

LONDON BOROUGH OF BRENT
EXECUTIVE - 15 NOVEMBER 2004

FROM THE DIRECTOR OF EDUCATION, ARTS AND LIBRARIES

**REPORT TITLE: DESIGN DEVELOPMENT AND OUTLINE PLANNING
APPLICATION FOR JOHN KELLY (BOYS & GIRLS) SCHOOLS**

1.0 SUMMARY

- 1.1 This report follows on from the last report to the Executive on 8 December 2003 reporting on Building Schools for the Future (BSF) in the context of a report taken to the Planning Committee on 3rd June 2004 with respect to the Planning application by Menorah High School for Girls, Mulgate Investments Ltd & St. John Homes Ltd for the demolition of the existing buildings on the site (Dollis Hill Industrial Estate) and erection of buildings as secondary school with associated sports facilities and car parking, and the erection of 176 residential dwellings and other works incidental to the redevelopment of the site.
- 1.2 In the absence of an announcement (by the Secretary of State for Education & Skills) on support for BSF schemes – now expected by end of November 2004 - this report seeks the agreement of the Executive for an outline scheme to be prepared for the rebuilding of John Kelly Girls and Boys Schools (Technology Colleges) on a site expanded to include part of the Dollis Hill Industrial estate. This represents a one off opportunity for the expansion of the two schools.
- 1.3 The report also updates the Executive on the position regarding the Capital support by the DfES for Menorah High School.

2.0 RECOMMENDATIONS

The Executive is recommended to :

- 2.1 Agree that a Planning application be made for outline planning permission for the demolition and new build of an expanded John Kelly Boys and Girls Schools making use of the existing site but expanding the site to include part of the Dollis Hill Industrial Estate.
- 2.2 Agree to fund the costs for developing an outline scheme for the proposed newbuild school (showing massing, siting and access details) to a level that is sufficient for obtaining outline Planning permission.
- 2.3 Note that, any costs (which will be identified and reported verbally to the Executive on the 15th November 2004) incurred now will be funded from the Council's existing Capital resources - and that such costs will be contained in the Capital Investment Plan 2004/05 for EAL;

- 2.4 Note, in that the DfES have not approved Menorah High School’s request for increased (by 168%) Capital funding.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The LEA has submitted an Expression of Interest under BSF for support for capital resources to rebuild John Kelly Boys’ and Girls’ Schools. In the absence of an announcement by the DfES, any preparatory work that is done for BSF schemes will need to be funded by the LEAs. It is however the case that Ministers and the DfES have confirmed their commitment to support every LEA through BSF to ensure that all secondary schools are fit for the 21st century. This support is intended to enable access by LEAs to capital resources to enable schools to be rebuilt (either in full or in part) or refurbished.
- 3.2 The report entitled 2004/2005 Capital Budget Monitoring, elsewhere on this agenda, includes details of slippage on the EAL capital programme for the Wembley Manor and Preston Park Hut Replacement schemes at £150k and £300k respectively. Set against these slippages are the sums of £28k to meet the shortfall on the BETS Scrapbank Project and £120k to fund the Hay Lane Prefabricated Classroom for Autistic Children scheme, leaving a balance of slippages at £302k. It is proposed to contain the costs of the professional fees within this balance of slippages and that in 2005/06 the resources for new start schemes be re-allocated to enable the Council to meet it’s contractual obligations on committed schemes, this could mean reducing the level of works on the Asset Management Plan element of the programme to fund the Hut Replacement schemes.
- 3.3 At the time of drafting this report fee bids have been invited for developing the outline scheme for the schools; the outcome of the fee invitation will be reported to the Executive orally. The contract value is likely to be no higher than “Low Value Contract” – that is one in which the value will not exceed £149,999.
- 3.4 Pending the announcement of the Authority’s place in the BSF programme officers are reviewing the capital resources available for site acquisition.

4.0 STAFFING IMPLICATIONS

- 4.1 There are none for the immediate purpose of this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 57 of the Town and Country planning Act 1990 (TPA) provides that anyone wishing to carry out a development must apply for planning permission unless the development is a permitted development falling within the Town and Country planning general development order 1988 (GDO) made by the Secretary of State under Section 24 of the Act.
- 5.2 The proposed development is not within the scope of the GDO as such planning permission is required for the development.

- 5.3 Section 70(2) provides that Local Authorities when dealing with planning applications must have regard to the development plan, so far as material to the application and to any other material considerations. Section 54A provides that when regard is to be had to the development plan then the matter shall be decided in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 The contract to develop the outline scheme as referred to in this report has an estimated value of less than £149,999 and is a Low Value Contract for the purposes of Standing Orders. The contract is not required to be tendered under the EU regulations. Contract Standing Orders require that at least 3 written quotes must be sought when seeking a provider for Low Value Contracts.

