

**Report of Director of Children's Services**

**Report to Executive Board**

**Date: 5 March 2014**

**Subject:**

**Part A: Outcome of Statutory Notice on proposals for the expansion Calverley C of E Primary School**

**Part B: Outcome of consultation on a proposal for the expansion of Broadgate Primary School, Horsforth**

**Part C: Outcome of Statutory Notice on proposals for the expansion of Broomfield South SILC and West Oaks SEN Specialist School and College**



Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Part A – Calverley & Farsley		
Part B – Horsforth		
Part C – Middleton Park, Hyde Park and Woodhouse, Wetherby		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

**Part A**

In December 2013 Executive Board considered the outcome of public consultation on a statutory proposal to create additional primary places at Calverley C of E Primary School for September 2015 and gave permission to publish a statutory notice. This proposal was brought forward as part of the Council's basic need programme, to meet the statutory duty to ensure sufficient school places in response to the growing pre-school population.

The notice was published on Thursday 2 January 2014 for 4 weeks. A final decision must be made within 2 months of the expiry of the notice, therefore by 30 March 2014. There were no responses to the notices, and therefore, Part A of this report seeks a final decision from Executive Board on the proposal.

## **Part B**

At its meeting in November 2013 the Executive Board gave permission to consult on a proposal to increase primary school places in Horsforth, by expanding Broadgate Primary School from a capacity of 210 to 420, with an increase to its admission number from 30 to 60, with effect from September 2015. Part B of this report presents the outcome of the statutory consultation on this proposal and seeks permission to publish a statutory notice in respect of Broadgate Primary School.

## **Part C**

In December 2013 Executive Board considered the outcome of public consultation on two statutory proposals. The first was to expand Broomfield South SILC from a capacity of 200 to 250 pupils with effect from September 2015 using a site adjacent to the school, Broom Court (Broom Place, Leeds, LS10 3JP). The second proposal was to expand West Oaks SEN Specialist School and College from a capacity of 200 to 350 pupils by the creation of an additional site for 150 children and young people aged 2 to 16 on the former Blenheim Centre (Crowther Place, Leeds, LS6 2ST). Permission was given to publish statutory notices for both of these proposals.

The proposed expansions would make a significant contribution to plans to address an identified shortfall of places for children and young people with special educational needs for 2015 and in the years ahead.

Both notices were published on Thursday 2 January 2014 for 4 weeks. A final decision must be made within two months of the expiry of the notice, therefore by 30 March 2014. There were no responses to the notices, and therefore, part 6 of this report seeks a final decision from Executive Board on the proposals.

## **Recommendations**

### **Part A**

Executive Board is asked to approve the expansion of Calverley C of E Primary School from a capacity of 315 pupils to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015.

### **Part B**

Executive Board is asked to approve the publication of a statutory notice to expand Broadgate Primary School, Horsforth, from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2015.

### **Part C**

Executive Board is asked to:

- Approve the expansion of Broomfield South SILC from a capacity of 200 to 250 pupils with effect from September 2015 using a site adjacent to the school, Broom Court (Broom Place, Leeds, LS10 3JP) with effect from September 2015;

- Approve the expansion of West Oaks SEN Specialist School and College from a capacity of 200 to 350 pupils by the creation of an additional site for 150 children and young people aged 2 to 16 on the former Blenheim Centre (Crowther Place, Leeds, LS6 2ST) with effect from September 2015.

## **Parts A-C**

Executive Board are asked to note that the Head of Service, Strategic Development and Investment is responsible for implementing these decisions by September 2015.

### **1. Purpose of this report**

- 1.1 This report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of school places. The report is divided into three parts - Part A describes the outcome of a statutory notice in relation to the expansion of Calverley C of E Primary School from September 2015, and seeks a final decision on this proposal. Part B summarises the consultation regarding a proposal to expand Broadgate Primary School, Horsforth, and seeks permission to publish a statutory notice. Part C describes the outcome of statutory notices in relation to the expansion of special educational needs provision within Leeds for September 2015, and seeks a final decision on these proposals.

