

**ITEM NO.** 1

**COMMITTEE DATE:** 24/06/2013

**APPLICATION NO:** 13/3219/03 FULL PLANNING PERMISSION

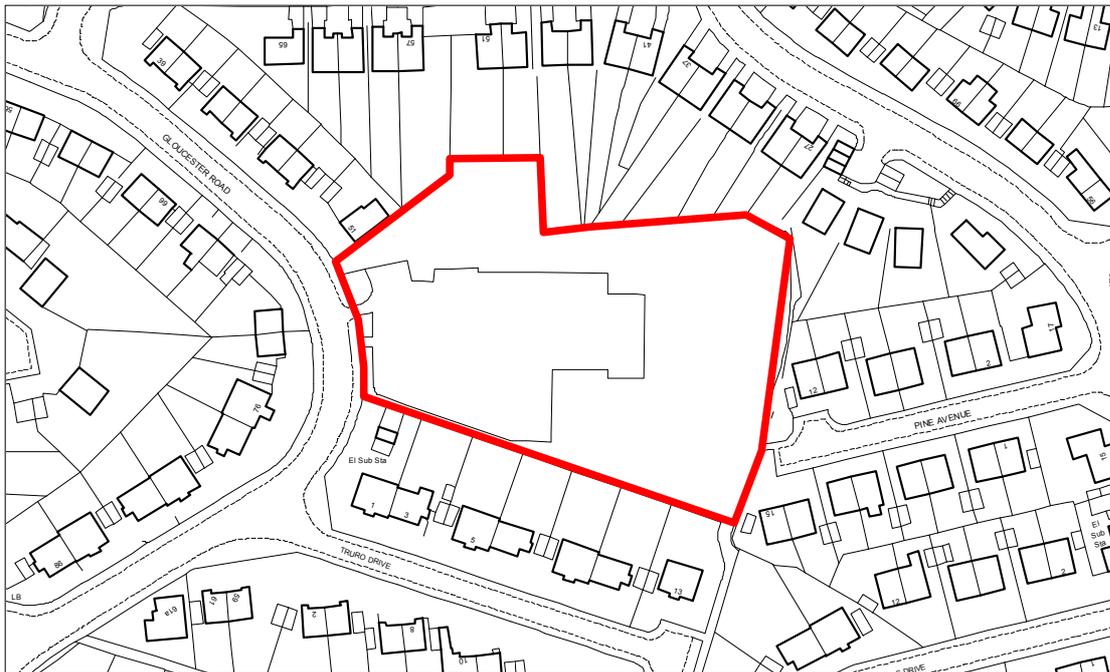
**APPLICANT:** Mr Whitlock  
Steiner Academy Exeter

**PROPOSAL:** Consent for the installation of temporary buildings on land at Gloucester Road for use by the Steiner Academy Exeter (education use (D1)). Creation of temporary outdoor play area and associated works. Temporary consent for up to three years.

**LOCATION:** Former Foxhayes Primary School, Gloucester Road, Exeter, EX4 2EE

**REGISTRATION DATE:** 02/05/2013

**EXPIRY DATE:** 27/06/2013



Scale 1:2000

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### **HISTORY OF SITE**

94/0759/26 -	Single-storey extension to form pre-school unit		17/01/1995
01/1239/26 -	Ground floor extension to provide nursery classroom on north elevation	PER	15/10/2001
10/0290/26 -	Access road from west boundary with Gloucester Road.	PER	11/05/2011

### **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a parcel of land extending to approx 0.75 hectare situated on the east side of Gloucester Road. Aside from the boundary with Gloucester Road itself, the site is bounded by the gardens of existing residential properties. Vehicular access to the site is provided from Gloucester Road, and two historical pedestrian access points exist in the south-east corner of the site, one leading onto Pine Avenue and one onto Truro Drive. The recognised planning use of the site is for educational use with the site previously being occupied by Foxhayes Primary School (which had a capacity of 235 pupils), although the

buildings associated with the former school have since been removed and the site is currently vacant.

