.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 Pupil numbers across the city are rising generally and the rise in Hove and Portslade is greater than the city generally and already causing a pressure on school places that cannot be met locally.

3.2 The need for additional reception and infant class places in the city over the last three years has been addressed by providing permanent additional forms of entry at Davigdor Infant School, Benfield Primary School, The Connaught Building (through West Hove Infants), Goldstone Primary School, Westdene Primary School and Queens Park Primary School, a total of 8.5 forms. A further form of entry has been added to West Blatchington Primary School on a temporary basis.

3.3 However there still exists a need to find sites for three additional forms of entry for juniors (school years 3 to 6) in both Hove and Portslade.

3.4 Consideration has been given as to how best to provide these three additional forms of entry in Hove. We have considered the previous options for the infant element again, these being Hove Park depot, Hove Park Upper School, BHASVIC and Leicester Villas.

3.5 In the case of the need for additional places within the Hove area it is very clear that the need is for places available that are available for local children. If a faith group or a group with a particular ethos entered the competition it is possible that they will set admission criteria that will be based on participation in their faith group or agreement with a particular ethos. This will not in itself necessarily assist in the provision of local community places as pupils could be drawn from a wide area, although it might be possible to negotiate with faith or other outside bodies on criteria that would support local attendance.

3.6 Capital allocations are known for the current financial year but not beyond as we are at the end of a three year spending review period. Given the current economic climate it is not possible to accurately determine the level of funding that might be available from April 2012 onwards.

#### **Hove Park Depot Site**

3.7 This site is within the ownership of the Council but vested within Environment. It has been used as a depot for over 15 years. The site is 'sui generis' (does not fall within a use class categorisation) and is not subject to any local planning policies concerning the loss of the existing land use.

3.8 Among the principal planning issues that would need to be taken into account in respect of this particular site are;

- Design issues: the visual impact of any proposal would need to be acceptable in the context of the wider conservation area and in relation to the nearby listed buildings of the Engineerium;

- Making the most efficient use of the site (particularly in respect of the need to maximise area for play) through minimising the footprint of buildings. A two storey (or possibly even three storey) building would assist in this respect;
  - Ensuring safety of the route to school, particularly in respect of encouraging walking. This may require attention to be paid to issues such as lighting and road crossings in the locality;
  - Taking advantage of proximity to Hove Park and its ability to provide for some of the school's recreational needs;
  - Consideration of proximity to the population being served by the school and access to public transport, in order to minimise distances travelled and journeys made by car.
- 3.9 The site is subject to a restrictive covenant imposed by the Stanford estate that restricts the site use to 'a pleasure or recreation ground or public park only'. If the site was to be selected for use as a school the council would need to enter into negotiations with the Agents for the beneficiaries of the covenant to agree terms to allow a school to be developed on the site. It has to be recognised that the beneficiaries may or may not agree to any proposal to relax the covenant.
- 3.10 There would be a cost associated with any amendment to the covenant, both in terms of fees to reach agreement and also as compensation to the trustees of the Stanford Estate who are the beneficiaries of the restrictive covenant. A previous proposal for development of this land resulted in £2,500 being agreed as a payment. It is likely that in the case of a school being proposed that the sum payable would be greater than this.
- 3.11 The site is quite steeply sloping which is not ideal in development terms for a school and access is poor.
- 3.12 The site is quite a distance away from the infant element at Connaught Road.

### **Hove Park Upper School Site**

- 3.13 This site is within the ownership of the Council and is currently used as a site for Hove Park Upper School. Investigations have shown that there are a number of restrictive covenants on the site. The most pertinent being that the site is only to be used as a secondary school and any other purpose usually connected therewith.
- 3.14 It may be possible to negotiate to relax this covenant to include primary education as well as secondary. It is likely that there would be a cost associated with any amendment to the covenant and it is always possible that the parties to the original covenant would refuse to accept any changes.
- 3.15 If there is an objection from the party in control of the restrictive covenant the legal route would be to apply to the Lands Tribunal for a declaration that the restrictive covenant is obsolete. This is a much more expensive process involving more extensive legal costs and is also lengthy and time consuming

- 3.16 With regard to planning, a strong planning case would need to be made in order to justify any net loss of open space for the secondary school and under-provision of open space for both the primary and secondary schools (and making an exception to associated policies in the Local Plan and emerging LDF Core Strategy concerning open spaces and sports provision). In order to provide a planning justification around the issue of loss and under-provision of open space, it would be helpful for any proposal for a primary school on this site to be considered within the wider strategic context of the council's plans to improve the provision of secondary school places in this part of the city.
- 3.17 Among the principal planning issues that would need to be taken into account in respect of this particular site are;
- Minimising the total footprint of buildings, in order to maximise potential open space provision (with regard to both the junior school and the secondary school). Predominantly two and three storey buildings would assist in this respect;
  - The wider redevelopment of the whole site for educational needs could allow for a more efficient layout of school buildings and more efficient use of open space. A qualitative improvement to sports facilities would contribute towards making a stronger case for any net loss. If this was the preferred site, Sport England should be engaged at the earliest opportunity in order to advise and assist the design process;
  - Careful attention to the siting of school buildings, both in relation to the primary and secondary education elements of the site and in relation to the amenities of surrounding housing bordering the campus;
  - Access and egress arrangements and the routing of vehicular traffic through the campus in order to minimise traffic impacts on the busy surrounding road network;
  - Proximity to the population being served by the school, and access to public transport, in order to minimise distances travelled and journeys made by car.
- 3.18 This site represents an attractive proposition for the development of a new school. However there will be a need in the not too distant future to increase capacity at secondary schools and developing on this site now could prejudice future developments in the secondary sector.
- 3.19 The site is quite a distance away from the infant element at Connaught Road.

