

PLANNING COMMITTEE

Monday 8 July 2013

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Choules, Denham, Edwards, Mrs Henson, Mitchell, Prowse, Sutton, Tippins and Winterbottom

Apologies:

Councillors Donovan and Owen

Also Present:

Assistant Director City Development, Area Planner (MH), Planning Solicitor and Democratic Services Officer (Committees) (HB)

Also Present:-

Highway Development Management Officer (Exeter)

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 13/3219/03 - FORMER FOXHAYES PRIMARY SCHOOL, GLOUCESTER ROAD, EXETER

The Assistant Director City Development presented the application for temporary consent for up to three years for the installation of temporary buildings on land at Gloucester Road for use by the Steiner Academy Exeter (education use (D1)), creation of a temporary outdoor play area and associated works.

The Assistant Director reported that, following deferral of this application at the previous meeting of this Committee, a site visit had been held at the proposed site on 2 July 2013. He advised that a permanent site at Thomas Hall, north of Cowley Bridge Road, had been identified for which Department of Education funding and a licence had been confirmed. In the event of the school being unable to move after the expiry of the consent period a further application would be necessary. He stated that temporary buildings were to be found at other schools in Exeter and on other sites in the City such as at the hospital. The start and finish times had been amended to minimise traffic disruption in the area.

He reported the receipt of further letters of support.

Devon County Council's Highway Development Management Officer (Exeter) provided data in respect of traffic management issues associated with Exwick Heights Primary School and the proposed school including accident data which showed that only two accidents had occurred, neither of which were directly related to the school.

Members were circulated with an update sheet - attached to minutes.

Councillor Hannaford, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- had requested deferral of the application at the previous meeting for further consideration to be given to the significant traffic problems in the area such as speeding traffic including buses, parking and general access to both schools
- proposed traffic management measures should be more rigorous, for example, additional signing and traffic calming measures are required. At present, Exwick Heights Primary School undertakes own policing of traffic at peak times
- insufficient measures had been taken to improve pedestrian access in the area. The County Council were yet to progress a Compulsory Purchase Order to facilitate a pedestrian route to the Exwick Heights Primary School and providing pedestrian access to the new school via Pine Avenue would be difficult to monitor. The pedestrian route to Exwick Heights along Exwick Lane was difficult during winter conditions
- regret temporary nature of buildings proposed. A permanent facility would be preferable which could be used as a youth or children's' centre when the school vacates
- acknowledge letters of support but two letters of objections on traffic grounds have also been received referring to congestion at peak times including the impossibility of entering or leaving Gloucester Road during these times.

Councillor Pearson, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- support diversity in children's' education provision
- area suffers traffic problems which will be exacerbated by the new school
- the geography of the area leads to the traffic problems and the Foxhayes site is on the brow of the hill which adds to the difficulties
- welcome the staggering of the school opening and finishing times but traffic will remain problematic with some cars, for example, taking time to leave after school
- insufficient traffic calming measures provided
- the wide catchment area for the school, with some 40 % of pupils originating from outside the Exeter boundary, adds to the overall problem
- welcome identification of a permanent site for the school as temporary classrooms are unsuitable for education
- would welcome conditions to help infrastructure in the area.

Mr Hunt, the agent, spoke in support of the application. He raised the following points:-

- the school will be temporary until its move to Thomas Hall, north of Cowley Bridge Road, for which the Department of Education has confirmed capital and revenue funding with the school starting in September 2015
- the temporary accommodation complies with current building regulations and is flexible and suitable and will be subject to Ofsted monitoring to ensure that they are fit for purpose
- there has been frequent liaison with the Highway Authority regarding the site Travel Plan which is comprehensive and covers a range of measures. It will be an evolving document and will change to respond to changing circumstances over the two year period. The Highway Authority support the proposals which will minimise disruption

- have co-ordinated opening hours with those of the Exwick Heights Primary School to minimise disruption
- two locations have been identified for a walking bus which will reduce the number of car journeys through Gloucester Road
- the overall number of journeys will reduce as the Exwick Heights Primary School expands and the Steiner School vacates to its new site
- the implications of refusal are serious and will disrupt the wider education system in Exeter as well as causing distress to parents and pupils
- national planning policy encourages sustainable solutions to education provision especially in urban areas

The Chair requested that the measures to be agreed as part of the condition relating to pedestrian access through Pine Avenue will prevent cars blocking the road when dropping off/picking up children. He also identified the need to consider further traffic management measures in consultation with the applicant and the highway authority. He also moved that the period of temporary consent be amended to two years and six months and this was supported.

