

Planning (Regulatory) Committee

Date: **Friday 24 January 2020**

Time: **11am**

Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Cllr C Foulger (Chairman)

Cllr B Long (Vice-Chairman)

Cllr S Askew

Cllr R Brame

Cllr M Castle

Cllr D Collis

Cllr D Douglas

Cllr B Iles

Cllr W Richmond

Cllr M Sands

Cllr E Seward

Cllr M Storey

Cllr T White

At meetings of this Committee, members of the public are entitled to speak before decisions are made on planning applications. There is a set order in which the public or local members can speak on items at this Committee, as follows:

- Those objecting to the application
- District/Parish/Town Council representatives
- Those supporting the application (the applicant or their agent.)
- The Local Member for the area.

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Appendix 28 of the Constitution](#).

**For further details and general enquiries about this Agenda
please contact the Committee Officer:**

Hollie Adams on 01603 223029 or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

A g e n d a

1. To receive apologies and details of any substitute members attending

2. Minutes

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To confirm the minutes from the Planning (Regulatory) Committee meeting held on 11 October 2019

3. Declarations of Interest

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.
If that is the case then you must declare such an interest but can speak and vote on the matter.

4. Any items of business the Chairman decides should be considered as a matter of urgency

5. FUL/2019/0053: Land adjacent to West Hall Farm, Springvale, Gayton, Norfolk, PE32 1QZ

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Report by the Executive Director of Community and Environmental Services

Chris Walton
Head of Democratic Services
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 03 October 2019



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STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Crime and Disorder Act, 1998 (S17)

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights Act 1998

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 11 October
at 11am in the Edwards Room, County Hall**

Members Present:

Cllr Colin Foulger (Chairman)
Cllr Brian Long (Vice Chairman)

Cllr Mick Castle	Cllr Mike Sands
Cllr Brian Iles	Cllr Tony White
Cllr William Richmond	

Substitute Members Present

Cllr David Bills for Cllr Martin Storey
Cllr Chris Jones for Cllr Danny Douglas
Cllr Bev Spratt for Cllr Roy Brame

Officers Present

John Flack	Senior Lawyer, nplaw
Nick Johnson	Head of Planning
John Shaw	Senior Engineer - Highways Development Management

Others Present:

Isabel Horner	Sufficiency Delivery Manager, Children's Services, NCC
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1 Apologies and Substitutions

- 1.1 Apologies were received from Roy Brame (Bev Spratt substituting), Martin Storey (David Bills substituting), Danny Douglas (Chris Jones substituting), David Collis.
- 1.2 Also absent were Cllr Stephen Askew and Cllr Eric Seward.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 6 September 2019 were agreed as an accurate record and signed by the Chairman .

3 Declarations of Interest

- 3.1 No interests were declared.

4 Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

- 5 FUL/2019/0005: Hethersett Junior School, Queens Road, Hethersett, Norwich, Norfolk NR9 3DB**
- 5.1.1 The Committee received the updated report outlining the proposal for Expansion of existing 240 pupil place junior school to a 420-pupil place primary school by way of a new stand-alone building incorporating 8 new class bases, studio hall and other ancillary accommodation. Improved vehicular and pedestrian access to the school off Queen's Road leading to 44 no. space car park including 3 no. disabled car parking spaces, creation of a secondary pedestrian access route to the school from Admiral's Way and minor refurbishment works to existing school. This application was deferred at the meeting of 6 September 2019 to allow the applicant to consider the application in line with concerns raised by residents at the meeting.
- 5.1.2 The Committee received a presentation from the Head of Planning:
- The update circulated to Committee prior to the meeting confirmed there was no concern from the District Council's Environmental Health Officer and Norfolk County councils Infrastructure and Landscape Officer.
 - The Head of Planning gave background on the application and the Committee saw diagrams, photographs and plans of the existing school and proposed expansion.
 - The Committee were shown original and revised elevation diagrams of the new school block; the revised design improved the impact of the building to residents on Haconsfield.
 - Solar panels had been increased from 70 to 75 to maintain output in line with building regulatory standards
 - The shadow cast analysis of the proposed building showed that the revised design would have a decreased impact on shadow casting over gardens on Haconsfield.
 - Issues raised by members at the previous meeting had been addressed by developers by rotating the roof; this option allowed renewable energy requirements to be maintained
- 5.2 The Sufficiency Delivery Manager, Children's Services, spoke as the applicant:
- Concerns raised about the design of the new school block at the meeting on the 6 September 2019 had been addressed while maintaining the natural ventilation strategy set out in guidance for schools and preventing the need for mechanical ventilation which would have created noise and further expense.
- 5.3 The Committee thanked the school and planners for accommodating and addressing the issues raised at the previous meeting on the 6 September 2019. Cllr Bills, the local Member for Humbleyard, thanked the school for this work being done so quickly and was pleased by traffic management measures which would be put in place to relieve traffic on Queens Road.
- 5.4 The Chairman shared with the Committee that Mr and Mrs Turberfield, the members of the public who had raised concerns at the meeting on the 6 September 2019, had written to the Council and Children's Services to thank them for considering their concerns. The Chairman noted the positive cooperative work and thanked Mr and