### **BHASVIC site**

- 3.20 This site is partly within the ownership of the council and partly within the ownership of BHASVIC itself.
- 3.21 Among the principal planning issues that would need to be taken into account in respect of this particular site are;
- Minimising the total footprint of buildings, in order to maximise potential open space and sport provision (with regard to both the primary school and minimising the loss of open space to the sixth form college). Predominantly two or even three storey buildings would assist in this respect;
  - Careful attention to the siting of school buildings in relation to the primary and further education elements of the site;

- Access and egress arrangements and the routing of vehicular traffic through the campus in order to minimise traffic impacts on the busy surrounding road network;
- Taking advantage of proximity to Dyke Road Park and its ability to provide for some of the school's recreational needs;
- Proximity to the population being served by the school, and access to public transport, in order to minimise distances travelled and journeys made by car.

3.22 The council owns part of the site with the remainder of the site being owned by BHASVIC. The site is currently used as a school playing field by a number of local schools and colleges. Constructing a school on this site would impact negatively on use of this field by to primary phase schools, a secondary school and a sixth form college.

3.23 The site is quite a distance away from the infant element at Connaught Road.

#### **Playing Field site accessed via Leicester Villas Hove**

3.24 This site is not within the ownership of the Council. It is privately owned and it is understood that it is held in trust for St Christopher's School (part of the Brighton College family of schools). The playing field is used as a sports field by St Christopher's and other independent schools in the locality.

3.25 As mentioned above the site is in private ownership which would necessitate the council purchasing the site before development could take place. It may be possible to secure the site via negotiations with the owners but if this is not the case the Council may have to use CPO powers to acquire the land.

3.26 It is difficult to estimate the time it would take to acquire this land, there are a number of factors that would affect this such as whether it was possible to acquire the site by negotiation, whether there would be any objections to a CPO if needed but it is possible that even to acquire the site could take in excess of two years.

3.27 It is unlikely that this option would be affordable in cost terms. In addition given that the site is not the ideal location it is not recommended that this option is pursued any further.

#### **Hove Police Station**

3.28 Hove Police Station is likely to be vacated early in 2012 and the Police Authority has stated that they wish to sell the site.

3.29 The location of the site is closer to Connaught Road than any of the other options. The building is of a similar size to that required for a three form entry junior school, seems to be in a reasonable condition and is suitable for remodelling given that the building is a frame structure.

- 3.30 Planning officers have advised that there could be a range of potential uses for the police station. The site is not allocated for either residential or employment in planning terms it would therefore be a windfall site. The police would initially have to make out a robust case for redundancy of the police station and on the basis that this is accepted, residential or employment could be alternative uses as could use of the site as a school.
- 3.31 Any application would have to be supported by a comprehensive Urban Design Study to justify the density, scale and height of a redevelopment of the site.
- 3.32 The remodelling of Hove Police Station represents a good option for a new junior school for hove in terms of its location. Provided the site can be acquired for a reasonable cost remodelling of the site could be undertaken rather than demolishing the existing building.

### **Portslade Junior Places**

- 3.33 In September 2011 Benfield School officially became an all through primary School. Benfield Junior School is currently a three form entry school admitting 96 pupils per year. Consequently this proposal on its own will reduce the number of junior places available in the city. It is intended that the school will continue to admit up to three forms of entry in to Year 3 in September 2012 in line with its current published admission number.
- 3.34 From September 2013 three additional forms of juniors will need to be provided. Consideration has been given to a number of options.
- Creating a new junior school in Portslade
  - Expanding an existing primary school in Portslade
  - Expanding an existing junior school in Portslade
  - Changing the age range of an existing infant school in Portslade

### **Creating a new junior school in Portslade**

- 3.35 In proposing a new school there are a number of factors that need to be considered. Owing to recent changes in School Organisation legislation it is now necessary to carry out a competition when proposing a new school. This competition is open to anyone who wishes to operate a school not just the local authority or existing faith groups etc
- 3.36 In most circumstances the Local Authority (LA) will act as the decision maker in the competition. However if the LA decides that it wishes to enter the competition itself the decision is made by the Schools Adjudicator.
- 3.37 If it is decided that a new school will provide part of the solution to the current issue it will be important that the LA either submits an entry to the competition or is assured that other providers will make places available to children living in the locality of the new school.
- 3.38 There is no obvious site available within the timeframe that we are working within and therefore this is not considered a viable option.