The proposal comprises the erection of a series of temporary classrooms located around the existing access road and turning head for use as a school for a temporary period of up to 3 years. These temporary buildings would utilise the slab foundations that remain from the previous school buildings. The buildings would be single storey in nature and have a combined floor area of 687 m<sup>2</sup>. The proposed development will provide temporary accommodation for a new state funded free school, in the form of a Steiner Academy, whilst they secure a permanent site elsewhere within the city. This temporary proposal will provide for up to 130 pupils in the first year (reception to Year 3 and Year 7 only), rising to 182 pupils in the second year (reception to Year 4 and Years 7 & 8). Although consent is sought for 3 years it is anticipated that the third year will not be required as the permanent site should be up and running by then. The school needs to be operational by September 2013 and therefore this application is key to their strategy.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following supporting information -

- Design and Access Statement
- Planning Statement
- Transport Statement, and
- School Travel Plan.

### **REPRESENTATIONS**

3 letters of representation have been received raising the following issues -

- previous damage to boundaries
- proximity of buildings and play area to adjoining residential property - visual impact and disruption associated with children playing
- increased traffic/congestion
- preference for a single dwelling on the site.

In addition to the written representations referred to above a number of local residents have contacted the case officer by phone to raise issues relating to highway matters (including pedestrian access) and trees.

### **CONSULTATIONS**

Head of Planning, Transportation and Environment (DCC) - Comments as follows -

*"The temporary school is expected to cater for 130 pupils in its first year (reception, years 1, 2, 3 and 7) rising to 182 the next year. The sole vehicular access is provided onto Gloucester Road. A secondary pedestrian access links onto Pines Avenue, although since the previous school here was closed this has become overgrown.*

*The submitted application highlights that the pedestrian route to the south of the site will be reused as part of the development. This is an important measure for promoting sustainable travel to the site and it is recommended that its provision is secured through a condition of any planning permission.*

*The vehicular access onto Gloucester Road is a priority junction. When this previously served as the access to the Foxhayes School there were "School Keep Clear" markings provided adjacent to the access. To provide a safe and suitable access to the site these markings should be reinstated, which is typically secured through a Traffic Regulation Order (TRO). The timescales to provide these at the time of September opening with the*

*appropriate TRO will be challenging. The applicant is therefore advised that in the interim these should be provided in line with specifications set out in the Traffic Signs Regulations and General Directions as advisory markings as part of the site access. Details of this will need to be agreed before implementation and it is recommended that this is secured through an appropriate condition.*

*To enable enforcement of these markings they need to be supported by a Traffic Regulation Order. The cost of this will need to be funded by the applicant and therefore a contribution of £6,000 to cover the cost of implementing the necessary orders and removing these when any permission lapses is requested.*

*The proposed site is approximately 330 metres from Exwick Heights Primary School. Current pick up and drop off at that school results in a concentrated period of high on street parking demand that creates a congested environment to the detriment to highway safety and amenity of local residents. This parking can, particularly in the afternoon, extend down past the junction of Gloucester Road and Knowle Drive close to the access of the Foxhayes site.*

*As agreed with the highway authority, the applicant has submitted a transport statement alongside the application. This document highlights that the proposed development is expected to generate an additional 147 trips/day in the first year and 198 trips/day in the second year.*

*If these additional movements were to occur concurrently as those at Exwick Heights it would be expected to significantly exacerbate the existing problems. This would increase the likelihood of unsafe manoeuvres on the public highway which could potentially have severe safety implications, particularly given the demographic of those likely to be on foot at the time.*

*To mitigate this the applicant has highlighted that they propose to operate different opening times to the nearby Exwick Heights and the highway authority welcomes this move. This is fundamental to the acceptability of the application on highway grounds and therefore recommended that a condition on the opening hours of the school is attached in the granting of any permission.*

*We are pleased that the applicant has been in frequent liaison with the Highway Authority regarding the site Travel Plan. The submitted Travel Plan is comprehensive and covers a range of measures that should help to reduce the number of, particularly single occupancy, car borne trips. To ensure that the measures within this plan are adhered to a condition of that effect is recommended.*

*The proposed application has the potential to have a severe impact on the operation and safety of the public highway. However, the applicant has put forward a number of measures, particularly with regards to opening hours, that can make the proposals acceptable to the highway authority. Subject to these measures being secured by conditions then the highway authority would raise no objection."*

Strategic Planning - Children's Services (DCC) - "I am writing to confirm that Devon County Council is in ownership of the former Foxhayes Primary School site and has been in discussion with the Department for Education regarding the proposal. The Education Authority recognises the proposal supports the Governments' Free School programme targeted at increasing choice and diversity for parents."