6.0 DIVERSITY IMPLICATIONS

- 6.1 The report proposes that preparations for the rebuild of John Kelly Boys and Girls Schools be brought forward pending an announcement on BSF. Improved performance of school buildings will enhance the learning environment for all pupils at the schools, a large number of whom come from diverse ethnic and socio-economic (as measured by the percentage of pupils on Free School Meals) backgrounds. Such improvements will further support the drive for raising education standards.
- 6.2 It is proposed that the outline scheme addresses specific Access needs to ensure that the newbuild is compliant with the requirements of the Disability Discrimination Act.

7.0 DETAILS

The Site

- 7.1 John Kelly Boys' Technology College and John Kelly Girls' Technology College are two separate institutions sharing the same site in central east Brent. Both are LEA maintained schools with foundation status. The most recent OfSTED report for each school highlights that both schools serve Wards with evidence of considerable social deprivation and have very high numbers of pupils who come from homes where English is not the first language, have above average the number of pupils on the SEN register, above average the number of pupils with SEN statements and above average the number of pupils on free school meals. The education and the wider local context is therefore very demanding.
- 7.2 It has long been recognised that the schools occupy a site and buildings that are deficient in a number of respects (size, configuration, access and slope) but the problems are now becoming more acute with the forecast demand for secondary pupils in the borough increasing and the demands of delivering a modern school curriculum. Such accommodation deficiencies can have a negative impact on standards
- 7.3 The limited site area impacts on the provision of outdoor recreational and PE space for the pupils. This limited area is compounded by the inefficient site lay out and number of school buildings.
- 7.4 On site, both schools' outdoor PE spaces are limited to hard courts which impacts on standards and the extent to which pupils get involved in activities which use grass

pitches. The Boys' School has to use the local park for games lessons and all fixtures with other schools must take place away from the college. Ofsted notes that the accommodation for PE at the Boys' School is unsatisfactory 'The gymnasium is barely adequate....there is a total lack of outdoor facilities for football, rugby, cricket and athletics. This has a negative effect on pupils' attainment and progress'

- 7.5 It is the case that a number of schools in the London area have site areas below the guidelines and it is acknowledged by the DfES that 'where available land is limited the disadvantages of a restricted site need to be weighed against the merits of a particular location. If a site is below the recommended range then shortage can be offset to some extent by the provision of more hard surfaced area,' and the lack of team playing fields can be offset against synthetic surfaces/sports hall provision/off site provision.
- 7.6 The situation is however particularly difficult at these two schools and the opportunity to offset the deficient provision most limited. The site is long and linear and on a steep slope which does not lend itself to the provision of suitable hard surfaced recreational areas. Significant areas of the site are unusable in this respect. In addition the restricted, single vehicular access means valuable land is given over to both vehicular and pedestrian access routes to the many independent buildings on the site. Although the teaching accommodation is housed in teaching blocks up to four storeys a number of single storey buildings eat into the restricted site area.

The Buildings

- 7.7 The existing school buildings are unsuitable in a number of respects. They require a high level of investment to bring them up to an acceptable standard in terms of condition and suitability for purpose. A recent assessment has been carried out on the secondary schools in the borough under the 'Building Schools for the Future' (BSF) government initiative. Under that initiative both of these schools have been identified as a priority for a complete rebuild.
- 7.8 The condition of the boys' school, the survey for which was carried out in 2002, has been graded, "C" – poor, in many areas with a significant level of investment required. In addition to permanent buildings there are six mobiles on the site. The suitability survey flags up a number of concerns with a number of spaces graded "B" – 'teaching methods inhibited' because of the unsuitability of the spaces [Source: AMP Section 4 Suitability Assessment (DfEE 0-098/2000)]. The most recent OfSTED report for the school (February 1999) also identified shortcomings in the accommodation noting that the programme of repairs ' does not reflect the size and scale of the work necessary to bring the buildings into a good state of repair'.
- 7.9 The condition of the girls' school, the survey for which was carried out in 2001, is classed mainly as "C" – also poor. In addition to the permanent buildings however there are 18 mobiles on the site. The suitability survey categorises most spaces as "B" – that is a significant number of spaces are less than suitable. For example an extract from the suitability survey for one of the blocks reads 'All of the rooms in this two storey building are too small and badly ventilated. The staircases are too small and the corridors too narrow to accommodate 240 students going out and another 240 entering'. The OfSTED report (November 1998) highlighted weaknesses in the provision of physical education, which was having negative impact on standards, and that a number of teaching spaces were small, so limiting the range of activities.

