

## **CABINET MEMBER FOR EDUCATION & CULTURAL SERVICES – 19 DECEMBER 2018**

### **REPORT ON THE PROPOSED EXPANSION OF BENSON CE PRIMARY SCHOOL**

Report by Director for Children's Services

#### **Introduction**

1. This report follows the publication of a Statutory Proposal/Notice (Stage 1) and a Representation (Stage 2 formal consultation) period relating to the county council's 'prescribed alteration' proposal to expand Benson CE Primary School. The proposal is made with the support of the school's Governing Body. The Cabinet Member is now required to make a decision on the proposals in accordance with the statutory prescribed alteration procedures.
2. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. In accordance with this expectation a phase of public engagement between the school and stakeholders regarding this expansion ran across Summer/Autumn 2018. This included:
  - Meetings with trustees, the county council and the diocese
  - Letters to parents/interested parties in community
  - Ongoing general updates in the school newsletters
  - Updates in the Henley Standard
  - Meeting with local representatives regarding the Neighbourhood Plan
  - New website Summer 2017 with dedicated tab related to the proposed expansion
  - Community meeting 13th August 2018
  - Invitations to the community to see plans and ask questions at two meetings in October 2018.
3. This built on earlier engagement, involving both the county council and the school, over several years, which had taken place as part of the planning process for the housing developments within Benson, in particular the site which provides a new playing field for the school, and the Benson Neighbourhood Plan, which includes reference to the proposal to "extend Benson CE Primary School on the existing site's playing fields, whilst providing new playing field facilities for formal games and PE off site (on the Littleworth Rd development across the road from the school)". On 28 June 2018, Benson residents voted for the adoption of the Benson neighbourhood plan by 1001 votes to 74, a 93.1% approval.

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4. With planned and permitted housing in Benson village, the latest pupil forecasts indicate that Benson Primary School will exceed its current capacity of 210 places by 2020. At the time of making this proposal, pupil forecasts indicate that expanding the school to 1.5 form entry (45 places per year group, 315 places in total) is necessary to meet the needs of the growing population.
5. Further expansion to 2 form entry (60 places per year group, 420 places in total) may become necessary in the longer term, but given the inevitable uncertainties about the speed of delivery for housing growth, and other demographic fluctuations in the meantime, at this time it cannot be confirmed that a 2-form entry school would stay sustainable in this location. The design for the school's expansion has been developed to support further expansion and some elements of the design have been enhanced at this stage to minimise future disruption and secure cost efficiencies (for example the enlarged playground will be sufficient for any future expansion to 2FE), but at this stage approval to expand to 1.5 form entry only is sought. Should further expansion indeed prove necessary, a further consultation and decision-making process would take place in line with the statutory requirements applying at that time.

### **The Proposal and proposed modification**

6. The statutory proposal (Annex 1) was published in the Henley Standard on 12th October 2018 and was also posted on the county council website. The Representation period ran until the 9th November 2018, which is the statutory 4-week period required under the relevant legislation. The statutory notice was accompanied by a Full Proposal document (Annex 2), which was available to read online at the Oxfordshire County Council public website, or by request.
7. The published proposal is to expand Benson CE Primary School from its previous Planned Admission Number of 30 to one of 45 (i.e. to become a 1.5 form entry school) on a permanent basis from 1 September 2019.
8. Following the statutory notice and representation period, and after further discussion with the school, the recommendation of this report is that the expansion should be approved, but subject to the modification that the date for implementation is changed to 1 September 2020. This is to protect the school against any potential delays which may arise in the building programme, and ensure they are not required to take 45 children into Reception without having certainty that the necessary accommodation will be available in time. Should the building programme continue as currently scheduled, the school would have the option to voluntarily take more than 30 Reception pupils in September 2019, as they already have sufficient accommodation for the increased reception intake, if demand for places justifies this.
9. The latest available pupil forecasts, calculated in summer 2018, show that pupil numbers are expected to continue their recent rise, which would result in a shortage of places in Benson if Benson CE Primary School remains at its current admission number of 30 and capacity of 210 places. The actual pupil numbers for 2017/18 were slightly higher than had been previously forecast, supporting the need for expansion. The table below shows the actual and forecast pupil numbers for the school on which this proposal is based.