### **2 Background information**

- 2.1 **Part A:** In December 2013 Executive Board considered the outcome of a public consultation on a statutory proposal to expand Calverley C of E Primary School from September 2015, and gave permission to publish a statutory notice.
- 2.2 **Part B:** In November 2013 Executive Board gave permission to consult on a proposal to expand Broadgate Primary School from a capacity of 210 to 420 with an increase in admission number from 30 to 60, with effect from September 2015.
- 2.3 **Part C:** In December 2013 Executive Board considered the outcome of public consultation on two statutory proposals to increase SEN provision in Leeds from September 2015.
  - 2.3.1 The Targeted Basic Need programme was launched by the Department of Education in March 2013 to provide additional funding for school places in areas where they are most needed. Local authorities were invited to bid for funding for new schools, or to expand existing outstanding and good schools. Leeds has been successful in bidding for additional funding for seven schemes. Two of these schemes are the proposed expansions to two Special Inclusive Learning Centres, Broomfield South SILC (50 places) utilising the Broom Court site and West Oaks SEN Specialist School and College (150 places), to be located on the former Blenheim Centre, Crowther Place, for children and young people with special educational needs living in the inner city areas of Leeds.
  - 2.3.2 The proposed expansions would make a significant contribution to plans to address an identified shortfall of places for children and young people with special educational needs both in 2015 and in years ahead. Under the terms of the

funding, proposed expansion works must be completed and the buildings open and operational, by September 2015.

- 2.4 The proposals detailed in parts A, B and C were brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. Under the Education and Inspections Act 2006 these proposals constitute prescribed alterations requiring a statutory process.

### **3 Main issues**

#### **Part A - Outcome of Statutory Notice on a proposal for the expansion of Calverley C of E Primary School**

- 3.1 The statutory notice is the final step of the statutory process. The notice in relation to the expansion of Calverley C of E Primary School was published on Thursday 2 January 2014. The notice expired on Thursday 30 January 2014. A final decision must be made within 2 months of the expiry of the notices, i.e. by 30 March 2014. There were no responses to the notice, and this report seeks a final decision on the proposal.
- 3.2 The school governing body have raised several queries in respect of the detail of the physical design solution. It is recognised that the access to the school via the local highway network at the adjacent privately owned driveway presents the school with a number of challenges. Children's Services remain committed to working with the school and colleagues in City Development, specifically Highways Design, to find a solution that is both deliverable and affordable. The development of the on and off-site design will be presented to the governing body prior to design freeze to ensure all stakeholders are kept fully informed.

#### **Part B - Outcome of consultation on a proposal for the expansion of Broadgate Primary School, Horsforth**

- 3.3 The consultation was conducted from 25 November 2013 to 17 January 2014 in-line with government guidance and local practice. Ward members were consulted prior to and during the formal consultation period. A public meeting and drop-in sessions were held and information was distributed through the school, Early Years providers, and playgroups. Leaflets were delivered to local residents living in the area surrounding the school. A Facebook page was also set up for the public to make comments about the proposal. Information was also posted on Leeds City Council's website. A summary of the issues raised follows and copies of the written responses, public meeting notes and additional analyses referred to can be found at [www.leeds.gov.uk](http://www.leeds.gov.uk) or requested from the Capacity Planning and Sufficiency Team at [educ.school.organisation@leeds.gov.uk](mailto:educ.school.organisation@leeds.gov.uk)
- 3.3.1 Rising demographics and housing across Horsforth and surrounding areas has resulted in pressure for primary school places at all seven schools within the Horsforth planning area. During the consultation phase, 38 written responses were received, 6 in favour and 32 against. The governing body are in favour of the proposal, but have stated their concerns around access and parking issues along Broadgate Lane. The following issues were raised during the meetings and within the written responses:

3.3.2 **Concern:** Whether Broadgate is the right choice of school to expand as this is the least popular school in Horsforth and all the other schools are oversubscribed.

**Response:** When planning places across Horsforth, we have looked at the whole area to determine where the increase in demographics is located in comparison to the schools. We have also carried out a site feasibility study to determine which schools could be physically enlarged and by how much. Broadgate Primary School is located in the most densely populated area of Horsforth with over 90 children each year having this school as their nearest. Therefore expanding other schools would mean children would have to travel much further to school. Following a feasibility study of school sites, only Broadgate Primary, West End Primary and St Mary's Catholic Primary, were feasible for expansion. However, only Broadgate Primary could expand by the additional 30 places that are required each year. Although the school has less first preferences than others in the area it is still popular, picking up large numbers of second and third preferences.

3.3.3 **Concern:** An extra 30 places each year may not be enough once the housing development on the former Clariant Site, Calverley Lane is complete.

**Response:** We have recently undergone a consultation to expand Calverley CE Primary School and are aware of the impact the Clariant housing site will have on schools in a number of areas. We are certainly looking at how we address this in the longer term and may need to bring forward further proposals at later date, but the demand for provision in Horsforth is based on children we already know about who are living in the area now.

