

**Applications Referred to Committee for Determination:**

**Broadland District Council:**

**Y/5/2013/5012:**

**Removal of existing modular classroom and erection of a  
permanent pavilion:**

**Salhouse CE VC Primary School, Cheyney Avenue,  
Salhouse, Norwich NR13 6RJ**

**Director of Children's Services**

Report by the Interim Director of Environment, Transport and Development

**Summary**

Planning permission is sought for provision of a single-storey, multi-purpose pavilion on the existing school site, within the defined settlement boundary of Salhouse. As well as being used by the primary school, the new pavilion will provide child care provision and will also be made available as a local community resource.

The application has generated objections from Salhouse Parish Council, Salhouse Village Hall Committee as well as residents of Salhouse. Their concerns relate primarily to the impacts of the proposal on residential amenity and competition with the village hall.

The environmental impacts of the proposal have been carefully considered. Although concerns have been raised by Broadland District Council as to whether this is the most appropriate position on the site for the building and whether the loss of an area of playing field is acceptable, there are no objections from statutory consultees, subject to conditions.

It is considered that the proposed development is in accordance with the development plan and national planning policy.

The proposal is therefore considered to be acceptable and there are no issues of sufficient weight to justify a refusal.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To 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.

## **1. The Proposal**

- 1.1 Planning permission is sought for provision of a detached, single-storey, pavilion for school and community functions, to replace an existing temporary classroom unit (in a different location). The footprint of the pavilion is 17.2m long by 7.7m deep, with approximate eaves height of 2.5m and maximum ridge height of 3.9m. The building, which would accommodate an entrance lobby, multi-use room with office and kitchenette, toilets and storage area, is being 'gifted' to the school by a local resident.
- 1.2 The application states that, the applicant is seeking to provide a permanent multi-purpose, stand-alone pavilion to replace an existing modular classroom located towards the rear of the existing main school building, which is approaching the end of its life and is to be removed from site.
- 1.3 As well as being used by the primary school, the new pavilion is to have all year round use and will provide Ofsted registered child care provision. The application states that, the existing childcare resource within the mobile classroom falls short of current Ofsted requirements. The pavilion will also be made available as a local community resource, providing accommodation for groups such as a local gardening club and occasional use by the local Brownie pack. The planning statement details that, these users already make use of the existing mobile classroom and other spaces at the school.
- 1.4 The proposed hours of opening are as the existing school:  
07.45 – 18.00 hours Monday to Friday, with exception of monthly gardening club  
19.00 – 21.00 hours  
Occasional weekend sports and fete days during the summer months
- 1.5 The main design elements / materials to be used externally are as follows:
- Walls: green finished, composite horizontal "shiplap" type boarding;
  - Roof: pitched, terracotta coloured profiled panel with "tile" effect;
  - Windows: white uPVC;
  - Doors: white finished, composite uPVC;
  - Rainwater Goods: Black uPVC

### **Ramped Access and Level Platform**

- 1.6 Hard landscaping, comprising of permeable brick pavers, will be laid adjacent the south east and north east elevations of the pavilion.
- 1.7 The footprint of the existing modular classroom, any base foundations and service runs will be removed and the ground reinstated as playing field
- 1.8 Vehicular and pedestrian access is direct from Cheyney Aveune.

## **2. Constraints**

- 2.1 The following constraints apply to the application site:
- 2.2 Salhouse Conservation Area is located some 73m to the northwest and north of

the school.

- 2.3 The site is located within the consultation area for Norwich International Airport.
- 2.4 The site is located some 1.7km southwest of Bure Marshes National Nature Reserve (NNR), The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland RAMSAR.

### 3. Planning History

- 3.1 The following applications have more recently been approved at the site by this authority:
- 3.2 **Y/5/2009/5009** – Construction of a conservatory - permission granted 10/07/2009
- 3.3 **Y/5/2008/5001** – Extensions to provide : Phase 1 – classbase & store, IT & MI rooms, new & remodelled toilets with circulation area; Phase 2 – hall & stores, headteacher and staff group rooms, circulation space, with playground extension and covered play area - permission granted 25/03/2008
- 3.4 **Y/5/2005/5005** – Formation of New Staff Car Park - permission granted 22/04/2005
- 3.5 **Y/5/2004/5020** – Erection of single storey building extension for use as teaching base and disabled toilet - permission granted 31/01/2005