Mrs Turberfield for their letter.

- 5.5 The Committee unanimously **RESOLVED** to **RECOMMEND** that the Executive Director of Community and Environmental Services be authorised to:
- I. Grant planning permission subject to the conditions outlined in section 13.
 - II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
 - III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 11:13

Chairman



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Planning (Regulatory) Committee

Item No. 5

Report title:	FUL/2019/0053: Land adjacent to West Hall Farm, Springvale, Gayton, Norfolk, PE32 1QZ
Date of meeting:	24 January 2020
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Erection of a 210 pupil primary school and 56 place nursery, access associated car parking, playing fields and landscaping. (Executive Director, Children's Services)	

Executive summary

On 23 March 2018 Members of the Planning (Regulatory) Committee resolved to undertake a site visit prior to the determination of planning application Y/2/2017/2009 that was submitted in July 2017 for the erection of a new replacement primary school and nursery (and associated works) on an agricultural field at the junction south of Back Street and east of Winch Road, Gayton. Due to flood risk and drainage issues that proved difficult to resolve, that application has since been withdrawn.

On 19 November 2019 the Executive Director, Children's Services on behalf of Norfolk County Council as Local Education Authority, submitted an application for development on an alternative site, seeking full planning permission for the erection of a new 210 place primary school and nursery to replace the existing school currently located on Lynn Road, Gayton. The application site located centrally in the village comprises an unallocated greenfield site, outside but on the edge of the development boundary of Gayton.

To date, 18 letters of support have been received welcoming the construction of a new school. 10 letters of objection have been received raising concerns relating to site selection, increase in traffic and noise, the impact on amenity, loss of trees and heritage and maintenance costs of Springvale. In addition, 4 letters have been received that make comments, but do not raise any objections to the principle of development.

In accordance with the Council's Constitution, the current application will be reported to a future Planning (Regulatory) Committee because of the level of objection received.

The key issues are the impacts of the development of this greenfield site outside the development boundary. The site selection process resulting in the applicant selecting this site for development. The siting and design of the proposed development; the impacts of the development on the highway network, amenity, natural and the historic environment, playing pitch provision, loss of agricultural land and sustainability.

In accordance with the Local Government Association advice and given the nature of the

application, this paper seeks to consider whether a planned site visit would be beneficial to view the site and its surroundings and obtain information relevant to the determination of the application, (as set out in Section 8 of this report).

Recommendation:

- 1. It is recommended that Members of the Planning (Regulatory) Committee note the content of the report and to consider whether there is a need to undertake a site visit (to be arranged) before the determination of the current submitted planning application.**

1. The Proposal

- 1.1. Type of development : Planning Use Class D1 education establishment comprising new school and nursery buildings.
- 1.2. Change in pupil / staff numbers / F E : 210 (1FE) pupil place new school and a 56 place nursery. 30 full time equivalent (FTE) at the school and 8 FTE staff for the nursery.
- 1.3. Access : Vehicular access is off the Springvale to the west of the application site. Pedestrian access is via Springvale to the west and Vicarage Lane to the east of the site.

