



Planning for schools development

The consultation questionnaire

The Government welcomes your views on all aspects of the proposals set out in this consultation.

A range of questions are set out in the attached questionnaire. We would value your opinion on as many or as few questions as you can answer. Your response should follow the format of the questionnaire below.

You have the option of responding to this consultation via the downloadable questionnaire available on our website at:

www.communities.gov.uk/consultations

The questionnaire will be available from 14 October 2010. You can email it to the Schools Team at the following address: schools@communities.gsi.gov.uk

Our preference is to receive responses electronically using the consultation questionnaire where possible. If you wish to post your response, however, please send it to the Planning Development Management Division at the following address:

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

This consultation will run from 14 October to 10 December 2010.

The deadline for submissions is Friday 10 December 2010.

Data protection

This is to inform you that we may, with your consent, quote from your response in a published summary of the response to this consultation. If you are content for your views to be made public in this way, please tick the box.



Otherwise, your views may be set out in the response, but without attribution to you as an individual or to you as an organisation.

We shall treat the contact details you provide us with carefully and in accordance with the data protection principles in the Data Protection Act 1998. We shall not make them available to other organisations, apart from any contractor (“data processor”) who may be appointed on our behalf to analyse the results of this questionnaire, or for any other purpose than the present survey without your prior consent. We shall inform you in advance if we need to alter this position for any reason.

Questionnaire

About you

(i) Your details

Name:	Aled Richards
Position:	Head of Development Management
Name of organisation (if applicable):	London Borough of Enfield
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Email:	aled.richards@enfield.gov.uk
Telephone number:	02083793857

(ii) Are the views expressed on this consultation an official response from the organisation you represent, or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) What category do you consider your organisation falls into?

Local planning authority	<input checked="" type="checkbox"/>
School promoter	<input type="checkbox"/>
Community group/representative	<input type="checkbox"/>
Parish council	<input type="checkbox"/>
Business	<input type="checkbox"/>
Private developer	<input type="checkbox"/>
Land owner	<input type="checkbox"/>
Voluntary sector or charitable organisation	<input type="checkbox"/>
Other public body (please state)	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>

The consultation questions

**Q1. Do you think that the uses listed under option 2 should be given a permitted development right to convert to a school?
Please tick one box for each use**

	Yes	No
A1 shops	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A2 financial and professional services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B1 business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B8 storage or distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C1 hotels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2 residential institutions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2A secure residential institution	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D2 assembly and leisure	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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?
Please tick one box for each use**

	Yes	No
A3 restaurant and cafés	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A4 drinking establishments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A5 hot food takeaways	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B2 general industrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C3 dwellinghouses	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C4 houses in multiple occupation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sui generis uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 5 years?

Please tick one box	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

⇒

Why do you say that?
This does not seem to be problematical as effectively it will be returning to its established use or one which received planning approval previously.

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

	Yes	No
A1 shops	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A2 financial and professional services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B1 business	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B8 storage or distribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C1 hotels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2 residential institutions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2A secure residential institution	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D2 assembly and leisure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A3 restaurant and cafés	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A4 drinking establishments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A5 hot food takeaways	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B2 general industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3 dwellinghouses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C4 houses in multiple occupation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sui generis uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>

And if so, what are they?

Local councillors frequently have to respond to angry residents being frustrated by school traffic congestion. Other issues concern the impact of schools on neighbourhood amenity. Local residents often feel noise and flood lighting of games areas as unwelcome intrusions. This can be exacerbated by out of school hours community use of school facilities. Schools by their very nature result in intensive vehicular movements at set times of the day (i.e morning drop off and afternoon pick up of children). The Authority feels that it would be unfair for local residents to be denied the opportunity to object to new schools as the impact on their amenities with the possible high increase in cars and on street parking could be considerably higher than encountered were the existing use of the premise properties remain. Schools, in particular Primary schools have the propensity to generate considerably higher vehicular movements during the early morning and late afternoon than the other land uses listed above. Apart from the highway safety and detrimental impact of noise on residents, many would feel that the initiative would run contrary to the Coalition government's localism agenda as it would deny local residents the opportunity to object or be consulted on developments which they would have previously had the opportunity to do so.

There are a complexity of communities that have different stakes in school developments. The ambitions of one community be it geographic, ethnic or faith based may not be shared another one which might host a school. It should not be viewed that school developments automatically have consensual community support. Indeed applications for new schools can generate hundreds if not thousands of objections from the local community.

Local Authorities would also be expected to pick up local resident's concern over noise and traffic generated by new schools when no comprehensive transport or noise assessment was carried out beforehand.

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?

Please tick one box

⇒

Why do you say that?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

This would be essential due to the propensity of such school developments to place additional pressure on in most cases overstretched local road infrastructure and lack of off street parking provision

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

Please tick one box	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

⇒

Why do you say that?

Noise assessments,

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?

Please tick one box	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

⇒

Why do you say that?

In restricting permitted development rights, local authorities may face claims for compensation if they refuse a planning application for development that would formerly have been permitted. Section 189 of the Planning Act 2008 which commenced in April 2010, limits the time period for which there may be liability for compensation following the restriction of permitted development rights to 12 months, and prevents claims for compensation if 12 months notice of the revocation is given prior to its coming into force. Section 189 will also apply where a local development order is amended so as to become more restrictive, or is revoked. The Authority fails to see if greater flexibility is proposed in the consultation paper rather than more restrictions and further limits on permitted developments why section 189 of the 2008 Act needs to be applied

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

Please tick one box	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

⇒

Why do you say that?
Schools are able to operate quite effectively as a dual community use and in many cases is proven. The use of school facilities by the community helps cement school as an integral hub of the community.

Q9. Which is your preferred option and why?

Please tick one box	
Option 1	<input checked="" type="checkbox"/>
Option 2	<input type="checkbox"/>
Option 3	<input type="checkbox"/>
Option 4	<input type="checkbox"/>

⇒

Why do you say that?
The current planning regime is effective in assessing proposals for new schools and incorporates a very robust consultation exercise with local communities and statutory consultees. This consultation is essential in addressing community concerns and if possible mitigate against them. The current framework while it does delay projects the outcomes are a quality scheme which incorporates mitigation measures which overcome local residents concerns.

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

Please tick one box	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

⇒

Why do you say that?
It should not be applied to any school irrespective of whether it is a free school or a Local Authority school as the land use planning implications would be the same.

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

If so, please provide comments in the box below.

The planning system plays a very important function in mediating between the needs of education providers, different community aspirations and legitimate local concerns about school developments. Accordingly, the proposed changes in the use classes order as set out in the Written Ministerial Statement of the 26 July 2010 to automatically permit existing buildings to be converted to school use is problematical. It will deny the people what they see as their legitimate right to challenge the acceptability of a school development. It could also lead to unintended consequences of the nature outlined above.

The London Borough of Enfield seeks to support local communities having a say over their own future and would want proposals for schools to be in accord with local and neighbourhood plans, otherwise issues such as infrastructure provision, noise and light pollution and traffic management could be totally ignored. The strong policy presumption in favour of school proposals as outlined in the Ministerial Statement can be taken on board in determining applications and can be further strengthened the Statement by incorporating it in national policy.

The London Borough of Enfield consider that the planning system plays a valuable role in ensuring schools are appropriately located and meet community needs without undue disturbance to the local neighbourhood, the Council feels that taking this control away would disadvantage local communities to be consulted on developments which will have a considerable impact on their quality of life.