### 4. Planning Policy

- 4.1 Broadland Local Plan : GS1: Settlement limits  
saved policies (2006) GS3: General Considerations  
ENV2: Layout and Design  
ENV5: Natural features  
ENV16: Conservation Areas  
TRA8: Parking guidelines  
TRA14: Highway Safety  
RL8: Recreational facilities  
CS1: Community services  
CS2: Surface Water Drainage  
CS12: Pollution Prevention  
CS14: Noise levels
- 4.2 Joint Core Strategy for : Policy 1: Addressing climate change  
Broadland, Norwich and and protecting environmental assets  
South Norfolk (Adopted Policy 2: Promoting good design  
2011, amendments Policy 3: Energy and Water  
adopted 2014) Policy 7: Supporting communities  
Policy 15: Service Villages  
Policy 21: Implementation of proposals  
in the Broadland part of the Norwich

- 4.3 The National Planning Policy Framework (2012) : Policy Area
- Part 7: Requiring good design
- Part 8: Promoting healthy communities
- Part 10: Meeting the challenge of climate change, flooding and coastal change
- Part 11: Conserving and enhancing the natural environment
- Part 12: Conserving and enhancing the historic environment
- 5. Consultations**
- 5.1 Broadland District Council: : Make the following comments:
- Given the potentially wider community use of the building is this the most appropriate position on the site for the building? Have other locations been considered and discounted for some reason?
  - Is the loss of an area of playing field acceptable?
- 5.2 Salhouse Parish Council : Raise objection on the following grounds:
- The proposed development is of such a size and proximity to the boundaries of adjacent properties in Topcliffe Avenue that the residents' amenity and enjoyment of their properties is likely to be diminished by loss of light, loss of view, light pollution, noise disturbance and general disturbance caused by activities continuing outside reasonable or current school hours.
  - The design statement refers to the fact that the development will be to replace the existing classroom both physically and in function; this is misleading as it appears the building occupies a completely different location on the site, has a larger footprint and is described as multi-purpose.
  - The Design statement of the planning application does not make clear the precise range of uses intended for the finished development, nor does it specify the number of hours, days or weeks that the new building will be in use. This lack of detail makes it difficult to evaluate the loss of amenity liable to be suffered by residents. However, as the application

describes year round use, this must indicate a significant expansion of activities and hours, so significant loss of amenity must be assumed.

- If the new development is to be for community use, then access to the site by the public will be required for much longer hours than at present. This compromises the security of the school itself and all adjoining properties, as at present the secured nature of the site outside school hours assists the security of these residents.
- The availability of this resource to the wider community puts it in competition with the existing Jubilee Hall, a community asset which is run by volunteers and whose viability could be jeopardised by this new development if it is made widely available.
- We note and endorse the comments made by local residents and Broadland District Council.

Taking these issues into consideration, Salhouse Parish Council requests that NCC requires the developers to reconsider the following points of their application:

- That the proposed new building could be accommodated elsewhere on the site, most notably on the approximate location of the existing mobile which will be demolished, with minimal disturbance to residents and with no additional loss of playing field space. (If, as rumoured, the problem of location is due to foul drainage issues, it should be recalled that the site next to the mobile classroom was previously occupied by a mobile toilet block, so drains must have existed for this facility in the past.)
- The Design statement of the PA should clarify and give more detail of the exact uses that the new development is intended for, or has the capacity to accommodate.
- The developer should be requested to give a better indication in the Design statement of the number of hours and days throughout the year that the facility will be in use. Some restrictions on operating hours may be

required.

- An access and security plan should be prepared and preferably access to the new building by the general public should be exclusive to that building and not to the site as a whole. This may be achieved more easily if the development is relocated as suggested above.

5.3	Environmental Health Officer (Broadland District)	:	No comments from a contaminated land or nuisance perspective.
5.4	Norfolk Historic Environment Service (NCC)	:	No known implications for the historic environment.
5.5	Landscape Officer (NCC)	:	No comments received at the time of writing this report.
5.6	Arboricultural Officer (NCC)	:	No objection, subject to conditions in relation to Arboricultural Requirements and Arboricultural watching brief.
5.7	Highway Authority (NCC)	:	No objection.
5.8	Sport England	:	No objection, subject to imposition of conditions in relation to (i) provision and maintenance of relocated mini-soccer pitch and (ii) removal of the existing modular classroom and reinstatement of its footprint to playing field use.

