



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: STP625

Proposal: To expand Stenson Fields Primary School,
Derbyshire

Proposer: Derbyshire County Council

Date of decision: 9 February 2016

Determination

Under the powers conferred on me in section 21 of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, I hereby approve the proposal to increase the capacity of Stenson Fields Primary School.

The referral

1. The cabinet of Derbyshire County Council, the local authority (the LA), met on the 3 March 2015 and approved a statutory consultation on a proposal to expand Stenson Fields Primary School (the school) from 280 places to 420 places in response to the increased level of housing within its normal area. The LA is the decision maker for this proposal. The consultation period ran from 16 March 2015 to 22 May 2015 and the LA had until 22 July 2015 to determine this proposal under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the regulations). The LA's cabinet met on 22 September 2015 and supported the proposals without modification. This date was beyond the two month deadline specified in the Regulations for a determination to be made so the cabinet agreed to refer the proposal to the adjudicator. The LA referred the proposal, in error, to the Department for Education (DfE) in October 2015. The proposal was received in the Office of the School Adjudicator (OSA) on 5 January 2016.

Jurisdiction

2. On 12 and 13 March 2015 the LA formally published the proposal to consult on the significant enlargement of the school. The notice was in the form required by the Act and the proposal was compliant with the Regulations and the School Organisation Maintained Schools – guidance for proposers and decision makers 2014 (the guidance). The LA did not determine the proposal within the required timescale of two

months and referred the proposal to the OSA for determination.

3. The LA has forwarded the referral and associated documentation to the OSA and I am satisfied that this proposal has been properly referred to me in accordance with the Act and Regulations and that, therefore, I have jurisdiction to determine this matter.

Procedures

4. In considering this matter I have had regard to all relevant legislation and guidance.
5. I have considered all the papers put before me including the following:
 - the report to the cabinet of the LA on 5 August 2014;
 - the report to the cabinet of the LA on 3 March 2015 which includes the consultation document;
 - the statutory notice published on 12 and 13 March 2015;
 - copies of the responses to the consultation; and
 - the report to the cabinet of the LA on 22 September 2015.

The Proposal

6. The proposal is to expand the school from 280 permanent places to 420 permanent places in response to increased housing in the school's normal area and the associated demand for primary school places. The proposal is to increase the number of places in each year group from 40 to 60.

Consideration of Factors

7. The school is a popular and oversubscribed community primary school catering for 5 to 11 year olds. It has a current (temporary) capacity of 346 and there are 323 children on roll.
8. At its meeting on 4 August 2014 the LA's cabinet agreed to approve an initial project for the expansion of the school and for a consultation to be carried out in connection with the larger expansion of the school. The initial project provided a remodelled and refurbished modular building to be erected at the site in order to increase the capacity to 346 on a temporary basis. The consultation concerned the permanent expansion of the school to increase the capacity to 420 places. The increase in numbers is due to a new housing development of up to 500 dwellings for which planning permission was granted in 2008. In 2014 there was already a need for expansion of the school due to children moving into the development. At the same meeting the cabinet agreed to Section 106 funding. Under section 106 of the Town and Country Planning Act 1990, as amended, contributions can be sought from

developers towards the costs of providing community and social infrastructure, the need for which has arisen as a result of a new development taking place. The developers in this case agreed to provide £1.5 million towards works required at the school to accommodate increased pupil numbers.

9. The LA has acted to provide for a temporary increase in places to accommodate the growing number of children in the area for whom a school place is needed. It is clear that more places will be required and I am satisfied that the proposal for a permanent expansion of the school will meet this need.
10. On 2 March 2015 the LA's cabinet agreed a statutory consultation on the proposal to expand the school from 280 to 420 places in response to the increased levels of housing within its normal area. The statutory notice was published on Thursday 12 March 2015 in The Derbyshire Times and on Friday 13th March 2015 in the local free newspaper linked to the Derbyshire Times. Consultation on the proposals was held between 16 March 2015 and 22 May 2015.
11. The cabinet agreed the proposals on 22 September 2015. It was reported that there were five responses to the consultation raising the following issues; anti-social parking; abuse of residents and their property; safety of residents and pupils; difficulty of access for emergency vehicles; future of the play group; access to the consultation via the LA's website and access to places for all pupils in the normal area.
12. All respondents made reference to the anti-social parking of parents/carers across drives and on grass verges. The LA reported that signage was in place and that arrangements have been made with a local supermarket and a public house who allow the use of their car parks for dropping off and picking up of children but that many parents/carers choose not to use these facilities. This is an on-going issue for residents which, they believe, will be exacerbated by the increase in pupil numbers. It is clear that there is considerable strength of feeling about this issue in the locality of the school and it is imperative that, as suggested by the LA, the designing of the access points to the school site is considered as part of the planning.
13. Two respondents reported that they had experienced abuse from those parking across their driveways when they had asked them to move to allow access from or to their property. One respondent reported that rubbish is thrown into gardens and that cars have damaged planting and fences. She reports that pupils have walked across unfenced front gardens and been verbally abusive when challenged. The LA agrees that this is unacceptable behaviour and encourages residents to report such incidents to the police.
14. Residents are concerned for the safety of the pupils and the LA agreed that this is a priority citing community schemes to address such concerns and agreeing to raise the issue with the Headteacher.

15. Two respondents were concerned that emergency vehicles would not be able to gain access to local houses at busy times. Although there had been no reported incidents of this nature the LA are aware of the issue.
16. Two other respondents were concerned about the future of the existing play group on the site and were reassured by the LA who reported that the play group would continue unchanged.
17. A further two respondents raised concerns about access to the consultation on the LA's website and the LA responded that these concerns were noted and would inform the way in which future consultations were publicised.
18. One respondent requested that the plans should include the admission of children from within the existing normal area, the new housing development and other parts of the area not currently included in the school's normal area. The LA responded that the scale of the expansion would allow access to places for all those within the normal area and that it would respond to expressions of parental preference from further afield.
19. I have considered the objections and the responses to them. I am of the view that these are not such that I should refuse the proposal.
20. The LA reported that in addition to the £1.5 million s106 funding, £1.2 million had been approved from its Capital Programme and that this would cover the necessary financial considerations. I have considered the financial provision and am satisfied that it will enable suitable accommodation to be made available at the school.
21. Educational standards at the school were described as good by Ofsted inspectors following the inspection in July 2013. I have no reason to believe that this situation will be changed by an increase in the number of pupils on roll and I am of the view that this does not give me any cause to refuse the proposal.
22. The LA reports that it considered other factors during the preparation of the report to cabinet including prevention of crime and disorder; equality of opportunity; and environmental, health, human resources, property and transport considerations. I am satisfied that due consideration has been given to these matters.
23. The LA agreed the proposals and, due to the decision being out of the two month time frame, referred to the OSA for a final decision.
24. I have considered the proposal taking careful account of the documentation received from the LA and the responses to the consultation. The LA has completed the stages of the statutory process for making significant changes to schools in line with requirements and has responded appropriately to the respondents to

the consultation. I am satisfied that the expansion of the school is required and that the proposals will provide the required accommodation.

Conclusion

25. There is clearly a need for more school places in the area and although the temporary building has provided for some expansion, a larger permanent building is required to accommodate the increased numbers. I have concluded that the proposal to expand the school from 280 places to 420 places should be approved.

Determination

26. Under the powers conferred on me in section 21 of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, I hereby approve the proposal to increase the capacity of Stenson Fields Primary School.

Dated: 9 February 2016

Signed:

Schools Adjudicator: Mrs Ann Talboys