### **Expanding a primary School in Portslade**

- 3.39 This suggestion of itself will not address the imbalance between the number of forms of entry in Years R to 2 and years 3 to 6. Consequently this is not considered a viable option.

### **Expanding an existing Junior School in Portslade**

- 3.40 St Nicolas is a 2 FE voluntary aided junior school located immediately adjacent to Portslade Community Infant school (4FE).
- 3.41 The school has previously developed plans to provide additional accommodation on the site (albeit for conversion to a primary school). This suggests that the site is large enough to take to additional pupils.
- 3.42 Initial discussions with the head teacher and the Anglican diocese have indicated that they would be willing to discuss the possibility of expanding the school by adding additional junior classes and revisiting their admission arrangements to allow for non church children to enter the school.
- 3.43 It is recommended that this option is explored further.

### **Changing the age range of an infant school in Portslade**

- 3.44 St Peters Community infant school is a very popular and successful school in South Portslade. Currently there is no junior provision south of the Old Shoreham Road for pupils to move to when they leave St Peters Community infant School.
- 3.45 If the age range of the school was changed from 4 to 7 to 4 to 11 this matter would be addressed. The site of the school is very small at the present time. However there is an industrial unit immediately adjacent to the school that does provide some development opportunities. It is by no means certain that we could acquire the site or develop it as we would need to.
- 3.46 This option should be fully explored as it could provide one junior form of entry south of the Old Shoreham Road that would provide a coherent pathway through primary school for pupils living very close to the seafront in Portslade.

## **4. CONSULTATION**

- 4.1 Discussions will be held with Head Teachers and their chairs of governors at the schools potentially affected by the proposed options within this report.
- 4.2 Once it is agreed options are to be progressed formal consultation with schools, governors and the community will be carried out in line with the requirements of the School Organisation Regulations.
- 4.3 City Planning has been consulted in relation to the potential sites where noted above. Their comments are reflected in the body of this report.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 There are no direct implications as a result of the recommendation to undertake negotiations with St Nicolas Junior School, however if these do progress then any Capital implications of the expansion will have to be met from the existing Capital programme in 2012/13. The cost of acquiring the site adjacent to St Peters Infants School will have to be met from the existing Capital programme in 2012/13 along with the costs of furnishing the new building in 2013/14 which will also have to be found from the existing Capital programme. The revenue costs of funding the new forms of entry will be met from the Dedicated Schools Grant (DSG) in 2013/14 onwards.
- 5.2 There are no direct implications as a result of the recommendation to report the negotiations to Cabinet in January 2012, however any implications of the negotiations will be included in the January report.
- 5.3 The cost of acquiring any new site for the junior element for Hove will need to be met from the existing Capital programme, presumably in 2012/13 or 2013/14, in order to allow for any refurbishment or costs of furnishing a building in 2013/14 and 2014/15, which will also have to be found from the existing Capital programme. The revenue costs of funding the new junior school will be met from the Dedicated Schools Grant (DSG) in 2014/15 onwards.
- 5.4 There are no direct implications as a result of the recommendation to report the negotiations to Cabinet in January 2012, however any implications of the negotiations will be included in the January report

*Finance Officer Consulted: Andy Moore*

*Date: 28/10/11*

### Legal Implications:

- 5.5 Once a decision has been taken regarding where the additional school places will be provided, the Authority will need to follow the statutory provisions contained in the Education and Inspections Act 2006 regarding the formal procedures required to effect the changes. More specific legal advice will be provided once Cabinet has decided which option to pursue

*Lawyer Consulted:*

*Serena Kynaston*

*Date: 19/10/11*

### Equalities Implications:

- 5.6 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of best practice as described in the Admission Code of Practice.

### Sustainability Implications:

- 5.7 All new extensions to Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar

shading and natural ventilation. Materials are sourced from sustainable sources where ever possible.

#### Crime & Disorder Implications:

- 5.8 Throughout the development of the proposals consultation will be undertaken with community groups and the Community Safety team and police liaison officers. It is anticipated that by including the community in the development and use of the facilities at the schools that crime and disorder in the local area will be reduced. This will be further improved by offering extended use of the facilities to the community outside of the school day.

#### Risk and Opportunity Management Implications:

- 5.9 It is important that this opportunity is taken to ensure the future provision of learning and teaching, and continuing improvement in standards of education in the city.

#### Corporate / Citywide Implications:

- 5.10 To meet the projected future growth in pupil numbers we should be looking to provide a minimum of 135 additional primary school places which equates to 4.5 forms of entry.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 This paper presents the range of options available to address the need for future primary places within the City.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Current and projected pupil numbers for the city as a whole show there is an immediate and ongoing need for additional school places in the city as a whole. This need is most acute in Portslade, Hove and on the Brighton / Hove border.
- 7.2 To meet the projected future growth in pupil numbers we need to provide three additional forms of entry in both Hove and Portslade.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents In Members' Rooms**

None

### **Background Documents**

None

