



HILLINGDON

LONDON

APPENDIX 1

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Letter also sent by e-mail to: schools@communities.gsi.gov.uk

10 December 2010

Dear Madam,

Re: Planning For Schools Development Consultation

Thank you for the opportunity to comment on the Planning for Schools Development Consultation. The following representation from the London Borough of Hillingdon has been endorsed by the Leader of the Council and the Cabinet Member for Planning, Transportation and Recycling. Hillingdon Councils full Cabinet meet on the 16th December to formally consider this response. I will write after this date to confirm their ratification or other comments should they be made.

The London Borough of Hillingdon's response to the questions posed in the consultation and additional comments are as follows:-

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

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INVESTOR IN PEOPLE

The change of use of B8 premises to schools raises various concerns. B8 uses are often located at sites only accessible to motor vehicles; this would negate potential use of public transport to reduce impact on the highway network. The safety of children must also be questioned as B8 uses tend to cluster together in sites which are dominated by Heavy Goods Vehicles. B8 buildings tend not to have windows. The teaching of children in buildings with limited natural light is unlikely to lead to conditions conducive to a high standard of teaching and learning. It is considered that the sustainability of some options is questionable.

Hillingdon has large numbers of hotels (C1 uses) around Heathrow airport; these hotels serve a strategic function supporting the airport. It might not be in the public interest for these buildings to be capable of changes of use to schools without the need for planning permission.

As an overall comment, currently the planning system, through a development management approach helps ensure that new schools have high quality environments, to the clear benefit of the children who ultimately attend the schools, this will be lost by making schools development permitted development. It seems odd that uses such as betting shops are subject to such a development management process, where experienced planning professionals will continue to work with applicants and agents to improve the quality of schemes, quite often to the benefit of the applicant as well as the wider community, but that there will be no such development management input for schools 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

The change of use of B2 buildings raises the same concerns as highlighted for B8 uses. Given that many A3/A4/A5 uses are changes of use from A1 uses, it is not considered that there would be a significant difference between the potential impacts of an A1 c/use to education and the other A use classes. Sui Generis uses include sites such as petrol stations which can be heavily contaminated, hence it is considered that a closer inspection of some of the uses which can fall under Sui Generis use will indicate a number of types of use which it would seem sensible not to enable a change of use to occur without the need for planning permission and the checks and balances which the planning process brings about.

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?

Yes. The loss of retail and employment sites for a temporary period should then lead to the option of use of the land reverting back to the former use when the school closes.

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 – dwellinghouses
- C4 – houses in multiple occupation
- Sui generis uses

See previous comments for B2/B8 uses, hotels and sui-generis uses. The introduction of C3 uses could directly lead to adverse affects on neighbour's from noise and disturbance (the argument that existing premises such as D1/B2 uses already generate noise disturbance would not apply with a C3 use).

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?
Yes.

There is a concern that Local Planning Authorities could have areas where the highway network suffers from very heavy congestion. Other developments would provide or consider the need for a transport assessment. Schools generate a lot of traffic and for these reasons it is felt that transport assessments should be required. Some Councils (such as Hillingdon) have air quality management areas (AQMA's), the implications of large scale development occurring in AQMA's unchecked could have an number of negative consequences.

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

There is a strong concern that children will not have access to appropriate play areas and sporting facilities. This is surely a fundamental aspect of a child's development. There should be a legislative framework put in place that ensures that all schools must provide appropriate play areas/sporting facilities on site, furthermore the legislative framework should enable enforcement to occur if this is not the case. The London Borough of Hillingdon would request that this issue is given thorough consideration before any changes are made to the Planning Use Classes Order.

Accessibility is an issue which needs to be considered. Schools are public buildings and should be at the forefront of accessible design. Whereas Part M of the Building Regulation's does enable some controls over how accessible buildings are; the powers it affords to building control officers are less restrictive for existing

changes of use than new buildings. Owners of Buildings are able to avoid installing expensive lifts if they can demonstrate it is not practicable to do so. The fear is that buildings which are not fully accessible for disabled persons will be used for schools and that Part M will not be able to address vertical access to floors above ground level; whereas if there was a requirement for access to all floors of buildings for disabled persons as a condition such uncertainty would not arise.

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?

It is not considered appropriate for LPA's to be subject to compensation claims, even if subject to a 12 month cut off period. However in this instance the compensation would only seem to apply if Councils decide to withdraw permitted rights afforded under the changes to the Use Classes Order.

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?

The potential of schools sharing space with prisons/mental hospitals is not likely to be acceptable to many people, in particular parents of children, although this is perhaps unlikely to happen in practice. There would also be concerns with B2/B8 uses given the location of such uses traditionally in industrial estates. What is crucial is that the welfare of children is paramount in any proposal that is enabled by the changes to the Use Class Order.

Q9. Which is your preferred option and why?

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

Option 1 is no changes to the Use Classes Order, the consultation documents are clear that this is not an option being considered. Option 2 is for changes of use of some use classes to schools without the need for planning permission. Option 3 includes use classes which it does not make sense for changes of use to be able to occur without the need for planning permission for the reasons outlined in the Council's response. Option 4 is all use classes with conditions to control matters such as transport assessments.

It is questioned why the consultation does not give an option of some use classes (re: Option 2) but with conditions?

Hillingdon Council considers that only some use classes should be considered and only with appropriate conditions in place.

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

Hillingdon Council has concerns as to how the definition of a 'free school' will work in practice. Will the Order clearly define what a 'free school' is?

It is also questionable whether the planning system should seek to favour one type of school over another. It would be inappropriate for two standards to exist, one for Local Authority Schools and one for free schools..There are also existing regulations which govern operation of state schools but not private schools.

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

Hillingdon Council currently has a number of planning enforcement cases of religious establishments that appear without planning permission at un-sustainable locations where highway and parking problems subsequently arise. Unfortunately tensions can arise with local communities, in particular as no planning permission has been granted. On street parking used by local residents is frequently taken over by patrons of the religious establishment exacerbating tensions. Quite often these establishments have teaching facilities on site. It is often very difficult for the Council to take a view as to whether the primary use is as a religious school or place of worship. Officers at Hillingdon Council anticipate a surge in these 'religious establishments' if there are changes to the Use Classes Order. Based on present experience B1/B2 sites will be targeted along with former Public Houses. Hillingdon Council would like the impacts of this to be considered as part of the consultation exercise.

Should you wish to discuss any of the above comments further, please do not hesitate to contact me on 01895 556255 or by email: jrodger2@hillingdon.gov.uk.

Yours faithfully,

James Rodger

Head of Planning, Trading Standards and Environmental Protection

Planning and Community Services