3.3.4 **Concern:** With the increase in demographics over the coming years, the authority should consider building a new school

**Response:** As part of planning school places in any area, the option of building a new school is always considered. However, there are a number of reasons why this is not the best or most feasible option. These include:

- A shortage of sites available on which to build the school, certainly in the areas where demographic pressure is increasing.
- The local authority can no longer open a new school but must seek an academy sponsor as well as finding a suitable site. Sometimes building on the strengths and good practices at an existing school can be more beneficial to children's education.

3.3.5 **Concern:** Disruption to children and staff caused by building work could impact on education.

**Response:** We would work closely with the school and the chosen contractor to ensure minimal disruption. Delivery times will be managed to avoid conflict at the beginning and end of the school day whilst children are being dropped off and picked up. Where possible, the most disruptive work will be planned during school holidays and where there is a requirement to build during term time we would ensure that the health and safety of children, staff and the public is a priority.

3.3.6 **Concern:** How will the traffic/parking issues be addressed on Broadgate Lane?

**Response:** It is accepted that access and parking along Broadgate Lane, adjacent to the school site, is an important issue within this proposal, and consequently the resolution of existing issues is a priority for the design team. The technical solution to address these issues outside the school site will be developed in parallel with the design of the school building so each complements the other. Children's Services have been working closely with colleagues across Highways to ensure that all potential solutions are developed in partnership and are value for money, as well as specific to the circumstances of the site.

A number of public meetings have taken place during the consultation period, including one that was centred on buildings and highways. At the meeting, initial plans were shown of the preferred building solution along with a draft highways plan showing several areas of improvements for Broadgate Lane and the surrounding area.

A transport statement and school travel plan will be prepared to support the Broadgate Primary School Planning application, which will include investigating the existing conditions and the likely impact of the proposed primary school extension. An initial investigation has identified the following highways improvements/issues. However, the investigation is at an early stage and the proposed improvements may be subject to change. The following improvements/issues are not exhaustive and the Transport Statement may identify further issues which may also need to be addressed.

- Proposed raised tables at the existing zebra crossings on Broadgate Lane and North Broadgate Lane;
- Look at formalising the hatched areas / build outs;
- A parking survey which will review waiting restrictions in the surrounding area;
- Review the traffic calming measures within the 20mph zone and on full length of Broadgate Lane;
- Review potential additional crossing points (i.e. dropped kerbs) on Broadgate Lane and North Broadgate Lane to support walking to school;

3.3.7 **Concern:** Staff parking is an issue. Will there be more spaces?

**Response:** Additional staff parking forms part of the building design currently being worked on and extra staff car parking will be a condition to gain planning approval.

3.3.8 **Concern:** Will the expanded school admit only LS18 children

**Response:** No, the current admissions policy does not exclude children on post code. Although there are some LS16 children who have this school as their nearest, the vast majority of those who have it as their nearest school are in LS18. The admissions policy will continue to prioritise based on straight line distance to the school. By creating local places we seek to support good attendance, and hence good outcomes.

## **Part C - Outcome of Statutory Notice on proposals for the expansion of Broomfield South SILC and West Oaks SEN Specialist School and College**

- 3.4 The notices in relation to expanding the provision of pupil places at Broomfield South SILC (50 places) utilising the Broom Court site and West Oaks SEN Specialist School and College (150 places), to be located on the former Blenheim Centre, Crowther Place were both published on Thursday 2 January 2014. Both notices expired on Wednesday 29 January 2014. A final decision must be made within two months of the expiry of the notice, therefore by 29 March 2014. There were no responses to the notices, and therefore, Part 6 of this report seeks a final decision from Executive Board on the proposals.
- 3.5 The public consultation period ran from 16 September to 25 October 2013 for both proposals. The report to the December 2013 meeting of Executive Board considered the responses received and how the concerns raised may be addressed. There was confidence that the issues raised could be addressed appropriately and therefore approval to publish statutory notices for both proposals were given.
- 3.6 There have been no further representations received in response to the statutory notices.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The consultations in relation to Part B and the Statutory Notices detailed in parts A and C have been managed in accordance with all relevant legislation and local practice. The Broadgate proposal was advertised widely, as detailed in section 3.3. The statutory notices described in Part A and C of the report were published in the newspaper, notices placed on the school gates as well as being advertised in the community. Information was also placed on the Leeds City Council website. Ward members in all wards city wide were formally consulted at the public consultation stage, both individually, and through area committees where appropriate to ensure awareness of all proposals city wide and improved understanding of the impact of proposals in neighbouring areas.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 Screening forms for the Calverley proposal (part A of this report) have previously been completed and published as part of a report to the Executive Board in July 2013; therefore, they are not attached to this report.
- 4.2.2 Screening forms for the Broadgate proposal (part B of this report) has previously been completed and published as part of a report to the Executive Board in November 2013; therefore, they are not attached to this report.
- 4.2.3 The screening forms in relation to the expansions of Broomfield South SILC and West Oaks SEN Specialist School and College (Part C of this report) have previously been completed and published as part of a report to the Executive Board in September 2013, therefore they are not attached to this report.