2. Description of proposal

- 2.1. Full planning permission is sought for the erection of a new 210 place (1 form entry) pupil school and the erection of a 56 place nursery, car parking and associated works. This is to replace the existing school currently located on Lynn Road, Gayton, which built in the early 20th century, currently accommodates 148 pupils (on roll as at May 2019) and due to the age, condition and cost of maintenance is no longer fit for purpose.
- 2.2. In summary, the proposal scheme consists of:
 - Erection of a new single storey school building with pedestrian access off Springvale
 - Provision of 7 classrooms, group rooms, school hall, staff room, main office, library, kitchen, plant room and stores
 - Single storey standalone nursery building to accommodate 2 classes (and associated rooms) for pre-school children
 - Car parking provision within the school site with vehicular access off Springvale
 - Cycle and scooter parking
 - External hard and soft play
 - External lighting to the buildings and car park
 - Hard and soft landscaping
 - Off-site highway improvements
- 2.3. The main vehicular access to the school and nursery would be taken from Springvale, the existing estate road to the west of the site and lead to shared

parking provision for both the school and the nursery. Pedestrian access is via both Springvale to the west and Vicarage Lane to the east of the site.

- 2.4. In terms of boundary treatments, weld mesh fencing is proposed along the perimeter of the school site and landscaping within the site boundary to soften the development.

3. Site

- 3.1. The application site is a fairly level piece of agriculture land adjacent West Hall Farm, Gayton. The site is located outside, but on the edge of the development boundary for Gayton, on the eastern portion of the boundary. The part overgrown site comprises an area of grassland, hedging. The trees on the site are covered by a Tree Preservation Order imposed by the Borough Council.
- 3.2. The site is approximately 0.31 miles west of the existing school, which is situated to the north-east of the development boundary.
- 3.3. Residential properties are situated adjacent to the west of the site, and immediately the north-east of the site. Agricultural land lies immediately to the east and south.

4. Constraints

- 4.1. The following constraints apply to the application site:
- The application site, grade 2 agricultural land, is located outside but on the boundary of the development boundary for Gayton
 - The Site lies within Flood Zone 1 and is of low risk of surface water flooding
 - Gayton Restricted Byway 8 located to the north of the site, running from the turning head on Springvale east to Vicarage Lane
 - The application site is covered by a Tree Preservation Order (TPO)
 - Scheduled Monuments: one located approximately 0.31km north-west and one 0.51km approximately south-east.
 - Norfolk Valley Fens Special Area of Conservation (SAC) approximately 2.53km south-east
 - Roydon Common and Dersingham Bog SAC and RAMSAR approximately 4.50km north-west

5. Planning History

- 5.1. There is no planning history for the application site held by the County Council.

6. Planning Policy

6.1. Development Plan Policy

6.1.1. King's Lynn & West Norfolk Local Plan – Site Allocations & Development Management Policies Plan (2016)

- DM1: Presumption in Favour of Sustainable Development
- DM2: Development Boundaries
- DM9: Community Facilities
- DM15: Environment, Design and Amenity
- DM17: Parking Provision in New Development

6.1.2. **King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)**

- CS01: Spatial Strategy
- CS02: The Settlement hierarchy
- CS06: Development in Rural Areas
- CS08: Sustainable Development
- CS11: Transport
- CS12: Environmental Assets
- CS13: Community and Culture
- CS14: Infrastructure provision

6.1.3. **Gayton Neighbourhood Plan**

Gayton was designated as a neighbourhood area on 8 May 2017. However, currently there is no adopted neighbourhood plan in force for the area.

6.2. **Other Material Considerations**

Whilst not part of the development plan, policies listed below are also a further material consideration to be afforded relevant weight in the decision making process.

6.3. **The National Planning Policy Framework (2019)**

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy
- 8: Promoting healthy and safe communities
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 14: Meeting the challenge of climate change, flooding and coastal change
- 15: Conserving and enhancing the natural environment
- 16: Conserving and enhancing the historic environment

6.4. **Policy Statements**

DCLG Ministerial Statement – Planning for schools development (2011)

7. **Consultations**

- 7.1. Kings Lynn & West Norfolk Borough Council : No response received at the time of writing this report.
- 7.2. Gayton Parish Council : Gayton Parish Council voted to approve the application, but have the following concerns:
- Access – The Parish Council are extremely concerned regarding the residents that live in Springvale and the surrounding area. The Council would like assurance that a zero-tolerance approach will be achieved within the Traffic Management Plan whilst the build is taking place but also the situation will be addressed once the building is achieved so that these residents are not constantly disturbed.
 - The turning circle – The Parish Council are concerned that it may cause congestion if

not staffed correctly. The turning circle will go over a heritage footpath and the Council would like the construction to cause minimum disruption to the area if it cannot be accommodated in another place or another way.

