

CABINET MEMBER MEETING

Agenda Item 64

Brighton & Hove City Council

Subject:	Proposed New School for Hove		
Date of Meeting:	26th April 2010		
Report of:	<i>Director of Children's Services</i>		
Contact Officer:	Name:	Gil Sweetenham	Tel: 29-3474
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Key Decision:	Yes	Forward Plan Number CYP 14506	
Wards Affected:	All		

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 partially addressed by providing one permanent additional form of entry at Davigdor Infant and Somerhill Junior Schools and temporary additional forms of entry at West Blatchington Primary School, Goldstone Primary School and Westdene Primary School.
- 1.3 Consultation is currently being undertaken on proposals to permanently expand Goldstone and Westdene Primary Schools by one form of entry and Queens Park Primary School by half a form of entry. This still leaves a need to find a further two additional forms of entry in the primary sector in Hove.
- 1.3 This report sets out the options available to provide a new primary school in Hove.

2. RECOMMENDATIONS:

- (1) To further explore the options for providing a new two form entry primary school either on the Hove Park Depot site or the Hove Park 'upper' School site. If the Hove Park 'upper' School site is chosen consider providing this as part of a 0 – 16 school as part of any BSF proposals.
- (2) That the results of this further investigation are reported to the Cabinet Member Meeting on Monday 17th January 2011 for consideration.
- (3) Explore the ways in which a 2 FE primary unit (to include infant and Key Stage 1) could be established on the site of an existing school in Hove in temporary accommodation by September 2011. Explore management of this proposed unit with primary head teachers in Hove.
- (4) Consider how the children at the unit would transfer to any new school opened as a result of recommendation 1) above.

(5) That the results of further consideration of (3) and (4) above are reported to the Cabinet member Meeting on Monday 28th June 2010 to determine the site and management of the proposed 2 form entry primary unit (to include Foundation Stage and Key Stage 1).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Pupil numbers across the city are rising generally and the rise in south central Hove is greater than the city generally and already causing a pressure on school places that cannot be met locally.
- 3.2 The Cabinet Member for Children and Young People has already agreed to progress proposals to permanently expand Goldstone and Westdene Primary Schools by one form of entry from September 2011 and Queens Park Primary School by half a form of entry from September 2011. However this will still leave a demand for a further 2 forms of entry based on the current GP registration data.
- 3.3 Consideration has been given as to how best to provide these two additional forms of entry. At her meeting on 5th October 2009 the Children and Young People Cabinet Member agreed that the CYPT should pursue the option of providing a new two form entry Primary School by further considering the top 4 scoring sites in Appendix 2 to that report. These being Hove Park depot, Hove Park Upper School, BHASVIC and Leicester Villas.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 For this reason 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.
- 3.8 The time needed to undertake a competition has to be added to the time it takes to identify a site and prepare a design for the new school. Consequently providing a new school is not a solution that can be implemented quickly.

- 3.9 The cost of providing a new 2 Form Entry (2FE) all through primary school is in the order of £7 - £7.5 million, not including site acquisition costs. The cost of providing a new school falls to the LA regardless of whether they win the competition or not. At the present time there is no funding specifically allocated for meeting this cost as the £5.7million Basic Need Safety Valve funding has been allocated to urgent expansions of existing primary schools. It would be necessary to identify funding from within future capital funding allocated to the council.
- 3.10 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 and the potential for a general election in the near future it is not possible to accurately determine the level of funding that might be available from April 2011 onwards.
- 3.11 At her meeting on 5th October the Children and Young Peoples Cabinet Member agreed that four possible options for a site for a new school should be investigated further. The four sites are Hove Park Depot site, Hove Park Upper School site, the land between BHASVIC and Cardinal Newman School and a playing field off Leicester Villas in Hove. The results of these further investigations are detailed below.
- 3.12 **Hove Park Depot Site**
- 3.13 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.
- 3.14 The site was recently been considered for use as an indoor bowls centre. This was refused permission by the council in 2007 for reasons of design (contrary to Local Plan policies HE6 and QD1) and inefficient use of the site (contrary to policy QD3). The principle of the proposed land use was not, however, a reason for refusal
- 3.15 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.