### **4.3 Council policies and City Priorities**

- 4.3.1 The proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for all the children in Leeds. Providing places close to where children live allows improved accessibility to local and desirable school places, and thus reduces the risk of non-attendance.
- 4.3.2 A key objective within the Best Council Plan 2013-2017 is to build a child friendly city. The delivery of pupil places through Basic Need is one of the most key entitlements of a Child Friendly City. A good quality school place contributes to the achievement of targets within the Children and Young People's Plan, and contributes to our goals improve behaviour, attendance and achievement, contributing to the "Narrowing the Gap" and "Going up a League" agenda fundamental to the Leeds Education Challenge. A further objective of the Best Council Plan 2013-2017 is to ensure high quality public services. We have a duty to promote choice and diversity for parents and families and deliver additional school places in the areas where families need them. Meeting this expectation while demonstrating the five values underpinning all we do is key to the Basic Need Programme.

### **4.4 Resources and value for money**

#### **Part A**

- 4.4.1 Calverley C of E Primary School – The high level estimated cost of delivery of the proposals is £2.1m, which will be funded through the education capital programme. Planning applications and requests for the Authority to spend will follow for this project at the appropriate time.

#### **Part B**

- 4.4.2 Broadgate Primary School - The total estimated cost of this project is approximately £3.7m, this includes a substantial contingency to allow for off-site highway works in response to concerns raised by local residents and elected councillors. This project has progressed through early design stages and detailed design will commence if Executive Board approve the publication of the statutory notice. Planning applications and requests for the Authority to spend will follow for this project at the appropriate time.

#### **Part C**

- 4.4.3 The proposed expansions will receive funding of £5.6m through the successful Targeted Basic Need Bid. Planning applications and requests for the Authority to spend will follow for each project at the appropriate time. As the estimated project costs exceed the value of the grant allocation by approximately £5.8m, the scope of each project has been developed with the end-user to ensure the successful delivery of educational outcomes whilst minimising the impact on existing capital resources. The Basic Need Grant will be the source of the capital to fund the shortfall.

### **4.5 Legal Implications, Access to Information and Call In**



- 4.5.1 Unfortunately, due to officer oversight, this decision has not been published on the list of forthcoming key decisions for the required 28 days. Once this error came to light, a notification was published.
- 4.5.2 The changes described constitute prescribed changes under the Education and Inspections Act 2006. The consultations have been managed in accordance with that legislation and with local practice.
- 4.5.3 This report is subject to call in.

## **4.6 Risk Management**

- 4.6.1 All project risks are managed via a detailed risk register by experienced project management resource within Children's Services and the Public Private Partnership Unit of Leeds City Council.
- 4.6.2 **Part A:** There is a statutory time limit for a final decision on the proposal to expand Calverley C of E Primary School of 30 March 2014. The proposal has been brought forward in time to allow places to be delivered for 2015. A decision not to proceed at this stage would mean fresh consultation on new proposals, and would mean places could not be delivered in time. The authority's ability to meet its statutory duty for sufficiency of school places in the short term may also be at risk.
- 4.6.3 **Part B:** As above, the proposal to expand Broadgate Primary School has been brought forward in time to allow places to be delivered for 2015. A decision not to proceed at this stage would mean fresh consultation on new proposals, and would mean places could not be delivered in time. The authority's ability to meet its statutory duty for sufficiency of school places in the short term may also be at risk.
- 4.6.4 **Part C:** For both the Broomfield South SILC and the West Oaks Specialist SEN School and College proposals it has been necessary to progress feasibility design work at risk during the public consultation stage; however the decision to proceed to detailed design stages will be dependent on approval to progress to the latter stages of the statutory process. Therefore any delay to the statutory process will increase the risk of delayed delivery of the building solution or financial risk of abortive design fees being incurred. A proportion of the total expected cost of the projects to expand the South and North East SILC is Targeted Basic Need Grant funding allocated by the EFA for these specific proposals. Any delay to the statutory or design process for these two proposals would increase the risk of this grant funding being reduced or withdrawn. The total amount of grant funding allocated to these projects is approximately £5.5m. Without this additional funding, the projects may not be viable when balanced against other pupil place pressure across the city. Therefore the authority's ability to meet statutory duty for sufficiency of SEN school places in both the short and long term would be at risk.
- 4.6.5 With regard to West Oaks Specialist SEN School and College there are some areas of land within the vicinity of the development that are not within Leeds City Council ownership, including an area of the car park to the former Blenheim Centre. It is therefore necessary for officers in Children's Services, City Development and Asset Management to work closely together to ensure that the