- Coaches - The Parish Council are concerned regarding children's safety because the access is not suitable for a coach to enter the site.
- Car parking – The Parish Council understands that carparking wherever the school was to be built would be an issue mainly with Parents unwilling or unable to walk. A walking bus scheme would be welcomed.
- Loss of green space - there will be significant loss of green space with the school being built in this position.
- Highways – consideration be given to lowering the speed limit to say 20mph around the vicinity of the entrance. especially during school opening times
- Footpaths - Parishioners would like to see a provision for walking/cycling to school.

- 7.3. Sport England : The proposed development does not fall within the statutory or non-statutory remit, therefore provide advice for the applicant.
- 7.4. Environmental Health Officer (district/borough) : Community Safety and Neighbourhood Nuisance
 Site preparation/Construction phase - Require a comprehensive Construction Consideration Statement and given the proximity to residential dwellings recommend a revision to the proposed hours of construction.
 Traffic movement - Require more information on coach journeys and how they are managed.
 Drainage – No objections raised relating to drainage. It is recommended that full pipework and associated infrastructure can be supplied via a combined drainage condition.
 Lighting – Recommend the lighting be installed in accordance with the submitted plans.
 Noise – Recommend details of plant/equipment be conditioned.

Environmental Quality

No objections on air quality. If feasible, the EHO welcome the addition of EV charging points/infrastructure within the development.

- Recommends conditions relating to land contamination be imposed on any grant of planning permission.
- 7.5. Lead Local Flood Authority (NCC) : No objection subject to drainage conditions been imposed on any grant of planning permission.
- 7.6. Highway Authority (NCC) : No objections subject to standard highway related conditions and informative been imposed on any grant of planning permission
- 7.7. Norfolk Constabulary Architectural Liaison Officer : Will advise and make recommendations with the physical security of the proposal.
- 7.8. Norfolk Historic Environment Service (NCC) : No objection. Should planning permission be granted it is recommended that a archaeology condition be imposed.
- 7.9. Ecologist (NCC) : Should planning permission be granted, conditions and informatives relating to a Biodiversity Enhancement Plan and Landscape and Ecological Management Plan (LEMP) are recommended.
- 7.10. Arboricultural and Woodland Officer (NCC) : Advise that the Arboricultural Method Statement and Tree Protection Plan be followed should planning permission be granted.
- 7.11. Green Infrastructure and Landscape Officer (NCC) : No objections from a landscape perspective.
- 7.12. Public Rights of Way Officer (NCC) : Raise an objection regarding PROW, Gayton Restricted Byway 8.
- 7.13. Norfolk Fire and rescue Service (NCC) : Recommend that a condition is imposed on any grant of planning permission required an additional hydrant capable of delivering a minimum of 20L of water per second.
- 7.14. Anglian Water : Recommend a drainage condition should the County Planning Authority be minded to grant approval.
- 7.15. County Councillor (Mr Graham Middleton) : No comments received at the time of writing this report.
- 7.16. Representations
- 7.16.1 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 7.16.2 The consultation period has expired and at the time of writing this report 18 letters in support have been received. A summary of points made is as follows:
- A central location where all children in the village are close enough to walk to school
 - the children and staff desperately need and deserve a new school in order

to continue their fab work [sic]