Originally objected on the following grounds:

1. There is a deficiency in the provision of playing fields in the area of the local authority concerned
2. The proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned

but, on production of additional information the objection was withdrawn.

5.9	Ecology Manager (NCC):	:	No comments received at the time of writing this report.
5.10	Salhouse Village Hall Committee	:	Raise objection on the following grounds: <ul style="list-style-type: none"><li>• Although the application is not 100% clear on the intended use, it does state "...and will be made available as a local community resource." This therefore will be in direct competition to the Salhouse village hall and</li></ul>

puts its viability at risk.

- Salhouse village hall had already lost the play group with the loss of 1/3 of its regular income. In addition with what seems a 'shortage' of young people coming through the village we have also lost the Rainbows. Should the school become available for the wider community and then we run the risk of competing for the same limited income making the future viability of the village hall come under serious risk.
- The planning application proposed by the school can only accommodate small groups, and should the village hall be forced to close there would be no facilities left in the village left that could accommodate a group of any size resulting in a loss of a valuable community resource.
- It is our firm belief that the role of the school is for the support and education of children within the village, whilst the role of the village hall is for the wider use of the community

Whilst we do not object to the building going ahead we firmly believe that should planning be granted then a restriction of use should be put on it, limiting its use to the school, thus helping protect the future of the village hall for the wider community.

#### 5.11 Local residents

: Representations have been received from 16 local residents.

##### Objections and concerns

Objections and concerns are raised by 12 residents on the following grounds (which are summarised).

##### Application Description

Application description fails to explain the intention to erect the pavilion in a different location to the existing modular building

##### Need

The application fails to justify the need for or size of the pavilion.

What accommodation not currently available at the School will be provided by the pavilion?

The application has not explained the full use to which the pavilion will be put.

Its size is over double that of the existing modular classroom, which is at present deemed adequate for its purpose as a childcare facility.

Believe there is sufficient spare space available for the existing childcare provision to take place within the main school building.

Attendance figures show a decline in school roll from 144 (2003), 150 (2007), 101 (2010) and 102 (2013). This brings into question why such a major addition is required.

The new Rackheath School has recently opened a preschool facility and offers an alternative to parents who have previously chosen to send their children to preschool facilities in Salhouse.

Question why a pavilion is required – believe that a sports hall built onto the school would be a better option.

#### Location

The application fails to justify the proposed location for the pavilion.

Location is too close to residential properties

The proposed location of the pavilion, close to residential properties, is not the best position for a development which is planned to have continual use.

Location will incur changes to the sports pitch.

Application does not justify why it cannot be located on site of current mobile.

A preferred position would be closer to / on the site of the existing modular class room, away from all residential properties. This location would also be closer to the school access, existing water, drainage, electrical and telephone infrastructure.



Proposed pavilion would restrict staff observation of the playing field – it could be possible for a child to enter the wildlife garden out of view of supervisors.

#### Costs

For the few children using the proposed pavilion within school hours, the ongoing expenditure will be unjustifiable.

Best use would be made of existing facilities, without incurring setting up costs.

A pavilion of this size will incur additional financial outgoings in respect of day to day costs and general maintenance.

#### Design

The industrial / warehouse style of the building is not in keeping with the surrounding buildings.

The building is unnecessarily high – at a height of 3.9m the structure would be considerably higher than the hedge.

A flat roof would be more appropriate

The proposed terracotta coloured tiles would not blend in with surrounding residential properties, which have green or brown roof tiles, or the school itself.

Consider that the two windows in the pavilion which directly overlook the northern boundary should have obscure glass

Concerned about the experimental nature of the construction – how easy would it be to maintain and what is the life span?

#### Amenity

Loss of residential amenity

Application fails to explain the hours in which the pavilion could be used.

If it is intended for year round and evening use its proposed position may have a greater effect on adjacent neighbours than is first apparent.

Concern there will be more activity at the school in and around the pavilion close to my property.

All windows in the living rooms of our property face south, directly towards the proposed site.

Proposal will affect our privacy

The pavilion would take up 84% of the length of the boundary of the nearest residential property and only be screened for the most part by a deciduous hedge.

The structure would be only 2m away from the hedge which currently allows additional light in during the winter months.

Productivity of fruit and vegetables on our garden adjacent to the boundary would be severely affected by lack of light.

More noise will be generated and could extend to before and after normal school hours.

Noise pollution and light pollution would have a negative effect when we are inside our home as well as in the garden.