The recommendation was for approval subject to the conditions as set out in the report.

RESOLVED that planning permission for temporary consent for up to two years and six months for the installation of temporary buildings on land at Gloucester Road for use by the Steiner Academy Exeter (education use (D1)), creation of a temporary outdoor play area and associated works be approved, 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 than 31st January 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) unless otherwise agreed in writing by the Local Planning Authority the school teaching day for the development hereby approved shall not commence before 0915 hours or end before 1545 hours.

Reason - To minimise the potential for overlapping traffic movements associated with the proposal and the nearby Exwick Heights Primary School in the interests of minimising the potential impact on the local highway network.

(Report circulated)

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ADDITIONAL INFORMATION SHEET

Attached.

(The meeting commenced at 5.30 pm and closed at 6.56 pm)

Chair

SPECIAL PLANNING COMMITTEE - 8 JULY 2013 ADDITIONAL INFORMATION

Application Ref: 13/3219/03

**Steiner Academy Exeter
Former Foxhayes Primary School
Gloucester Road, Exeter, EX4 2EE**

Original Committee Update

Further negotiations have taken place regarding the opening hours of the proposed Steiner Academy to limit the potential overlap between traffic associated with this site and that of the nearby Exwick Heights Primary school. As a result the proposed opening hours have been changed from 09.00 – 15.30hrs to 09.15 – 15.45hrs. The Highway Authority is satisfied with these opening hours in terms of staggering related traffic demands. Consequently, the proposed wording for condition 7 is as follows:-

Condition 7

Unless otherwise agreed in writing by the Local Planning Authority the school teaching day for the development hereby approved shall not commence before 0915hrs, or end before 1545hrs.

Reason – To minimise the potential for overlapping traffic movements associated with the proposal and the nearby Exwick Heights Primary School in the interests of minimising the potential impact on the local highway network.

Based on further analysis of the delivery cost associated with this scheme the applicant has submitted revised plans slightly amending the configuration and type of temporary buildings proposed for this site. The actual buildings to be utilised are currently in use elsewhere in the country and will be transferred to this site to facilitate this development. The position relative to surrounding properties is not significantly different from the original plans and the relationship remains acceptable. The proposal for a fenced play area specifically for the pre-school element has been omitted from the revised plans at this stage. The applicant has confirmed that the external play areas of the former school will be restored back into use to serve this temporary development. Condition 3 will need to be amended to reflect the revised drawing numbers.

The applicant's agent has confirmed that it is not proposed to re-open the pedestrian access leading onto Truro Drive, that all trees on site will be retained, and that the on-site parking will be solely for staff. Parents will not be permitted to drive onto the site and this will be patrolled by school staff (the only exception to this being for disabled pupil access – of which there is no identified requirement in year 1 of the consent).

Additional Update

This item was deferred from Planning Committee on 24 June.
The following additional information has been provided –

Comments from Simon Niles on behalf of DCC as the Education Authority.

"I am grateful the planning committee has agreed to hold a special meeting for this proposal and I should be grateful if you could make Members aware of the below.

In order for Exeter Steiner to be approved as a Free School, they would have had to demonstrate that there is a strong parental demand for their offer and therefore their proposal would be sustainable in the medium to long term. Whilst we do not have exact numbers that are due to start

at the school in September as they manage their own admissions, we do know there has been a good level of interest in the proposal. The Planning Committee therefore does need to bear in mind that the delay in the decision does mean that a number of parents and children still do not know what school they will be attending in September which as you would imagine is not an ideal position for them.