- The village desperately needs a new school. There is probably no 'perfect' location' for everyone, but the proposed site is fairly central to the village, not on a main highway, and should therefore allow a large majority of children to either walk or cycle to school which can only be a good thing
- We have found the best location for a long-awaited school. There are some items that do need addressing but hope these can be worked out and we will finally get what we desperately need. Well done to all the Staff at the current school for providing safe, structured learning in a challenging environment.
- This site is central to the village with very good foot access from all directions meaning less drop off traffic. The building is a low slung with more land than previously available at other sites with the scope to further expand as required [sic]
- Would be wonderful to have a new school, for the ever-growing village.
- Great plans, just what the village needs.
- The school desperately needs a bigger site so this is brilliant news.
- It would be a great advantage for the school and nursery to be re built and enlarged having children taught in mobile or static homes as such isn't great in the winter it's freezing and in the summer a heat box so having a new built school with proper surroundings would benefit both staff and pupils.
- Support this application as the need for a new school in Gayton is well overdue... I can only see the approval of this application as a positive thing for this village.
- Would be very happy to see this application approved... I know that this is so desperately needed... The mobile buildings are cramped and nowhere near the learning environments the children should have access to.
- We are desperate for a new school having outgrown our current site.
- The staff are fantastic and along with the children achieve so much on such a small, hodge podge of a temporary site and deserve much better facilities. Imagine the things that can be achieved in a modern purpose-built school. Proper spaces for learning, a library and a decent sized staff room to name a few [sic]
- Gayton's current school does not have enough class or breakout space for current pupils. Additionally, Gayton is a growing village and needs to support a school which has a classroom for each year group, rather than mixed years in each year.
- The village is in desperate need of a new school. The plans are well thought out with enough classroom space for all
- This is a well-designed school. The location is good and well positioned for the population. There is also great outside space and room for expansion.

7.16.3 10 letters of objection have been received raising the following concerns:

- More foot flow and traffic through Springvale
- The road you wish to use for access to the school is owned and the relevant maintenance costs are paid for by L&H homes... how is new school going to fund the road maintenance and repairs for the foreseeable future? I presume the council will take charge of the road going forward and all paying owners will no longer be liable for the costs involved?

- Worried about the amount of traffic that will be coming through this estate, and the noise and upheaval caused, not only during the construction but forever after... There are much better places to build this School.
- My objection to this application is the fact NCC want to take a small estate road that wasn't built for large amount of traffic and use it for the only way in and out of the school.
- Many school children live out of the village. A guess at a 3rd at present? So these children will be driven to school... I have to object against the current plans on access grounds.
- The location should be reconsidered to a more sustainable site for future expansion.
- The bridleway is a valuable link for community to enjoy the countryside. This should be enhanced and the new school should be at the better location next to the existing school.
- It is in the wrong location and is detrimental to the future growth and well-being of the Gayton residents.
- Do not think that sufficient diligence has been exercised in exploring the alternative site south of the existing school... The development will also cause the loss of several mature trees... lead to the loss and destruction of the ancient footpath and bridleway at Vicarage Lane... There would undoubtedly be traffic build up and parking on the B1145 (Lynn Road) on a stretch with limited visibility and close to bends in the road.
- Traffic is going to be horrendous and the plans show the entrance will be at the side of my house preventing me from accessing my parking spaces and back door.

7.16.4 4 letters raising the following comment have been received:

- The children just seem cramped and the building is very dated.
- Gayton is in vital need of a new school ours views on the application are neutral... this site is the second/third most suitable location for a new primary school/pre-school with the more favourable site still being behind the current school... pleased to see a number of trees are to be preserved on the southern elevation but are disappointed that a large number of trees will be removed to make room for the new school/pre-school... the proposed cladding (weathered cream brick) doesn't closely match the old surrounding buildings and it is suggested that a lighter buff brick would be more in keeping... If the site is to be accessed via Springvale, NCC should adopt the road should the school be constructed due to the increased volume of traffic.
- As long as traffic calming measures are put in place to ensure the safety of the children and residents, I have no objection to the current plans.
- The pupils at Gayton primary are in desperate need of a new School. Class years are having to share and this will impact on their education.

8. Purpose of Site Visit

- 8.1. Members may recall that a planning application (reference Y/2/2017/2009) for a new school and nursery on a piece of agricultural land at the junction south of Back Street and east of Winch Road, Gayton, to replace the existing school, was included on the agenda for the Planning (Regulatory) Committee meeting

scheduled for 5 January 2018.