- 3.16 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.
- 3.17 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.
- 3.18 The site is quite steeply sloping which is not ideal in development terms for a school and access is poor.
- 3.19 **Hove Park Upper School Site**
- 3.20 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.
- 3.21 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.
- 3.22 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
- 3.23 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.
- 3.24 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 primary 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.

3.25 This site represents an attractive proposition for the development of a new school. It could allow the creation of an all age school in Hove if this was thought to be a good idea but could also allow the creation of a stand alone primary school if this was preferred, although this would be dependant on the amendment of the restrictive covenants mentioned in paragraphs 3.20 and 3.21 above.

3.26 **BHASVIC site**

3.27 This site is partly within the ownership of the council and partly within the ownership of BHASVIC itself.

3.28 The principal planning issues are similar to those for the Hove Park Upper School site, although a primary school at BHASVIC would not be part of a wider redevelopment of the site. Again, the issue of loss of open space for the sixth form college is a major planning issue that would need to be addressed and successfully balanced against the strategic needs for a new primary school recognised in the emerging LDF Core Strategy. The case for the scheme could be helped by quantitative improvements to sports facilities and the early involvement of Sport England in the design process. If the site is significantly more accessible to the population it is required to serve than the other potential sites, this may help to assist with constructing a successful planning case. One positive aspect of this particular site is its location away from housing, with potential problems of noise disturbance to neighbours likely to be minimal in comparison with the other three sites.

3.29 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.
- 3.30 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.
- 3.31 **Playing Field site accessed via Leicester Villas Hove**
- 3.32 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.
- 3.33 The site has restricted pedestrian only access from Leicester Villas and is surrounded on three sides by housing. Again, the main planning concerns for a primary school proposal would be the net reduction in open space provision and the policy conflict with Local Plan and emerging LDF Core Strategy policies resisting the loss of open space and sports provision. As with the Hove Park Upper School and BHASVIC sites, a suitably strong planning case would be required in connection with local educational needs (as recognised elsewhere in the emerging LDF) and the locational strengths of this particular site in relation to serving its intended catchment area.
- 3.34 Among the principal planning issues that would need to be taken into account in respect of this particular site are;
- Close proximity to housing and resulting loss of amenities to the surrounding residential properties. Although the existing playing field will already result in some occasional noise issues, this would be exacerbated by a primary school development. This site has the potential to cause more of a noise nuisance to occupying dwellings than the other three sites and this could be a significant factor in delivering a school in this location. The potential for two storey buildings would need to be carefully explored and balanced against the need to minimise or avoid overlooking to dwellings, although single storey buildings would inevitably result in a greater loss of open space on a very restricted site. The boundary treatment would also need to be carefully examined as a potential mitigating factor
 - Vehicular access. The existing access to the site would be of inadequate width. A new access would require demolition of an existing property on either Leicester Villas or Glebe Villas. St Leonard's Church to the south is a listed building, thereby ruling out a vehicular access point from New Church Road;
 - Exploring the potential to improve the degree of public access to open space in conjunction with the development of a primary school;
 - The future of the adjacent St Leonard's Church as a place of worship is uncertain. There may be potential to explore combining the church site with the playing field to provide a larger overall site area for a primary school, with the church building being used as part of the school;
 - 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. The site has the potential to score relatively highly in this respect.

