



RTPI

mediation of space · making of place

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10 December 2010

Sharmila Meadows
Schools Team
Department for Communities and Local Government
Planning Development Management Division, Zone 1/J3, Eland House, Bressenden Place
London
SW1E 5DU

Email response sent to: schools@communities.gsi.gov.uk

Dear Sir/Madam,

RESPONSE TO CONSULTATION PAPER: Planning for schools development

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing over 22,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

This response has been formed drawing on the expertise of the RTPI Development Management Network, with input from NAPE (National Association for Planning Enforcement). We have the following general comments to make in relation to the consultation. Also enclosed is the RTPI's response to the questionnaire.

The RTPI feels that the proposals set out in this consultation do not fit comfortably with localism, and are contrary to the general thrust of government policy. As a matter of principle we believe that

local communities are best served by a planning regime in which the default situation allows the community to manage development that will have a significant impact on the area in a coherent and responsible way. Removing communities' ability to manage development in their area (without recourse to the resource-intensive and unsatisfactory means of an Article 4 direction) is not in the interests of local communities.

We believe that the greatest benefit both to the community and to organisations wishing to develop schools is at the plan-making stage, which allows communities/organisations to balance the need for schools with the need for other land uses, and ensure that schools are located in the most strategically beneficial sites, with the necessary supporting infrastructure. To take schools outside both the local plan and planning application process reduces the chance to deliver schools in a sensible and robust manner.

If there is a problem with the delivery of schools as a result of planning – a premise that we do not necessarily accept – then it would be more appropriate to explore changes to the policy context that manages school development, including encouraging communities and local authorities to be more positive about delivering schools in their areas, rather than dismantling the means of managing development. In this respect, planning for the provision of schools is clearly one of the areas that could benefit from a neighbourhood planning approach such as that expected to be introduced through the forthcoming Localism Bill.

If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact the Policy and Practice team on 0207 929 9466 or email policy@rtpi.org.uk .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson
Head of Policy and Practice

Enc.

Questionnaire

Q1. Do you think that the uses listed under option 2 should be given a permitted development right to convert to a school?

- A1 – shops
- A2 – financial and professional services
- B1 – business
- B8 – storage or distribution
- C1 – hotels
- C2 – residential institutions
- C2A – secure residential institutions
- D2 – assembly and leisure

Answer:

No.

The RTPI believes that the appropriateness of these buildings and their locations will vary significantly, as will the size and scale of each proposal. Each proposal will be context dependent and therefore should be treated on its own merit, and the management of this at the local level through Article 4 directions instead of planning applications would be hugely problematic.

General comments/observations:

- Small shops or offices may be too small for a school, and could create pressure for further development at the site to accommodate a school and/or to replace any loss of retail or commercial space.
- Some C2/C2A uses have low vehicle movements compared to a busy school, both in terms of the sustainability of location and affects on local character this could cause a significant change. This is especially pertinent in National Parks and AONBs, where conserving and enhancing tranquillity is important.
- Some local planning policies aim to retain specific local services, such as village shops and pubs. The proposal would go against such policies, if a service were lost to enable a school to open instead.
- Most of the uses will not be able to provide adequate sporting facilities or access to sports fields. Provision of such facilities are especially important within primary schools, where it may prove problematic to safely escort school children to facilities outside of the school building. This is also contrary to the government's emphasis on sports and tackling obesity as part of the wider 2012 Olympic Games legacy.
- The assumption is made on p37, in relation to option 2, that "the impacts of a new school are likely to be similar to that of the existing use". However, there are few other uses that generate significant traffic twice a day, and the proposals would not provide adequate means of assessing and managing the transport and amenity impacts of new schools. Schools have very different

transport implications to a number of other uses and these implications can be acute and condensed into tight time periods. Suitable assessments need to be undertaken in relation to all school proposals. This may be a full Transport Assessment, or in some cases a Transport Statement may suffice. The requirement to produce a School Travel Plan is also seen as crucial. A well-supported and resourced Travel Plan can be a key tool in managing travel demand and promoting sustainable modes of travel, and should be prepared for all schools.