- 8.1.1. A consultation response received from the Environment Agency (EA) on 4 January 2018, raising an objection to the application resulted in a request from the applicant to withdraw the application from that agenda. In an attempt to remove the statutory objection the applicant worked with both the EA and the Internal Drainage Board (IDB) at addressing the issues raised by the EA with a view to submitting additional and/or revised information for further consideration.
- 8.1.2. After lengthy discussions with the relevant parties it proved difficult to reach an achievable drainage solution. Therefore, a decision was taken by the applicant to withdraw the application and submit an application for a similar proposal on an alternative site more centrally located in the village of Gayton, on County Council owned land and within an area of low fluvial and surface water flood risk.
- 8.1.3. Whilst the current application will need to consider the flood risk and drainage implications, given the low level of flood risk, there is no longer a requirement for a sequential test, which is the approach taken to assess alternative sites suitable for development in terms of flood risk, to ensure development is sited on land that has the lowest risk of flooding. Nor is the EA a statutory consultee in the planning process.
- 8.1.4. As set out in the Local Government Association (LGA) advice a site visit is only likely to be necessary if: the impact of the proposed development is difficult to visualise from the plans and any supporting materials, including photographs taken by officers; the comments of the applicant and objectors cannot be expressed adequately in writing or; the proposal is particularly contentious.
- 8.1.5. In accordance with the LGA advice, should Members of the Planning (Regulatory Committee) consider it necessary to visit the site of the current application, the purpose of the site visit is not to debate the merits of the proposed development, but to obtain information relevant to the determination of the application. To point out features of the site and its surroundings, including a visit to the existing school site and if necessary, visit the alternative sites put forward by the applicant in the site assessment matrix (set out in the Planning Statement that accompanies the planning application) and other development in the vicinity that is relevant to the application. Members of the public are not normally invited to attend such site visits.
- 8.1.6. It is important that all Members of the Planning (Regulatory) Committee have access to the same amount of information to determine the application, therefore there is an expectation that only those Members that attend the planned site visit can take part in the debate and voting at the Planning (Regulatory) Committee meeting where the application will be presented for formal consideration.

8.2. **Environmental Impact Assessment**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required. The application will be re-screened at the determination stage.

8.3. **Responses to the representations received**

- 8.3.1. The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 8.3.2. A number of third-party representations have been received as set out in paragraphs 7.16 to 7.14.4 of this report. The current application is still under consideration therefore a full assessment of the application and response to the representation received will be reported when the subsequent application is reported to the Planning (Regulatory) Committee at a future meeting.
- 8.4. **The Community Infrastructure Levy**
- 8.5. The development is CIL liable, but zero rated.
- 8.6. **Local Finance Considerations**
- 8.6.1. In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 8.6.2. In this instance it is not considered that there are local finance considerations material to this decision regarding whether it is necessary to undertake a site visit prior to the determination of the current application.

9. Resource Implications

- 9.1. **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 9.2. **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 9.3. **Property:** The development has no property implication from the Planning Regulatory perspective.
- 9.4. **IT:** The development has no IT implications from the Planning Regulatory perspective.

10. Other Implications

10.1. Human rights

- 10.1.1 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 10.1.2 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered

that the human rights of adjoining residents would be infringed.

- 10.1.3 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

10.2. **Equality Impact Assessment (EqIA)**

- 10.2.1 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

- 10.3. **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

- 10.4. **Communications:** There are no communication issues from a planning perspective.

- 10.5. **Health and Safety Implications:** There are no health and safety implications from a planning perspective.

- 10.6. **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

11. **Section 17 – Crime and Disorder Act**

- 11.1. It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.

12. **Risk Implications/Assessment**

- 12.1. There are no risk issues from a planning perspective.

13. **Conclusion**

- 13.1. On 23 March 2018 Members of the Planning (Regulatory) Committee resolved to undertake a site visit prior to the determination of planning application Y/2/2017/2009 for the erection of a new replacement primary school and nursery (and associated works), on agricultural land at the junction south of Back Street and east of Winch Road, Gayton.
- 13.2. That application has since been subsequently withdrawn and a new application submitted for the development of an alternative site adjacent to West Hall Farm, which is more centrally located in the village of Gayton (than the previous site), owned by the County Council and within an area of low flood risk.
- 13.3. Whilst the application site lies within an area of low flood risk, it is also outside, but on the edge of the development boundary for Gayton, therefore the applicant has prepared a site assessment matrix included in the submitted Planning Statement, assessing potential sites within the village that have been considered by the applicant for the proposed development, against a set criteria.
- 13.4. As set out in the main body of this report letters of support, objection and comment have been received from local residents. The issues raised that are relevant to planning will be considered when the application is reported to the

Planning (Committee) for determination. Given the previous Committee resolution to undertake a site visit and relevance of alternatives site, the purpose of this paper is to give Members the opportunity to consider whether they wish to undertake a site visit prior to the determination of this new application currently under consideration.