project can be delivered within the constraints of the site that is presently within the ownership of the Council. Whilst discussions with adjacent land owners have commenced; as the site layout would be made more logical by the acquisition of additional land; they may not conclude in time to ensure that the terms of the grant funding can be met. It is also necessary to ensure that the development does not adversely impact on the public open space that is immediately adjacent to the site; and to achieve this, the building footprint is likely to be constrained to the area of the existing Blenheim Centre building.

- 4.6.6 With regard to the Broomfield South SILC project; discussions are on-going with colleagues in respect of the footpath that runs between the existing school and the site for the proposed expansion. The diversion of this footpath would impact on the external play offer and consequently the preferred option is to remove it altogether. This course of action is subject to a separate application and consultation process and may generate local objection that would be a risk to the successful delivery of the project as a whole. These specific risks will need to be resolved prior to the submission of Design and Cost reports requesting Authority to spend. A consultation meeting is scheduled to be held at the Broomfield South SILC on 5 February 2014.

## **5 Conclusions**

- 5.1 Our ambition is to be the best city in the country. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough school places for the children is one of our top priorities. These proposals have been brought forward to meet that need, and following the appropriate consultation we now seek to move them to the next stage. They will ensure that children in Leeds will have the best possible start to their learning, and so deliver our vision of a child friendly city.

### **Part A**

- 5.2 No representations were received as part of the statutory notice phase. However, the issues raised during the consultation period are being addressed, and on balance, the proposal for the expansion of Calverley C of E Primary School from September 2015 remains strong, and addresses sufficiency needs in the immediate area. The issues regarding the detailed design and access have been noted and commented upon in the report and are being addressed as part of the detailed stage through the planning process. The delivery of the project will be complex, and will be overseen by experienced project managers. In terms of project delivery the Council is working with the Council's Joint Venture Company partner, NPS Leeds Limited. The on-going need for places will continue to be carefully assessed across the city, and further proposals brought forward as necessary.

### **Part B**

- 5.3 The issues raised in consultation have been considered, and on balance, the proposal for the expansion of Broadgate Primary School from September 2015 remains strong, as long as traffic and highways issues can be managed. The proposal addresses sufficiency needs in the Horsforth primary planning area. The

issues raised during the consultation have been noted and commented upon in this report and would be addressed further should the proposals be progressed at detailed stage through the planning process. Publication of a statutory notice now could potentially allow a final decision in June 2014, impacting favourably on the delivery of the scheme.

## **Part C**

5.4 The proposals remain strong proposals, which would meet an immediate and on-going need for additional SEN provision in the city, and are widely supported by parents of children with SEN and the governors of all the SILCs in Leeds. No representations were received as part of the statutory notice phase. The delivery of the projects will be complex and will be overseen by experienced project managers. The on-going need for SEN places will continue to be carefully monitored and accessed across the city and further proposals brought forward as necessary. A placement policy will be developed within the Complex Needs service to manage pupil admissions to the proposed expansions.

## **6 Recommendations**

### **Part A**

Executive Board is asked to approve the expansion of Calverley C of E Primary School from a capacity of 315 to 420 pupils with an increase in the admission number from 45 to 60 with effect from September 2015.

### **Part B**

Executive Board is asked to approve the publication of a statutory notice to expand Broadgate Primary School from a capacity of 210 pupils to 420 pupils with an increase in the admission number from 30 to 60 with effect from September 2015.

### **Part C**

Executive Board is asked to:

- Approve the expansion of Broomfield South SILC from a capacity of 200 to 250 pupils with effect from September 2015 using a site adjacent to the school, Broom Court (Broom Place, Leeds, LS10 3JP) with effect from September 2015;
- Approve the expansion of West Oaks SEN Specialist School and College from a capacity of 200 to 350 pupils by the creation of an additional site for 150 children and young people aged 2 to 16 on the former Blenheim Centre (Crowther Place, Leeds, LS6 2ST) with effect from September 2015.

### **Parts A-C**

Executive Board are asked to note that the Head of Service, Strategic Development and Investment is responsible for implementing these decisions by September 2015.

## **7 Background documents<sup>1</sup>**

7.1 There are no background papers to this report.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.