- The amenity impacts of a new school on neighbouring properties and the local area are also often significant, because a school is usually not just a building. We understand that the statutory requirements include outdoor space for sport, recreation and social activity, as well as outdoor learning. These create noise, litter and behavioural impacts, and the need to ensure the safety of pupils can often lead to visual impacts in terms of security measures.
- Although page 37 of the consultation document makes the assumption that school providers would be unlikely to set up schools near industrial sites our members have expressed concern regarding the operation of a school in an area of predominantly industrial use. Industrial areas may not be located near to residential areas, and as such may have insufficient links for pedestrians, cyclists or public transport access, in addition, pedestrian/cyclist children and school related traffic would mix with HGV movements. As noted in the consultation document, noise would be an issue in these circumstances, we therefore question if it would be for the existing premises owners to make any necessary noise reduction? If so, how would this be financed and what would be the impact upon the economic viability of those businesses? There could also be health issues for schools, from fumes/air/noise pollution.
- Further clarification is required regarding permitted development rights for schools hardstanding and extensions. Would they continue to exist for new schools which have themselves just been created through permitted development?

Q2. Do you think that the further uses listed under options 3 and 4 should be given a permitted development right to convert to a school?

- A3- restaurants and cafés
- A4 – drinking establishments
- A5 – hot food takeaways
- B2 – general industrial
- C3 – dwellinghouses
- C4 – houses in multiple occupation
- Sui generis uses

Answer:

The RTPI does not support options 3 & 4. Some of the general concerns listed above also apply here, but in addition our members have also raised the following concerns;

- Changing public houses to schools could undermine planning policies in some rural areas which aim to retain the last public house in a village.
- A change of use of a dwelling in a residential area could be detrimental to the amenities of the neighbouring properties. Most ordinary houses have limited off-road parking (i.e. not enough for staff and visitors to the school) and gardens that adjoin neighbours gardens (i.e. impact on the quiet enjoyment by neighbours who did not choose to live next to a school).
- A private dwelling could be converted to a school and consequently take advantage of the wide scale "permitted development" rights under the new Part 32 of the GPDO 2010. This could prove difficult to enforce and could be open to abuse.
- In our members' experience, environmental health officers (as consultees) will often comment and raise objections in relation to the development of schools in dwellings and/or built up areas in relation to noise.
- In relation to option 4. The RTPi does not support the introduction of a prior approval procedure. We have consistently argued that the perpetuation of this intermediate tier does nothing to improve or streamline the planning system and runs counter to the Killian-Prety review.

Q3. Should a use converting to a school for a temporary period retain the right to revert to the previous use if it does so within five years?

Answer:

This proposal would allow for failed 'free schools', as the building could revert to a viable use again.

Other existing uses might well have changed in the same time period as the new school has been in operation, so reversion might not re-create "like for like". However in this case it would also seem likely that the landowner might then wish to change to another use, which might require planning permission.

Q4. Would allowing the following uses to convert to a school use without the need to apply for planning permission have any unintended consequences?

- A1 – shops
- A2 – financial and professional services
- B1 – business
- B8 – storage or distribution
- C1 – hotels
- C2 – residential institutions

- C2A – secure residential institutions
- D2 – assembly and leisure
- A3 – restaurants and cafés
- A4 – drinking establishments
- A5 – hot food takeaways
- B2 – general industrial
- C3 – dwelling houses
- C4 – houses in multiple occupation
- Sui generis uses

Answer:

Our members have highlighted a number of consequences which include;

- The proposals assume that the amenity impacts of a new school would be much the same as the existing use, but our members experience is that the impact of schools is significantly different to shops, offices, houses etc. The highway implications of new school locations are significant and require careful consideration and planning. The lack of a proper transport assessment and/or an inappropriate location could have a detrimental impact on the highway network. Also, the ability to effectively manage impact, including residential amenity, noise, pedestrian movement, changes upon demands of local services and facilities etc. will be lost.
- Pupils will use the school's outside space during the school day. This would create more noise and increased loss of privacy than other uses such as housing, shops, offices.
- Schools are often overlooked as a major employer and can be much more trip intensive than many other uses. For example a large secondary school may have several hundred staff (including part-time) as well as peripatetic teachers and deliveries coming and going throughout the day, and often into the evening.
- The ability of the site to provide for the educational needs and accessibility of the students also requires consideration and managing. The site maybe unsuitable even if permitted development rights were to exist.
- The permitted development process does not allow an assessment of the site from a health or sustainability perspective. Suitability of the location in relation to local services, provisions for formal and informal play etc. all require proper assessment.
- Inability to balance the need for schools with other land uses such as retail/commercial etc. will be undermined. Planning for schools should take place through the development planning, pre-application advice stage and application process. It is considered that the management of this through Article 4 Directions will be extremely difficult.