I can confirm from my conversations with the Department for Education today that a permanent solution is being progressed at speed and there are earmarked capital allocations identified at the Department to provide the permanent school in Exeter, hence the temporary application."

Reference is also made to the Devon County Council Education Infrastructure Plan 2013-2031 which demonstrates a rising population at both primary in the short term and secondary in the medium term. The rise in reception numbers for future years highlights that there is continued pressure on primary places in the city and as described in the plan, any new, state funded schools (such as Steiner), that are approved will form a part of the County's strategic planning for education provision.

Further Comments from the Agent.

Supplementary Planning Statement - Steiner Academy Exeter - 1 July 2013

1. Introduction

This Supplementary Planning Statement has been prepared by Jones Lang LaSalle to provide further information for Exeter City Council in support of the use of the Foxhayes site as a temporary school for use by Steiner Academy Exeter.

The matters addressed in this Supplementary Planning Statement directly address questions raised by Members at the Planning Committee meeting on 24 June 2013.

2. The permanent site

The Education Funding Agency (EFA) have agreed commercial terms with a third party to secure the freehold ownership of a site to deliver a permanent home for Steiner Academy Exeter (SAE). The EFA /Jones Lang LaSalle has held two meetings with Exeter City Council's Planning Officers in which the proposed purchase of the permanent site has been discussed. Officers have supported the proposed acquisition/redevelopment particularly as the property is currently on the "At Risk" register for Listed buildings. It is understood that further confirmation has been sent to Officers by Devon County Education explaining that the permanent solution is being progressed at speed and there are earmarked capital allocations identified by the Department for Education to provide the permanent school in Exeter. The proposed location of the new school remains confidential for the time being but will hopefully be announced publicly within the next 2 weeks.

3. The use of temporary accommodation

Members have raised concerns in respect of the use of temporary accommodation. Temporary accommodation that complies with current building regulations is a flexible and suitable arrangement that is used in many Free Schools and by other state-funded providers to meet accommodation needs whilst projects are developed or to meet short / medium term requirements to provide accommodation in areas of need for pupil places. The temporary accommodation at SAE will be of a high standard, offer value to the public purse and will only be used for a period of 2 years whilst the permanent school is delivered. It is a fact that a large proportion of schools utilise temporary accommodation as a solution to meeting expanding teaching requirements. In the case of SAE it is a temporary solution to allow the delivery of a new high quality school for which there is a high demand from parents and pupils. It is also the case that the parents / pupils that have enrolled for the new school were fully aware that the school would be based in temporary accommodation initially - the temporary nature of the accommodation has had no adverse material impact on the level of interest received from parents/pupils which clearly demonstrates the support for the new school. Finally, it should also be noted that, as with all schools, the SAE will be subject to an evaluation by Ofsted to ensure that the premises (temporary

accommodation and grounds) are safe and fit for purpose before the school is opened. As such Members should have no concern regarding the safety and appropriateness of the temporary accommodation for use by SAE.

4. Selection of the Foxhayes Site

As Officers are aware the EFA and school's initial preferred temporary site was the former Exwick Middle School and terms were agreed with Devon County Council over its use for 2 years. However, at a meeting with Exeter City Council Planning department the highways representative from Devon County Council asked whether EFA could acquire the use of the Foxhayes site instead as it was preferable in terms of highway safety and accessibility. At considerable delay to the project EFA decided to negotiate the use of the Foxhayes site instead of the former Exwick Middle School site with Devon County Council to effectively de-risk this aspect of the project and meet the concerns of the Highways Authority.

5. The means of access

As identified in the planning application documents the primary means of vehicular and pedestrian access is proposed from Gloucester Road with a pedestrian access provided from Pine Avenue. The pedestrian access will also allow the use of existing footpaths which link to Cypress Drive, Truro Drive and Gloucester Road. The overgrown path from Pine Avenue to Cypress Drive will be cut back by the school to make full use of the footpath.