- 3.35 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.
- 3.36 It is always necessary to attempt to secure a site by negotiation before instigating CPO procedures. In this case it is believed that the land itself has a relatively low value which could make negotiations difficult as the owners may believe that the site is more valuable.
- 3.37 To make the site work as a primary school it would also be necessary to purchase a property in either Glebe Villas or Leicester Villas to provide an acceptable vehicular entrance. The cost of such an acquisition would add significantly to the cost of the site overall as it would be necessary to purchase a dwelling house.
- 3.38 In addition to the cost of acquiring the land the council would incur the cost of fees while undertaking the negotiations and other associated claims from any one affected by the CPO.
- 3.39 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.
- 3.40 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.
- 3.41 **Summary**
- 3.42 Each of the sites explored in this paper offers the possibility of developing a new two form entry primary school that is essential for the city's need for additional primary places. On balance when judged against relevant criteria and planning issues, the Hove Park Depot or a development of Hove Park Upper school site appear to provide the best solution.
- 3.43 Hove Park Depot is the only site that does not conflict with the planning policy objective of preventing the loss of open space. The other sites may to varying degrees, however, have alternative relative strengths as potential primary school sites – e.g. the potential to improve the quality of, or wider access to, sports facilities or may better meet other planning policy objectives as a result of their location or accessibility.
- 3.44 Much would depend on inventive design solutions, a well-argued planning statement and other considerations (including possible off site benefits) that would provide an overall development package that addressed the various planning policy issues. The preparation of a planning brief is recommended as this would help address the wider planning issues and provide greater certainty in delivering a planning permission to the chosen site.

- 3.45 The proposals for Hove Park Upper School as part of our BSF programme offer the exciting prospect of an all through, 0-16 school with a school campus able to fully provide for both primary and secondary phases of education. However the council has yet to enter the BSF programme and were this not to occur within the next year any proposed development on the Hove Park Upper School site would require funding from other sources. The use of Primary Capital Funding could secure the primary element of a new 0-16 school but changes to the existing secondary school buildings would have to come from prudential borrowing.
- 3.46 In both cases the new building is unlikely to begin before 2013 hence there is time to explore the planning aspect of each site before final determination. However this will not provide the additional 2 form of entry in time to satisfy the demands of our pupil planning projections.
- 3.47 In order to provide the primary places needed in a timely fashion the council could develop a key stage 1, two form entry, 'school' in temporary accommodation on an existing school site in Hove from September 2011. This would give a three year period for the final determination of which above option should be developed and the building of a new school.

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 which site is 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 for a new school. Their comments are reflected in the body of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1.1 The cost of providing the required additional primary school places will need to be met from within the resources allocated by the DCSF. This funding is notified to us on a three year rolling period to match Government spending review periods. We know the indicative allocations until March 2011 but not beyond. We are also currently awaiting invitation onto the Building Schools For The Future (BSF) programme.
- 5.1.2 The funding between 2008/9 and 2010/11 is committed to providing the additional places at Balfour Junior, Davigdor Infant and Somerhill Junior Schools. We were also allocated £5.7million in 2010/11 as a result of bidding to the Basic Need Safety Valve fund last summer. This funding has been allocated to proposed expansions at Goldstone, Queens Park and Westdene Primary Schools.
- 5.1.3 As yet, there are no firm indications of the levels of capital funding that might be made available for the Spending Review period from April 2012. The funding of providing a new school will therefore need to be identified in due course

Legal Implications:

- 5.2 Given that the report sets out that there is a projected future growth in pupil numbers and an anticipated shortfall in places in both the academic years 2010-11 and 2011-12, Members should be mindful that the Council has a statutory duty under section 14 of the Education Act 1996 to ensure the provision of sufficient schools for the provision of primary and secondary education in its area. Once decisions have been taken as to how the proposed increase in places will be achieved, the Council will need to comply with the provisions of the Education and Inspections Act 2006 which sets out the procedures to be complied with when proposing a new school. Once a decision has been made as to how and where the proposed two form entry temporary 'school' is to be provided from September 2011, further legal advice will be required in order to ensure compliance with all necessary legislative

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Date: 13/04/2010

- 5.3 Equalities Implications: 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.
- 5.4 Sustainability Implications: 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.
- 5.5 Crime & Disorder Implications: 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
- 5.6 Risk and Opportunity Management Implications: 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.
- 5.7 Corporate / Citywide Implications: 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 south central hove and on the Brighton / Hove border.
- 7.2 To meet the projected future growth in pupil numbers we need to provide a minimum of 135 additional primary school places which equates to 4.5 forms of entry by September 2011.

SUPPORTING DOCUMENTATION

Appendices:

1. NONE
- 2.

Documents In Members' Rooms

1. NONE

Background Documents

1. NONE