- It could also mean new rural schools coming into existence that would in fact serve nearby urban areas. This could have a significant impact in areas such as National Parks or AONBs. Hence for good planning reasons, in this example, the school ought to be located within its catchment area.
- One RTPI member has provided an example from Lincolnshire where “there are insufficient children to warrant the operation of a local school in a village, even though the public often favour local schools.”
- The proposal would be open to abuse of school permitted development rights and our NAPE members believe it will result in a likely increase in resources for enforcement, both planning & non-planning related matters.
- Government needs to be mindful that, at the same time as new schools are being considered as part of this consultation, a number of schools, especially smaller rural schools are being considered for closure. The implications of what is being proposed in this consultation, needs to be fully considered in view of this situation.

As a result of school closures, it is possible that purpose built schools with surrounding open space will become available. Consideration also needs to be given to the sustainability aspects of moving children to other schools and the impact on local communities, of breaking community roots. It is vital that government makes connections between what is happening on the ground and what is proposed in this consultation.

Q5. Should the local planning authority have to approve a transport assessment before the permitted development right can be activated for changes from some or all non D1 uses?

Answer:

The RTPI believes that locational and transportation concerns should be addressed through the development planning, pre-application advice stage and planning application process, and as part of that a full transport assessment should be carried out.

The RTPI does not agree with the continuation of a prior approval regime. This is an artificial arrangement which does nothing to simplify the planning system or make it more responsive and accessible to members of the public. The planning system should identify clearly what development is permissible under a general permission or not and needs a full specific planning permission. This is a bureaucratic layer that is a divergence from the Killian Pretty review.

The main purpose of improving permitted development is to ease the burden on businesses and institutions from falling within the planning process for minor development works. The other aim is to release local authority planners from dealing with

relatively minor planning applications. The intermediate tier created by prior approval applications does not achieve these objectives particularly as the processing of such a submission is equivalent to that of a full planning permission. A prior approval regime goes against evolved administrations.

Q6. Do you think that there are any other matters that the conditions should address?

Answer:

The following issues are also important considerations in planning for new schools;

- Consideration of green infrastructure.
- Availability of open space for sport and play and outdoor learning.
- Suitability of outdoor space for all-year usage, particularly for soft play.
- Suitability of accommodation based upon age group need requirements – room sizes, range of room sizes, suitability of facilities (bathrooms, dining, indoor play) etc
- Secure access and controlled access arrangements
- Travel Plan, Car Parking assessment, road safety audit
- The impact of a new school on the amenity of neighbouring uses.
- The suitability of the building to be used as a school without the immediate need for further development such as extensions, hardstandings, etc.
- Safety by design and location for pupils and staff.
- Suitability of the site and buildings in terms of compliance with the Disability Discrimination Act 1995 and Equality Act 2010.

Q7. Should the compensation provisions contained in section 189 of the Planning Act 2008 be applied to change of use to a school, if a permitted development right is given?

Answer:

We believe the arrangements for new schools should be the same as for other existing provisions.

Q8. The Government would like to permit schools to co-exist with certain dual uses, but not with others. Do you have views about whether and how this could be achieved?

Answer:

A school at the heart of a community is desirable. Sports, community uses (library, IT

facilities, community halls), retail (Post Office etc in rural locations) and business start units for example may all be desirable on a school site, and indeed examples already exist.

Multi-use of schools for activities outside of school hours makes good use of such facilities, but consideration of impact on the amenity of neighbours is still needed through the planning process to ensure a reasonable balance, that can be enforced (for example limiting usage of outdoor flood-lit sports courts). Restricting the multi-use of schools or certain activities to out of school hours will also reduce the potential threat of crime.