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Year	R	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Total
<b>2017 actual</b>	30	28	29	30	21	24	16	178
<b>2018</b>	26	30	28	29	30	21	24	188
<b>2019</b>	32	28	32	30	31	32	23	208
<b>2020</b>	33	32	28	32	30	31	32	218
<b>2021</b>	44	34	33	29	33	31	32	236
<b>2022</b>	46	45	34	34	30	34	32	255

10. Expansion of school capacity in Benson is needed to meet the forecast demands of the growing population in the area, and to allow for population fluctuations and movement into the area by new families, including into new homes planned to be built around the village. Benson has an adopted Neighbourhood Plan which allows for 565 new homes across three strategic sites to the north of the village.
11. The Governing Body of Benson CE Primary School supports the proposed school expansion.
12. At this time, the county council is confident that the school will need to be at least 1.5 form entry size. The school may need to grow further in the longer term to 2 form entry, but this is not yet certain and the timing for this cannot yet be confirmed. It is therefore proposed that the school expands from 1 form entry to 1.5 form entry in the first instance, and that the design of the school's expansion allows for further expansion to 2 form entry if/when this is required. Any such further expansion would be subject to the relevant consultation and approval processes at the appropriate time.

### Representations

13. 25 responses were received during the 4-week statutory Representation period. Of these responses 5 were in support of the proposal, whilst 20 objected. Frequently highlighted reasons for objection against the proposal are shown below with their weighting:
  - **76% (19 responses)** disagreed with the reduction in school playing field as a result of building the extension.
  - **Under** the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.
  - The county council has secured land for a new playing field a short walk from the primary school within a permitted housing development north of Littleworth Road. This field is larger than the current provision will include a

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toilet block and storage. Community use of the detached playing field can be explored in due course, providing the village with a further facility.

- Whether the proposed solution for playing fields is sufficient will be a consideration in the granting of the planning permission for the additional building. It is therefore recommended that, should the Cabinet Member grant approval to the school's expansion, such expansion should be subject to planning permission being granted for the necessary additional accommodation for the school.
- **56% (14)** thought that the existing shared facilities (Hall, Library) are already over capacity.
- The county council has assessed the existing school facilities to ensure they will be in line with the requirements for a 1.5 form entry primary school. Should the school need to expand further to 2 form entry the accommodation will be reassessed on that basis.
- **48% (12)** suggested a new primary school is needed in the village instead.
- The scale of population growth expected within Benson would not make a second primary school necessary or sustainable. Rebuilding the existing primary school elsewhere in the village instead of expanding it on its current site would cost significantly more, and would not represent effective use of public funding.
- **40% (10)** believe a detached playing field is unsuitable. There were also concerns within this point about the delivery and uncertain timings.
- **The** county council accepts it is not ideal for a primary school to have a detached playing field, but the school has confirmed that the remaining playing field will be sufficient for playtimes and most PE lesson use, with the detached playing field being used for larger scale sports use.
- Sport England has been consulted on the planning application for the school's expansion, and has not objected to the principle of a detached playing field.
- **36% (9)** had timing concerns of both the housing developments and school.
- Housing development inevitably brings uncertain timescales. The scale of approved housing growth within Benson requires the council to plan for the provision of necessary additional school places. The county council will continue to work with the school to manage its growth to stay in line with the needs of the local population.
- **36% (9)** were concerned over the road safety of children travelling to the detached field. There were also concerns over increasing staff required to take children to the field.
- A zebra crossing has already been installed at the crossing point. The detached playing field will not be needed for playtimes, and so access will always be under the supervision of the class teacher.
- **24% (6)** suggested considering building the expansion on an alternate site, such as the 'youth hall' or 'derelict house' site instead.
- These other alternatives have been considered as part of the feasibility process, but were ruled out as they did not provide land that was sufficient or suitably located for the necessary accommodation. The property is not within the ownership of the county council; however, it is noted that should the youth hall site become available, it could further support the expansion of the school for example as a location for additional staff car parking.
- **24% (6)** believed it would cause an increase to existing severe traffic congestion.

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- The central location of the village school should make it possible for most children to be walked to school. The school's Travel Plan will be amended in line with its expanded size.
- **24% (6)** said this was a temporary solution to longer term problem.
- As explained above, there is not sufficient certainty to justify larger scale expansion of school capacity in Benson at this time. The design of the current proposal has been developed to enable future expansion. The village's needs will continue to be kept under review.
- **20% (5)** deemed the staff car park included in the plans unnecessary.
- The staff car park will meet the usual standards for a school of this size.  
Comments were also received about the design and appearance of the proposed expansion, but these are relevant to the planning application rather than this school expansion proposal.