The alarm in the existing modular classroom is frequently heard ringing at night – it is hoped that the alarm system in the proposed pavilion would be less easily activated.

Use by groups outside normal school hours and term times resulting in increased noise, light pollution, traffic and general disturbance.

The lighting will contribute to light pollution.

If lights are necessary, they could be activated by a P.I.R. sensor in order to save energy and reduce light pollution.

Despite the matter being brought to the attention of the school, lights on the existing school buildings illuminate gardens and shine directly into nearby properties at night.

### Security

The rear of our properties will be made less secure because access to the school grounds will be open to all and sundry.

### Property value

Proposal would be detrimental to the value of our property

### Community Involvement

Residents were unaware of the plans.

Would it not have been courteous to discuss the proposal with local residents before committing to a final design?

### Application Form / Statements

Note that application form indicates that the applicant is not related to any member of staff of the Council, but believe an error may have been made

Anomaly between information provided in application form and Design & Access Statements – implication is that extra activities will occur in the new pavilion, not previously catered for at the school, and that they will occur throughout the year, not just during school times.

In both Design & Access statements and the Agents letter no mention is made of the use of the School for the Parish Council meetings on a monthly basis which regularly last until 2200hrs.

### Consultation timescale

The consultation period of 21 days is far too short and Salhouse Parish Council will be unable to respond in that time frame.

### Community resource

The application has not explained in what way and to what extent the pavilion will be available as a local community resource?

Does the school intend to offer the pavilion as an alternative venue for village clubs and activities?

Concerned that there could be a risk to the continued viability of the village hall as a result of competition from the proposed pavilion – already

about to lose the Playgroup to the school.

A condition of planning approval should restrict use of the pavilion to playgroup and pre-school / after school groups

#### Gifting of building

The fact that this building is 'gifted' should not influence the outcome of this planning application as it is not a material consideration.

#### Support

Four local residents have written in support of the application and make the following comments:-

- It will benefit and support the pre-school age children within Salhouse, as well as the school age children at Salhouse Primary and beyond who access the after school and holiday club.

- the current facilities offer no integral toilet facilities, it also has insufficient space for storage, kitchen and cloak room facilities.

- the reason that Salhouse Playgroup has moved into the school is that it was financially unsustainable to continue at the Jubilee Hall and as a result the playgroup was facing imminent closure.

Better kitchen facilities, more storage and larger learning environment

5.12 County Councillor Mr T Garrod : No comments received at the time of writing this report.

## **6. Assessment**

### **6.1 The Site**

6.2 The application site is within the grounds of Salhouse Primary School, located within Salhouse village. The school is a 1970's building constructed of red brick, with mono-pitch and flat roofs, which has been extended and enlarged over the years. Situated within a predominantly residential area, the school is fronted to the northeast by Cheyney Avenue, with residential development on all other sides. Vehicular and pedestrian access is direct from Cheyney Avenue.

6.3 The application site is located on the existing school playing field towards the rear of the existing main school building, close to the northern boundary.

6.4 The proposed pavilion lies approximately 2.0 metres from the southern boundary of the nearest residential property, on Topcliffe Avenue, whilst the nearest

residential building is approximately 36 metres from the proposed pavilion.

**6.5 Principle of development**

6.6 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

*“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*

6.7 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014) and the Broadland Local Plan (2006). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of potentially significant weight.

6.8 The proposed development is wholly within the existing school site, and the principle of the use of the site for education use is therefore established.

6.9 Concern is expressed that the application fails to justify the need for or size of the pavilion. It is believed there is sufficient spare space available for the existing childcare provision to take place within the main school building. Local residents have also questioned what accommodation not currently available at the school will be provided by the pavilion.

6.10 As regards the school roll, the Director of Children’s Services has confirmed that there has been a decline over recent years. Currently there are 101 children on the school roll and forecasts up until 2018/19 based on catchment suggest that the school roll will remain at at least 95.

6.11 The proposal provides for replacement of an existing mobile classroom with a footprint of some 57sq.m, with a pavilion of some 132sq.m. The application states that, the new pavilion will provide Ofsted registered child care provision. The existing childcare resource within the mobile classroom has no sanitary accommodation and falls short of current Ofsted requirements. The application states that the size of the proposal is in accordance with current Ofsted requirements for the number of children to be catered for and reflects the additional sanitary and office accommodation. The pavilion also incorporates a kitchenette and storage area.