This approach would be less compatible with some activities such as a fast food restaurant, but restricting dual use to certain uses will prove difficult to achieve without making the process unseemingly burdensome particularly in relation to planning enforcement.

The RTPI does not feel the permitted development system is the appropriate mechanism to manage this multi-use approach.

Q9. Which is your preferred option and why?

- Option 1
- Option 2
- Option 3
- Option 4

Answer:

The RTPI supports option 1.

The RTPI recognises the importance of schools provision; however, we do not think that the permitted development system is the most appropriate method to deliver schools. We do not accept that the planning system is responsible for a failure to deliver schools, and we believe that local communities are well placed to plan for provision of schools in their neighbourhoods, which could be achieved under the existing planning regime, or through the proposed Neighbourhood Plans expected to be introduced under the Localism Bill.

A school use has a diverse range of impacts, some of which are significant in scale

and implications which require careful management by a local authority in partnership with the local community. Schools also come in different sizes and different age-ranges which all have different impacts. The permitted development system cannot adequately manage these considerations and, furthermore, would undermine the ability of a local authority to manage land supply for other uses. Attempting to control this through conditions will create an unworkable and unmanageable system.

The development planning process is a better means of adequately assessing the location and impact of a new school, whilst allowing residents of neighbouring properties their democratic right to comment on all material planning matters.

The RTPI feels that the proposals set out in the consultation document do not fit comfortably with localism and the general thrust of government policy.

Q10. Do you think these proposals should be applied solely to new free schools or to all schools? Why?

Answer:

Although the RTPI does not support the proposals, in principle, if such an option is to be made available it should be applied to all schools, to avoid confusion.

However, we would ask for further clarity on the difference between new free schools and other schools. Will the establishment of free schools take account of existing state-funded schools, and therefore be less likely lead to a proliferation of schools in one area? Will the free schools be targeted in areas of population growth, or if not where will the pupils come from?

Q11. Are there any further comments or suggestions you wish to make?

Answer:

Comments in relation to the Consultation

General comments

We believe, that the development planning process provides an opportunity to align the different requirements for social infrastructure and promote co-location of facilities and shared services in a cost efficient way, thereby allowing infrastructure to be

delivered in a planned and robust manner.

The permitted development system is not a solution to the objective of delivering free schools quickly. Adaption of the permitted development system may cause confusion and uncertainty, as well huge inefficiencies and costs for the local authority. We believe that the issues that would result from this proposal would outweigh the issues it may resolve.

The Consultation identifies relatively small numbers of proposals are likely to result and cost savings per proposal will be minimal (compared to the cost of running a new school). Engaging with planners at the earliest possible stage would ensure location-related issues are identified and solutions found that should enable a quicker passage through the planning application process on suitable sites.

Our members have expressed concern that The 'Annex B: Draft statutory instrument' could become a paper exercise with little planning advantage, and make school proposers think only about their proposal but not its wider impacts.

Transport

Given that schools generally have a high proportion of travel by sustainable modes (particularly walking, cycling and buses) the transport infrastructure around school sites needs to support this. 'School Zones' take on a number of guises and are one way of helping to provide such an environment. The potential need for traffic calming schemes, reduced speed limits, footway/cycleway improvements and the provision of appropriate pedestrian crossing facilities are all key considerations when assessing school proposals, particularly when the school is of substantial size. Converting buildings to schools without obtaining planning permission could result in poor choices of location where it would be difficult or impossible to provide satisfactory infrastructure. This reinforces the important role of Transport Assessments/Statements and Travel Plans.

Relationship with other Legislation

The consultation focuses on the suitability of buildings; with very little attention to the other major element of school sites such as the statutory requirements for open space/playing fields, which should comprise over 70% of the site using the Government's own school premises guidelines (The Education (School Premises) Regulations 1999, and DfE Building Bulletins 98 & 99). We question how these proposals would sit with existing 'education' legislation, which is distinct from

'planning' legislation.

Community Infrastructure Levy (CIL)

The new CIL provisions allow contributions to be secured for social infrastructure. Although local authorities will have discretion to pass on contributions to schools outside the process, it would be much easier to distribute contributions to a school through the planning process. The proposed permitted development system will remove the certainty of this opportunity.