### Legal background

14. Local authorities have a statutory duty under section 14 of the Education Act 1996 to ensure sufficiency of school places. This duty will be met with the expansion of Benson CE Primary School, as forecasts show there will be insufficient places existing in Benson unless this expansion occurs.
15. Expansion of schools is covered by *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* ('the Prescribed Alterations Regulations') which should be read in conjunction with Parts 2 and 3 and Schedule 3 of the *Education and Inspections Act (EIA) 2006* (as amended by the *Education Act (EA) 2011*) and *the Prescribed Alterations Regulations*.
16. The expansion of a maintained school is subject to the "Guidance", as set out in "*Making Significant Changes ('Prescribed Alterations') to maintained schools*" published October 2018. This Guidance is for proposers and decision-makers. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:
  - a. how copies of the proposal may be obtained;
  - b. that anybody can object to, or comment on, the proposal;
  - c. the date that the representation period ends;
  - d. and the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks are appropriate.

17. The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-

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maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

18. The County Council confirms that it has adhered to the above Guidance.

### **Decision-making**

19. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Education & Cultural Services.
20. Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
21. The *Guidance* states that “decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)”.
22. The *Guidance* sets out the following factors which should be considered in deciding this proposal.
23. **Education standards and diversity of provision:** Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.
24. Benson CE Primary School is an Ofsted-rated “Good” school, performing at a higher level than the average for Oxfordshire or England. The expansion will be supportive of high educational standards and parental choice and would increase the number of places available at good schools.
25. **Equal opportunities issues:** The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have “due regard” to the need to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. The characteristics that are protected in relation to the Public Sector Equality Duty are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
26. Expansion of this school would increase equality of opportunity in terms of access to school places. It would ensure that children in Benson can obtain access to a school place close to home. If sufficient places are not available within the heart of the community this can affect access to out of school activities, social contact with peers, and travel distances.

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27. **Community cohesion:** When considering a proposal, the decision-maker should consider its impact on community cohesion.
28. Expansion of this school would enable all children in Benson to attend a school in their local community, which is a key element in creating community cohesion.
29. **Travel and accessibility:** Decision-makers should satisfy themselves that accessibility planning has been properly considered and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis on how it will support and contribute to the LA's duty to promote the use of sustainable travel.
30. Expansion of this school would prevent the need for children to be transported to schools further afield, and help to minimise journey times and vehicular transport.
31. **Funding:** The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement.
32. Additional accommodation will be required, and a planning application has been submitted for a new building that houses 3 classrooms and toilet facilities opposite the current main building. The new building will be built partly on the existing playground and sports field. To supplement the site another sports field with amenities will be provided within the new housing development.
33. The Benson Playing Field Trust owns some of the current school site, including land which would be built on to expand the school. Their permission is therefore necessary. Dialogue has been ongoing throughout the planning of this expansion, and their formal confirmation of approval will be sought once planning permission has been secured.
34. Because of the outstanding issues regarding planning permission and the complexities of ownership for the school site, it is recommended below that specific conditions be applied to any approval to expand this school. The decision-maker must set a date by which the conditions should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought. The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.
35. It is expected that the cost of providing the additional accommodation will be met by the county council, including from infrastructure contributions required of housing developers to mitigate the impact of their development on the need for school places in the local area. Funding for the project is already included within the council's capital programme.

## Decision

36. In considering the proposals for a school expansion, the Cabinet Member can decide to:
- reject the proposals;
  - approve the proposals without modifications;
  - approve the proposals with such modifications as the local authority thinks desirable, having consulted the governing body;
  - approve the proposal – with or without modification – subject to certain conditions (such as the granting of planning permission) being met.

## RECOMMENDATIONS

37. **The Cabinet Member is RECOMMENDED to approve the proposed expansion of Benson CE Primary School with the following modification and conditions:**
- (a) Modification: That the date of expansion be changed from 1 September 2019 to 1 September 2020, to protect the school from any risk of delays in the building programme;**
  - (b) Condition 1: That, prior to 1 September 2019, the expansion be subject to planning permission being granted for the necessary additional accommodation for the school;**
  - (c) Condition 2: That, prior to 1 September 2019, the agreement of the trust responsible for the school site is secured to allow building work to commence.**

### LUCY BUTLER

Director for Children's Services

Annex 1: Public Notice

Annex 2: Full Proposal document

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