Police Architectural Liaison Officer - No objection in principle - Comments on design aspects from the perspective of minimising the potential for criminal activities.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

NPPF - National Planning Policy Framework - Para 14 Presumption in favour of sustainable development, Para 17 Core Planning Principles, Paras 32, 36-37, Paras 56-68 Requiring Good Design, Para 72 - Education provision, Para 212 Confirmation of Policies in NPPF as

material considerations, Para 215 weight to be attached to Local Plan policies in accordance with their degree of consistency with the NPPF

DCLG Policy Statement on 'Planning for Schools Development' August 2011

Exeter Local Development Framework Core Strategy

CP10 - Meeting Community Needs

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

DG1 - Objectives of Urban Design

DG7 - Crime Prevention and Safety

Exeter City Council

Sustainable Transport SPD

## **OBSERVATIONS**

This site was previously occupied by Foxhayes Primary School and although all the school buildings have subsequently been demolished and cleared from the site the lawful planning use of the site remains use for the provision of education (Use class D1). Consequently, the principle of the re-use of this site by the Steiner Academy for a non-profit making independent state-funded school is inherently acceptable and the consideration of this proposal relates to the erection of temporary buildings and creation of outdoor play areas in connection with that use.

Material to the consideration of this proposal is the Government's policy position regarding the development of schools as set out in paragraph 72 of the NPPF which states -

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a pro active, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

Funding for the creation of a state funded Steiner Academy free school has been allocated by the Department for Education. Whilst the search for a permanent site is on-going a temporary site is required to allow the school to meet the requirement to be open for admissions from September 2013. The application site was selected for the temporary school following pre-application discussion with officers of both the City and County Council. Permission has been sought for a maximum period of 3 years although it is envisaged that the move to a permanent site is likely to place sooner than that.

When considering a location for the temporary school site the former Exwick Middle School site further along Gloucester Road was considered. However, this was dismissed due to its

proximity to the new Exwick Heights school and the potential highway issues arising from two schools in such close juxtaposition. Being slightly further away from the Exwick Heights school the application site was considered preferable in highway/transportation terms.

Notwithstanding that provision of education is a lawful use of the application site most of the concerns expressed by the public in response to consultation have related to highway/transportation matters. The main concerns have related to traffic congestion and associated highway safety impact around drop-off and pick-up times, and pedestrian access to the school in terms of impact on surrounding residential areas. The main access to the school, including the vehicular access to the staff parking on site, will be off Gloucester Road as was the case for the former Primary School. Two bus stops are located within close proximity to the school entrance and therefore provide a convenient alternative mode of transport to the private car for potential pupils of the school. To further reduce potential congestion in the local area associated with drop-off/pick-up activities it is proposed to stagger the opening times of the school so that they are different to the opening times of the nearby Exwick Heights school. According to their website Exwick Heights Primary School operates as follows -

- Nursery AM sessions open from 8.30 -11.30, PM sessions 12.30 -15.30 (with collection allowed from 15.15 onwards).
- Key Stage 1 (Years 1&2) - Access to school ground from 8.25 (classrooms from 8.40), End of day 15.15
- Key Stage 2 (Years 3,4,5,6) - Access to school ground from 8.25 (classrooms from 8.40), End of day 15.20.

The Steiner Academy are proposing opening Hours of 9.00 - 15.30. The acceptability of these proposed opening hours from a transportation issue perspective are being discussed with the County Council and the outcome of these discussions will be reported at Committee.

Utilising the pedestrian access into the site from Pine Avenue will reduce walking times to the school from parts of the City and the School Travel Plan will promote these routes as alternative means of access. The existence of this alternative access will also disperse drop-off/pick-up vehicular traffic over a wider area and help to minimise congestion on Gloucester Road. The agent has been asked to clarify whether or not it is also the intention to utilise the existing pedestrian access leading to Truro Drive in connection with this proposal.

It is understandable that local residents will be concerned about the inevitable increase in traffic in the local area associated with re-establishment of a school on site. However, it is not considered that a school accommodating a maximum of 182 pupils for a temporary period of up to 3 years will have such a significant adverse highway impact that would warrant refusal of the application. This is especially the case given the previous school use of the site, and the Government's stated policy position on school related development. The Highway Authority has confirmed that provided conditions are imposed regarding road markings, pedestrian access, parking, school travel plan and opening hours, and a contribution towards the cost of appropriate traffic orders outside the site is secured, the proposal is acceptable from a highway impact perspective.