6.12 Joint Core Strategy Policy 7 seeks to ensure that services are available as locally as possible, and directs that provision will be made for sufficient, appropriate and accessible education opportunities, including wider community use of schools. The proposal is considered to be consistent with these objectives because it would enhance educational provision at the school, and provide wider community use.

6.13 Joint Core Strategy Policy 15 states that in each designated Service Village (of which Salhouse is one) small-scale employment or service development appropriate to the scale and needs of the village and its immediate surrounding will be encouraged. As detailed elsewhere in this report which assesses the development in relation to the relevant development plan policies, it is considered

that the proposed development is fully compliant with Policy 15.

- 6.14 Broadland District Local Plan saved policy CS1 requires that, it will be necessary to demonstrate that a need exists for proposals for community facilities and services outside settlement limits. As detailed elsewhere in this report, the application site is situated within the defined settlement boundary for Salhouse.
- 6.15 Paragraph 72 of the National Planning Policy Framework (NPPF) states that planning authorities should take a proactive, positive and collaborative approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities, and to development that will widen choice in education. LPAs should give great weight to the need to create, expand or alter schools. Great weight is therefore attached to the education facility provided by the new building, which ensures an improvement in the quality of the educational environment offered to the community.
- 6.16 The proposed development would ensure an improvement in the quality of the educational environment offered to the community, which is considered sufficient to secure compliance with these Core Strategy policies, and meet the objectives of the NPPF. It is considered therefore that the principle of development is acceptable.
- 6.17 **Principle of location**
- 6.18 The Joint Core Strategy settlement hierarchy identifies Salhouse as being situated within the Norwich Policy Area. The Broadland District Local Plan Proposals Map identifies the application site as being situated within the defined settlement boundary for Salhouse. Broadland Local Plan saved policy GS1 accepts the principle of new development within the settlement limits, whilst saved policy GS3 seeks to avoid unacceptable effects from new development including in terms of, residential amenity and, character and appearance of the surrounding area. Saved policy CS1 directs that community facilities will be permitted in appropriate locations.
- 6.19 Whilst not raising objection, Broadland District Council has questioned whether, given the potentially wider community use of the building, this is the most appropriate position on the site for the building and whether other locations have been considered and discounted for some reason. Concern has been raised by local residents that the application fails to justify the proposed location for the pavilion.
- 6.20 Salhouse Parish Council and local residents have suggested that the proposed building could be accommodated on the approximate location of / closer to the existing modular classroom. Concern has also been raised that the application fails to justify why the building cannot be located on the site of the current mobile classroom. It is the applicant, not the Council, that decides what proposal to submit; the Council then has to determine that application on its merits, whatever other form it would prefer the application to take.
- 6.21 Whilst within 2.0 metres of the boundary of the nearest residential property, on Topcliffe Avenue, the proposed pavilion is approximately 36 metres from the nearest residential building.
- 6.22 The planning statement submitted in support of the application states that, consideration has been given to alternative positions for the pavilion on the site.

The statement concludes that, the proposal has been positioned in what is considered to be the most favourable and least detrimental to adjacent properties for the following reasons:-

- The position on site is the furthest possible from any of the adjacent residential properties, whilst still making best use of the external play and grass area.
- The position of the existing mobile classroom currently blights full use of the hard play area as a netball court, as the run-off area is restricted.
- The position of the existing mobile classroom restricts staff observation and supervision of the playing field from the hard play area during play periods.
- Access to various service connections is similar whatever the position of the proposal.

6.23 As is detailed elsewhere in this report, which assesses the development in relation to the other relevant policies of the development plan, it is considered that the proposed development would not cause unacceptable environmental impacts. It is therefore considered taking into account the above that the location of development is acceptable in principle in accordance with the provisions of saved policies GS1, GS3, and CS1.

#### 6.24 **Design and Historic Environment**

6.25 Policy 1 of the Joint Core Strategy seeks the conservation and enhancement of the built environment and wider historic environment, whilst Policy 2 requires all development to be designed to the highest possible standards, creating a strong sense of place and respecting local distinctiveness. Saved policy GS3 of the Broadland District Local Plan seeks to avoid unacceptable effects from new development including in terms of, character and appearance of the surrounding area, and the historic environment. Saved policy ENV2 requires a high standard of layout and design, with regard given to the scale, height and other aspects of the development, whilst saved policy ENV16 seeks the protection and enhancement of the character and appearance of conservation areas, and sets out that new development must be sympathetic to the character of the area, having regard to siting, density, form, scale, design, materials and landscaping. These principles are also contained within the NPPF Part 7: *Requiring good design*, and Part 12: *Conserving and enhancing the historic environment*.