- 7.10 An imaginative rebuild on the existing site will enable better use to be made of the deficient site but it will still be well below DfES standards and will not be able to meet the growing demand for secondary school places in the area (see below). If additional land could be secured it would address the shortage of outside space and enable the potential for the schools to remain on the existing site whilst a phased new build takes place. There is the one off potential to expand onto part of the adjacent industrial estate – the Dollis Hill Industrial Estate

The Need for Places

- 7.11 At John Kelly Boys there is greater pressure across the year groups with 20 vacancies at Year 7 and none in other year groups. John Kelly Girls has seven vacancies but it is expected to fill up quickly.
- 7.12 Although projecting future pupil numbers is far from an exact science all indicators point to an increasing demand for pupil places in the future. The DfES has produced forecasts which indicate a more extreme position with only 0.9% spare capacity in 2007/08.

Menorah High School

- 7.13 Menorah High School is currently based at the Dollis Hill Industrial Estate occupying a small plot [0.26 Hectares against a total Estate area of 1.76 Hectares] on that site. The school received Capital support from the DfES in order to secure VA status in 2002/03. In September 2003, since securing that initial DfES support, the Trustees submitted a revised application for funding showing an increase in costs of 168%. This request for additional funds was turned down by the DfES in March 2004. The DfES' position is that the scheme has changed radically from that initially proposed by the Trustees of Menorah School and that unless the scheme is brought back to the original scale approved and to within the approved budget, the DfEs are unlikely to offer additional Capital support to Menorah High School. Its VA Status remains approved by the DfES in principle only. It still requires formal approval of VA status from the Council's Executive and the School Organisation Committee.
- 7.14 Pending decisions for the rebuilding and expanding of John Kelly Boys and Girls' schools, the Council has offered Menorah High School support with the view to helping them identify an alternative site should they wish to relocate away from the Dollis Hill Industrial Estate. The options are however limited.

Building Schools for the Future (BSF)

- 7.15 At its meeting of 8 December 2003, the Executive received a report on the LEA's submission under the Building Schools for the Future programme. Since then, an Expression of Interest was submitted, copies of which were sent to all Members; an update was given to the Executive on 24 May 2004. The DfES have allocated BSF resources to the first wave (Wave 1) of LEAs on the basis of indices of poverty (as measured by Free School Meals) and paucity of education standards (as measured by the percentage of 5+ GCSE A-C results). LEAs with the highest indices of poverty and amongst the lowest education standards will feature as higher priorities. The DfES have now advised that Wave 2 announcements are due "in the next month or so..."

- 7.16 One of the proposals in the LEA's Expression of Interest is the rebuild of John Kelly (Girls and Boys) Schools. The current school has a substantial deficit of site area as compared with DfES guidelines. In order to better enable the rebuild to take place, and to ensure that the current site constraints are addressed, officers are of the preliminary view that, resources allowing, the site should be expanded to encompass the land from within the Dollis Hill Industrial Estate.
- 7.17 Officers have had meetings with representatives of the owners of the site with the view to establishing the extent to which there might be an opportunity to develop the industrial estate site such that the site area for John Kelly Schools improves. Since then a Planning application, on behalf of Menorah High School, was considered by the Planning Committee on 2nd June 2004. The application was refused permission. An appeal has been lodged. Brent Council intends to defend the decision to refuse planning permission on various grounds, including that the Menorah development would prevent the proposed extension of the John Kelly schools in respect of which there is a recognised pressing need. If the current appeal is approved the challenge for the LEA to find additional land on which to expand the John Kelly Schools will increase. In fact the opportunity to extend the schools may be lost altogether, there being no suitable alternative sites within the local catchment area.
- 7.18 The appointment of architects to carry out a dialogue with the school and its stakeholders in order to submit an Outline Planning Application will enable the Council to secure a position in respect of the proposed rebuild of the schools. If we do not proceed to develop our strategy for the site in advance of the appeal our case in defending the refusal of the planning application by Menorah High School for Girls, Mulgate Investments Ltd & St. John Homes Ltd will be weakened since we would need to show that there is a real likelihood of the John Kelly expansion going ahead, if the reason for the refusal on account of need is to be sustained. This is a one off opportunity to consider the expansion of the John Kelly schools.
- 7.19 The timeline for the appointment is tight if we are to secure outline planning permission before the appeal hearing on 19 April 2005. The scheme will need to be drawn up and submitted by December 2004 at the latest.
- 7.20 The value of the appointment is likely to be no higher than a "Low Value Contract" – that is one in which the value will not exceed £149,999.

8.0 BACKGROUND INFORMATION

The following papers were used in the compilation of this report: -

- a) Asset Management Plan
- b) DfES letter dated 16th March 2004 to Menorah High School.
- c) Copies of correspondence with schools, internal Council departments.

Any person wishing to inspect the above papers should contact:
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EXEC-15.11.04/FP Ref: EAL04/05-0061/Nitin Parshotam/NP/Lead Officer J. CHRISTIE