6. The Travel Plan

Based on known admissions data it is clear that a large proportion of the pupils registered for the September 2013 start are based in Exeter (over 60% of parents are based in postcodes EX1 – EX4) which will allow a significant proportion to use non-car based modes of travel. As stated above, the Foxhayes site was chosen by EFA following dialogue with Planning and Highways Officers who indicated that the pedestrian and accessibility credential of Foxhayes were preferable to potential alternative locations. Devon County Highways Officers have since commended the quality of the Travel Plan which has been prepared for SAE. The Travel Plan includes a number of measures to reduce the use of car travel including:

- Alternative Opening Hours;
- Advisable drop off points and routing;
- Staff Marshalling and Traffic Management;
- School Travel Co-Ordinator and Travel Plan Working Group;
- Subscription to Car Share Devon;
- Road Safety in the Curriculum;
- Walking Bus;
- Cycling Provisions;
- Walking Provisions;
- School Travel Questionnaire; and
- Promotional Awareness.

All of the above measures are used as best practice means of promoting sustainable travel – indeed the SAE Travel Plan goes well beyond the measures implemented by many schools across the Devon area. Particular attention is drawn to the alternative opening hours, which mean that the operation of SAE will co-ordinate with Exwick Heights Primary school to ensure a broader spread of traffic across the AM and PM peaks. This approach avoids exacerbating the amount of traffic generated by school trips in the area. The alternative opening hours will be controlled by means of a planning condition and have been fully agreed with the School. The Travel Plan also includes an Implementation programme which has been agreed with Devon County Highways and which includes Travel Surveys and annual monitoring. The school has agreed to work with the Devon County Council Travel Plan Officers to ensure the effective implementation of the Travel Plan. The School has taken all practical steps to mitigate its impact on the local highway network. The SAE is also deeply committed to working with the City/County Councils, the ward Members and the local community over the long term to actively encourage sustainable travel to and from the temporary and permanent sites.

7. The implications of refusal on the provision of education in Exeter

In order for SAE to be approved as a Free School the proposer team had to demonstrate to the Secretary of State for Education that there is a strong parental demand for the school and that the proposed School would be sustainable in the medium to long term. Admissions data from the school confirms that there are 92 parents of 120 children due to start in September 2013 which represents a very strong level of interest given that the school does not yet have a temporary or permanent home. The implications from the refusal of this application are significant in that a delay in the decision making process will result in a number of parents and children not knowing which school they will be attending in September 2013, which would clearly be highly disruptive for those families and the wider education system in the City. Department for Education and the EFA are fully committed to the delivery of a new school in Exeter and will use all available means to secure delivery of the school for September 2013.

8. Planning policy on the delivery of new schools

Government policy on the delivery of new schools and the National Planning Policy Framework (NPPF) both place great emphasis on the delivery of new schools. The DCLG Policy Statement advises that "... the answer to proposals for the development of state-funded schools should be, wherever possible, "yes". The NPPF states that the government attaches importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to say that Local Planning Authorities should take a "proactive, positive, collaborative approach" to widening the choice of education. (NPPF paragraph 72).

The planning debate regarding the delivery of new schools is therefore no longer simply a matter of the quantity of school places. It is clear that the delivery of choice and opportunity in state-funded education is key to raising educational standards. By increasing both the number of school places and the choice of state-funded schools it is possible to raise educational standards and so transform children's lives by helping them to reach their full potential.

The Department for Education and the EFA very much hope that Exeter City Council will support the temporary application and will ultimately support the full planning application. However, if Exeter City Council fails to support the delivery of new schools the Department will utilise all powers to secure the delivery of the new school which may include the recovery of the application by the Secretary of State for his own determination of the application.

Site Inspection

Members visited the site on the 2 July 2013 to coincide with the beginning of the school day for the nearby Exwick Heights Primary School to assess the highway related implications of the proposal.

Members noted the prevailing traffic conditions and traffic associated with Exwick Heights Primary School. The implications of utilising the access to Pine Avenue in terms of spreading drop-off/pick-up activity were raised. Some Members remained concerned about the proposal and requested further clarification of the geographical distribution of potential pupils, the situation regarding the permanent site, and outdoor play space standards for schools.