6.26 The nearest part of Salhouse Conservation Area is located some 73m to the northwest and north of the school grounds, separated by residential development.

6.27 The proposed works are entirely within the school grounds and consist of the removal of an existing modular classroom located to the rear of the main school building and provision of a modular, stand-alone pavilion close to the northern boundary.

6.28 Concern has been raised regarding the design and height of the proposed building. The existing school buildings consist of an original 1970's red brick, single storey building, with mono-pitch and flat roofs, which has been extended and enlarged over the years with similar single storey buildings incorporating a mixture of brick, render and cladding, with mono-pitched

sheet clad roofs.

- 6.29 The school is situated within a predominantly residential area, which includes a mix of detached bungalows and, detached and semi-detached houses. Although pleasant, there is no homogeneous building design theme here for the proposed pavilion to comply with.
- 6.30 The key design theme is to link the design to the existing main school buildings. The existing school buildings provide a scale and use of materials which the pavilion design picks up on, hence the new pavilion is single storey, with a shallow pitch sheet roof and uses cladding as a facing material. Consequently the single storey, pitch roof construction of the proposed pavilion relates adequately to the existing school buildings and would not look out of character given the adjacent single storey, pitch roof residential development. With the removal of the existing temporary classroom from the site, the proposed new building will stand in its own grounds as a well designed modern pavilion, fit for purpose, and appropriate for its location.
- 6.31 Whilst the proposed exterior cladding and roof covering are acceptable in principle, the applicant is currently unable to provide examples of the external finishes for consideration. It is therefore recommended that conditions are imposed requiring samples of external materials and colours to be submitted for approval.
- 6.32 As regards the roof covering, the application proposes that terracotta coloured tile profile sheets would be used although to compliment the existing school and surrounding residential area a darker colour would be preferable. It is recommended that a condition is imposed requiring details of the roof sheet colour to be submitted for approval.
- 6.33 In terms of impacts beyond the immediate vicinity, the site is open to oblique views from residential properties to the south. Partial screening from other residential properties, including Topcliffe Avenue, is provided by existing boundary hedgerows and trees, and existing school buildings. Given the positioning and single-storey form of the development, it is therefore considered that the proposed modular pavilion is unlikely to have any detrimental impact upon visual amenity or the established characteristics of the school or locality.
- 6.34 As regards the Salhouse Conservation Area, the pavilion is located within the school grounds and is screened to the northwest and north by existing residential development. It is therefore considered that the proposed pavilion would not have a detrimental impact on the character, appearance, setting or views into or out of the Conservation Area.
- 6.35 Concern has been raised regarding the ease of maintenance and lifespan of the building. The exterior walls are to be clad with shiplap board formed with composite materials whilst the roofing system comprises of profile sheeting. The planning agent has advised that, the proposed lifespan of the building is in excess of 60 years. The manufacturers' specification confirms that the buildings come with a 20 year warranty.
- 6.36 Subject to imposition of conditions in relation to external materials and colours, it is considered that the development proposed is of an acceptable scale, design and appearance in the locality, and is considered to comply



with Policies 1 and 2 of the JCS, saved policies GS3, ENV2 and ENV16 of the Broadland Local Plan, and Parts 7 and 12 of the NPPF.