The relationship of the proposed school buildings and associated play areas to surrounding residential properties is a material planning consideration in respect of this proposal. The use of temporary buildings is considered acceptable in the context of the temporary nature of the proposal pending a permanent site for the Steiner Academy (which is actively being pursued) being delivered.

The temporary buildings are single storey and will be sited in a group around the existing road and turning head within the site in a broadly similar position to the original school buildings. Given the massing of the proposed temporary buildings, and their positioning on the site, it is considered that the physical relationship to surrounding properties is acceptable

and would not be overbearing or prejudicial to the residential amenities of the occupants of those properties. The play area for the pre-school classroom is located between the temporary buildings and the side boundary of no 51 Gloucester Road and 57 Knowle Drive, it will be fenced and does not extend right up to the common boundary. This relationship is considered acceptable especially in light of the former school use of the site as a whole, and more specifically this part of the site as a grassed area that formed part of the school's available external play areas/ancillary land. The fact that this remains a lawful use of the land is also a material consideration. The remaining play area facilities to serve the temporary school involve the re-use of former play areas and hard surfaced playgrounds elsewhere within the site.

#### Western Area Working Party (04/06/13)

Members noted the representations raised, particularly those relating to traffic impact. Given the previous use of the site as a primary school, and the fact that the temporary buildings are to be located in a similar position to the original school buildings, members felt the impact of the proposal, and relationship to surrounding properties, was acceptable. Members noted that the application would be determined by Planning Committee.

#### Conclusion

The site has previously been used as a Primary school and this remains the lawful planning use of the land and this is material consideration in the assessment of the merits of this proposal. The proposal is for a temporary period of time pending a permanent site for the new Steiner Academy being finalised and delivered. The proposal will meet a recognised demand for additional school places in Exeter, and widen choice in terms of the type of education provision available within the City. As such the proposal is consistent with the Government's stated presumption in favour of the development of state-funded schools. Whilst the proposal will inevitably result in an increase in traffic movements around the site for the duration of the consent it is not considered, especially in light of the previous school use of this site, that the impact would be significantly adverse in terms of highway safety. The buildings themselves are modest in scale and their siting in relation to surrounding properties is considered acceptable. This temporary proposal is essential to the establishment of a new state-funded Steiner Academy in Exeter as the school needs to be operational by September 2013 in line with funding arrangements and the fact that pupils have already applied for places at the school from that date.

Overall the proposal is considered acceptable.

#### **RECOMMENDATION**

Approve subject to the following conditions:

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The buildings hereby approved shall be wholly removed from the site and the use shall be discontinued and the site restored to its former condition no later 31st July 2016 .  
**Reason:** The buildings are temporary in nature and are unsuitable as a permanent features in this locality.
- 3) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 2nd and 20th May 2013 (*dwg. nos. Site Location plan, 72/0008274-101 Rev J, SK-01 Rev A, 07R-678DCT-21-01 Rev C and 07R-372SCT-21-01 Rev D*), as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

- 4) The development hereby approved shall not be brought into use until the pedestrian access from the site onto Pine Avenue has been re-instated for use in accordance with measures that shall previously have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the said access shall be maintained and made available for use in accordance with those details for the duration of the consent.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site, in the interest of public safety

- 5) Unless otherwise agreed by the Local Planning Authority in writing no part of the development hereby approved shall be brought into its intended use until  
(1) the access, parking facilities, turning area and associated road markings have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority, and  
(2) the applicant has entered into a Section 106 Agreement, or equivalent arrangement, with the County Council to secure the making of a Traffic Regulation Order relating to the road markings referred to in (1) above.  
Thereafter those items referred to in (1) above shall be retained for the intended purpose at all times.

**Reason :** To ensure that a safe and suitable access is provided for all users to the site, in accordance with paragraph 32 of the National Planning Policy Framework.

- 6) The School Travel Plan prepared by RPS Planning and Development Ltd on behalf of the Education Funding Agency, and submitted in support of this application, shall be implemented in full upon commencement of the development hereby approved. Thereafter it shall be reviewed on an annual basis in accordance with the provisions set out in Section 4.3 of the document. Any amendments identified in the annual review shall be submitted to and agreed in writing by the Planning Authority and shall thereafter form part of the approved plan.

**Reason -** To ensure that the development is implemented in such a way as to minimise the highway impact of the development and encourage the use of sustainable modes of transport.

- 7) School opening hours (to be confirmed in update sheet following further negotiation)

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223