

DETERMINATION

Case reference: STP/000555

Proposal: To modify the condition attached to earlier approval to enlarge Whitehall Infant and Junior Schools to accommodate 120 pupils in each year group

Proposer: London Borough of Hillingdon

Date of Decision: 18 October 2011

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and Regulations made thereunder, I hereby approve the request to modify the condition attached to the approval of the proposal to increase the capacity of Whitehall Infant and Junior Schools, such that they both accommodate 120 pupils in each year group. The approval is now conditional on Hillingdon Council securing planning permission for the associated building works by 31 July 2012.

The referral

1. In July 2011 the authorised officer of the London Borough of Hillingdon Council (the Council) wrote to the Office of the Schools Adjudicator (OSA) seeking a modification to the condition attached to the approval of the Council's proposal to increase the capacity of the Whitehall Infant and Junior Schools (the Schools), community schools maintained by the Council.

Jurisdiction

2. The Council has submitted this application for modification, following consultation with the governing bodies of the Schools, in accordance with the provisions of the Act and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (the Regulations).
5. I am satisfied that this proposal has been properly referred to me in accordance with the Act and that, therefore, I have jurisdiction to determine this matter.

Background

6. In March 2011 I gave conditional approval to a proposal made by the London Borough of Hillingdon to expand the premises of the Whitehall Infant and Junior Schools in that Borough. The condition was that planning permission for the proposed building works should be secured by 31 July 2011, allowing good time for the completion of building works before the proposed implementation date of 1 September 2012.
7. The Council was unsuccessful in its planning application by that date and has asked that the condition be amended to allow further work on the building design and re-submission of its application.

Procedures

8. In considering this matter I have had regard to all relevant legislation and guidance.
9. I have considered all the papers put before me including the following:
 - a. the Council's letter seeking approval to the modification dated 4 July 2011;
 - b. a letter setting out the views of the head teachers and governing bodies of the Schools dated 13 July 2011;
 - c. a letter from the Council, dated 12 September 2011, providing answers to a number of questions I had put to them about the practical implications of the proposed change to the condition;
 - d. the primary school admission arrangements published by the Council for 2012.

The Council's Case

10. In support of its application for this modification to my initial decision the Council has submitted the following points.
 - a. It is the Council's intention to submit revised plans in December 2011.
 - b. The Council's officers and consultants are working closely with the Schools and planning officers to maximise the chances of securing planning permission, and to develop a plan which has the support and confidence of the Schools' head teachers and governors.
 - c. If planning permission is secured at the December meeting of the Planning Committee, it will be possible to start work on site during the schools' Christmas break, making it possible to complete the work in time for the admission of an enlarged cohort in September 2012.

- d. Whilst the work on site will inevitably cause some disruption to the work of the schools, all reasonable steps will be taken to minimise this and to ensure the health and safety of pupils during construction work.
- e. The Council confirms that the expansion of these schools is an essential component of its strategy to meet a projected significant increase in pupil numbers.

The Views of the Schools

11. The governing bodies of the Schools were objectors to the original proposals. One of the grounds for their objection was their dissatisfaction with building proposals then being made by the Council. They now advise that they have engaged with the Council on the preparation of new plans, and that improved levels of collaboration seem likely to lead to agreement on revised plans.

Consideration of Factors and Conclusion

12. In my initial determination, I accepted the Council's demographic projections and the need to include these schools in its response to these. The most recent data apparently confirms these projections.
13. The Schools occupy a constrained site. The successful implementation of the enlargement critically depends on designing and building additional accommodation which meets the demographic need and meets the governors' quite proper concern to protect the current strengths of the Schools. I am encouraged to note the improved levels of collaboration now reported to me by the Schools and the Council. This is far more likely to lead to a successful solution, even though the timescales have necessarily been extended.
14. In these new circumstances it is appropriate to allow more time to secure planning permission. Although it is the Council's intention to resubmit its planning application in December of this year, its modification request allows for a more extended period for designs and approvals process. In the unusual circumstances of these Schools and the possible need for an iterative design and approvals process, it seems to me wise to allow more time than is theoretically necessary.
15. I note that the Infants' School would be able to accommodate one additional class even if the new buildings were not ready for September 2012 admissions, and have taken this into account in setting a new deadline for securing planning permission.
16. I have concluded that the condition attached to the approval of this expansion should be amended, allowing the Council until 31 July 2012 to dispose of the condition. I note, however, that if it is not possible to come up with a suitable design solution by that date, it must give rise to serious doubt as to the viability of the proposal.

Determination

17. Under the powers conferred on me by the Education and Inspections Act 2006 and Regulations made thereunder, I hereby approve the request to modify the condition attached to the approval of the proposal to increase the capacity of Whitehall Infant and Junior Schools, such that they both accommodate 120 pupils in each year group. The approval is now conditional on Hillingdon Council securing planning permission for the associated building works by 31 July 2012.

Date: 18 October 2011

Signed:
Adjudicator: Andrew Baxter