Background Papers

King's Lynn & West Norfolk Local Plan – Site Allocations & Development Management Policies Plan (2016)

https://www.west-norfolk.gov.uk/info/20093/site_allocations_and_development_management_policies_plan/514/adopted_plan

King's Lynn & West Norfolk Borough Council Local development Framework – Core Strategy (2011)

https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document

The National Planning Policy Framework (NPPF) (2019)

<http://planningguidance.planningportal.gov.uk/>

DCLG Policy statement – planning for schools development (2011)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6316/1966097.pdf

Local Government Association – Planning Committee Management Briefing Note

<https://www.local.gov.uk/sites/default/files/documents/planning-committee-management-1cd.pdf>

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

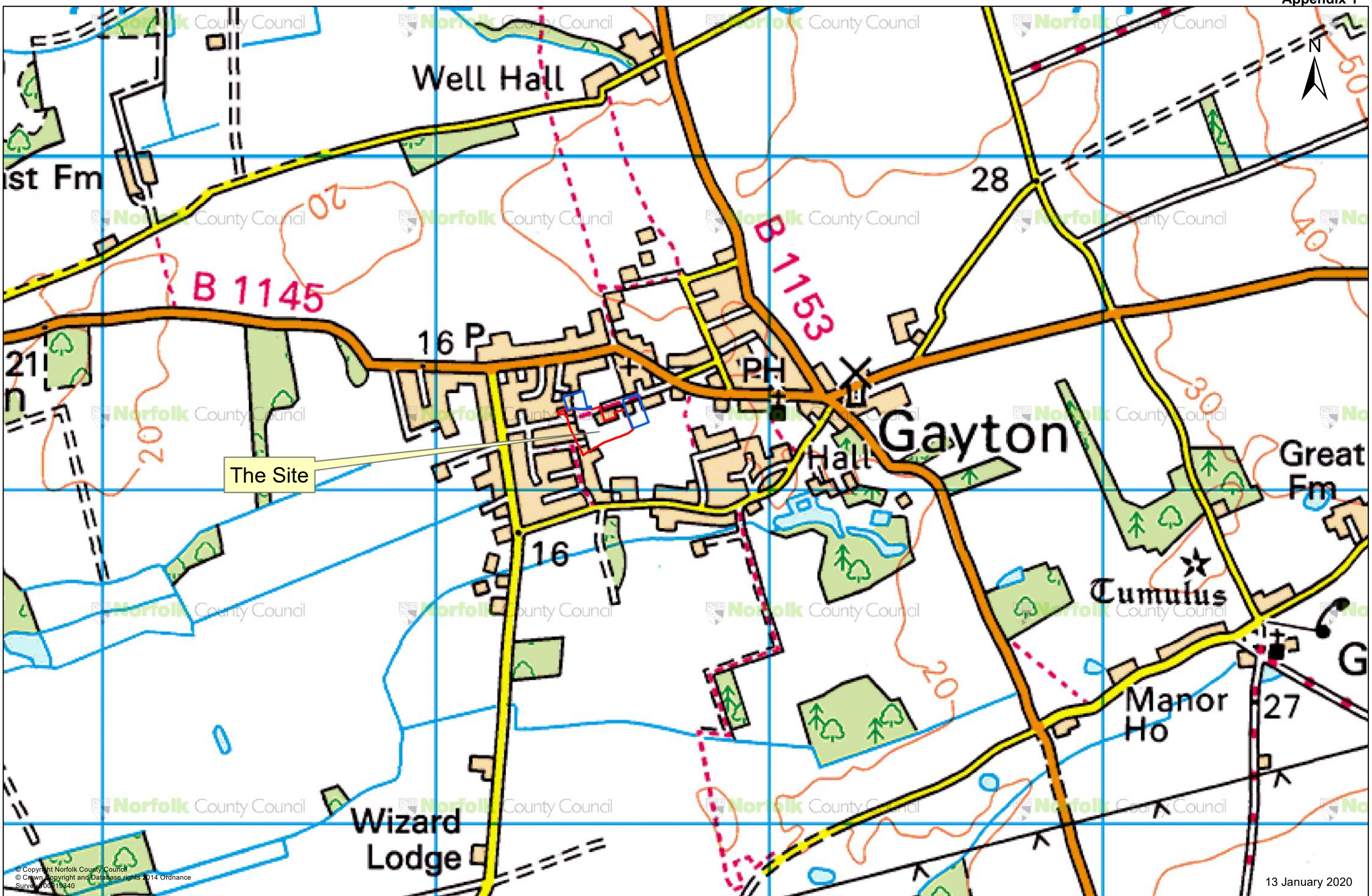
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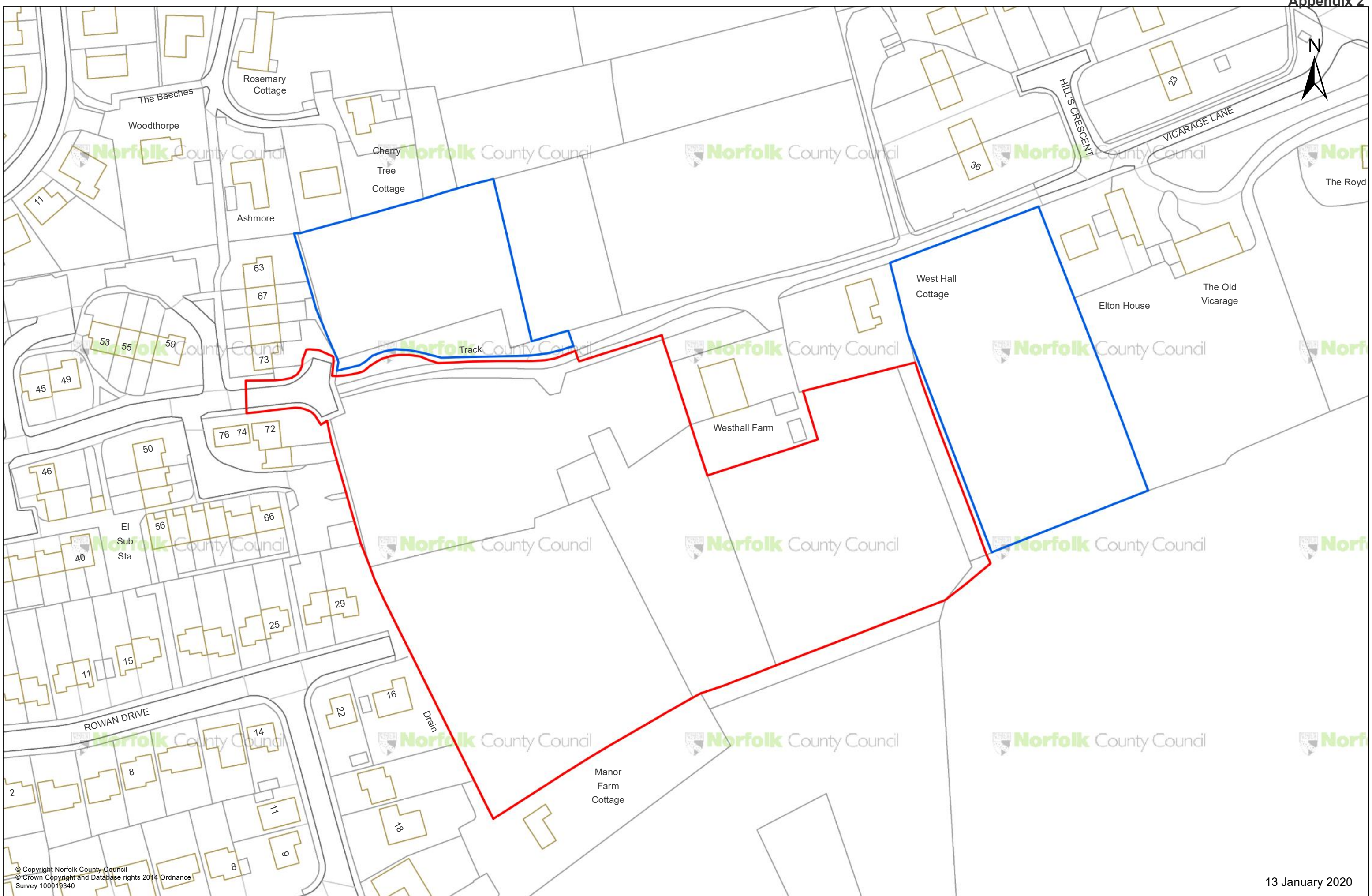


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Gayton Primary Location Plan





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Gayton Primary Site Plan