Further information provided since the Site Inspection

Since the site inspection the agent has provided the following additional information –

Consequences of refusal

The main obvious consequence is that a school for 120+ pupils that is due to open in September would not have buildings from which to operate with no fall back position within the required timescale (due to either planning or contractual requirements likely to be associated with any alternative site). Therefore there would be a significant adverse impact on the delivery of education in Exeter for the September 2013 term.

Due to the Free School admissions process in the first year SAE was required to run its own admissions

and therefore effectively parents had a 2 tier admissions process. (Devon County Council Education department showed SAE as one of the options open to parents under their own school admissions and a number of parents chose SAE through this route). If SAE doesn't open in September 2013 parents will, in effect, be forced to choose a school they do not want through no fault of theirs. The knock on to this could also result in non-Steiner parents losing a place for their child, at very short notice, in another Exeter school.

It is also apparent that parents who want a Steiner Education won't stay with an alternative school for a longer period than absolutely necessary. This could, in theory, present the following scenario: SAE doesn't open in Sept 13 due to a refused planning application by Exeter City Council. The parents are forced to send their children into already oversubscribed Exeter schools. Those schools then need to gear up with additional resources and teachers. SAE opens, say 9/12 months later than planned, those parents immediately relocate their children to SAE thus creating difficulties for the existing schools as the funding ultimately follows the child.

Geographical distribution of pupils

The agent has now confirmed that 70% of the first year enrolled pupils live within Exeter City Council's administrative area. Information on intended travel modes based on parental survey has also been provided indicating that 41 intend using walking/cycling, 8 car sharing, 6 public transport and 16 other (this represents those who did not express an intended transport method).

Statement on Permanent site for Steiner School

The agent has now confirmed that Thomas Hall is the proposed location for the permanent school and that commercial terms and the necessary capital budgets have been agreed to secure this (subject to planning). This has also been confirmed by separate correspondence from the Department for Education. The intended timeframe for delivery of the permanent site includes submission of a planning application later this year with occupation planned for the start of the September 2015 term.

Accident data

Although a full analysis of accident data has not been provided by the applicant, information from the Highway Authority relating to when the former school was operational on the site records only 2 accidents neither of which were directly related to the school.

Outdoor amenity standards

The agent has confirmed that the EFA is not required to provide minimum standards of outdoor amenity space for Free Schools and points out that many Free Schools in urban locations across the country have been delivered with significantly less open space than that proposed in this case. It is also stated that the site previously provided state funded education for a school with a capacity of 235 pupils on a significant larger building footprint than proposed within this scheme. Consequently the amount of open space for this reduced capacity temporary school is considered adequate and will be cleared of debris to provide safe and convenient outdoor amenity space for use of pupils.

Nature of temporary accommodation

The accommodation is to be provided by a nationally recognised provider (Elliott) of such temporary solutions in education environments. A copy of the company's brochure for temporary education buildings has been provided which contains example images of the interior of similar temporary units to those proposed. These images will be included within the visual presentation.

Representations

Officers have been copied 6 representations made directly to councillors in support of the proposal and expressing concern about the uncertainty faced by parents should the application be refused. Parents have also pointed out the importance of choice in school destination/education ethos, and have highlighted specific benefits to their children that have led them to opt for a Steiner school. The

accessibility of the school by a variety of transport modes has also been highlighted, with many of the authors indication an intention for walking or public transport as their mode of choice.

Summary

In considering this application it is important to note the Government's stated presumption in favour of the development of state-funded schools. The site has previously operated as a school and education use remains the lawful planning use of the site. The proposal is only for a temporary period pending transfer to a permanent site that has now been agreed and funded (subject to planning). The Highway Authority has raised no objection to the proposal.

In the light of the above, and the additional information submitted, the officer recommendation remains one of approval subject to conditions as set out in the original report, plus condition 7 as set out at the beginning of this additional information sheet.