**6.37 Impact on neighbour amenity**

- 6.38 Broadland District Local Plan saved policy GS3 seeks to avoid unacceptable impacts from new development including in terms of residential amenity, whilst saved policy ENV2 seeks to avoid spillage of light beyond the specific area that is to be lit and saved policy CS14 seeks minimisation of any potential noise impacts. Part 11 of the NPPF seeks to limit impact of noise and light pollution from new development.
- 6.39 It is clear that there is strong concern for the amenities of local residents. Objection has been raised by Salhouse Parish Council and by a number of local residents in respect of a number of amenity impacts including loss of privacy, noise and light pollution, and views of the pavilion from habitable rooms.
- 6.40 The location of the proposed development is wholly within the existing school site, on the existing school playing field. The proposal would introduce a pavilion into the northern part of the school site adjacent a residential area (Topcliffe Avenue). The school occupies a relatively level site relative to Topcliffe Avenue. Whilst the proposed building would be located approximately 2.0 metres from the nearest residential property boundary, it is single storey in height with a low pitch roof (eaves height of approximately 2.5m and ridge height of 3.9m) and is approximately 36 metres from the nearest residential building.
- 6.41 Partial screening is provided by existing hedging and trees adjacent the northern boundary of the school. From inspection of the site, it would appear that the roof of the proposed pavilion would be visible above the existing hedge from habitable rooms and gardens of a number of bungalows on Topcliffe Avenue. High level windows in the north facing elevation of the pavilion would restrict overlooking of adjacent dwellings. In response to concerns raised by local residents, the proposal has been amended such that the north facing windows are to be top opening and fitted with obscure glazing. It is therefore considered that the height and distance of the proposal from residential buildings would not cause any materially adverse impact upon neighbour amenity with regard to overlooking, overshadowing or any overbearing impact.
- 6.42 As regards concerns raised regarding the precise range of uses for the proposed pavilion, clarification has been sought on this matter. The applicant has confirmed that, as well as being used by the primary school, the new pavilion is to have all year round use and will provide Ofsted registered child care provision. The pavilion will also be made available as a local community resource, providing accommodation for groups such as a local gardening club and occasional use by the local Brownie pack. The planning statement details that, these users already make use of the existing mobile classroom and other spaces at the school.
- 6.43 As regards concern raised by local residents in relation to hours of opening, the applicant has clarified that the hours of opening are to be as the existing school.

6.44 *Noise*

6.45 The planning statement submitted in support of the application states that, the proposal will use “low noise” extract fans to the kitchenette and sanitary areas of the building. The proposal is also supported by a Noise Assessment including ventilation/extraction statement which concludes that no noise pollution or loss of amenity will be caused. It is therefore not considered that any materially adverse noise disturbance would arise.

6.46 As regards concern raised by local residents in relation to an alarm on the school premises, the applicant’s agent has confirmed that the existing modular classroom does not have an alarm. Notwithstanding, this matter is not considered material to the determination of the application under consideration.

6.47 *Lighting*

6.48 The proposal is also supported by a Lighting Assessment. The assessment proposes that light fittings over the door positions in the north east and south east elevations of the building will be shaded from the existing residential properties to the north west.

6.49 In response to concerns raised by local residents, the proposal has been amended such that outdoor lighting activated by PIR sensor (passive infra red) will be installed. It is therefore not considered that any materially adverse light nuisance would arise.

6.50 As regards concern raised by local residents in relation to lights on the existing school building, this matter is not considered material to the determination of the application under consideration but has been forwarded to the applicant’s agent for investigation.

6.51 The EHO has been consulted on this application and has raised no objection on amenity grounds. On balance, the proposal is therefore not considered to give rise to any material detrimental impacts on neighbour amenity. Given the above, the proposal is found to be in compliance with saved Policies GS3, ENV2 and CS14 of the Broadland Local Plan, and objectives of the NPPF.

6.52 **Biodiversity**

6.53 The proposal is not accompanied by an Ecology Report. The proposed development will be erected on a close-cut grassed area within the existing school grounds. A site inspection revealed no evidence of biodiversity issues, and it is therefore considered that the proposed development will not be detrimental to biodiversity. The footprint of the existing modular classroom will be removed and the ground reinstated as playing field.

6.54 It is therefore considered that the proposal complies with Broadland Local Plan saved Policies GS3 and ENV5, and objectives of the NPPF.

6.55 Habitat Regulations

The application site is located within 5km of The Broads SAC, Broadland SPA and Broadland RAMSAR, which are European protected habitats. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the

information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

**6.56 Highways and Traffic**

6.57 Broadland District Local Plan saved policies GS3 and TRA14 seek appropriate transport arrangements, whilst saved policy TRA8 seeks appropriate parking provision. Part 4 of the NPPF sets out the Government's national planning policies in relation to transport.

6.58 The planning statement details that, the proposed users of the building already make use of the existing school buildings and as a result there will be no change in parking requirements or any additional traffic movements. No increase to the existing number of on-site parking spaces is proposed.

6.59 The Highway Authority has been consulted on this application and has raised no objection in relation to highway issues.

6.60 Accordingly, the development is considered to be acceptable and compliant with Broadland District Local Plan saved policies GS3, TRA8 and TRA14, and the government objectives of the NPPF.

**6.61 Sustainability**

6.62 Policy 1 of the Joint Core Strategy requires all development to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather, whilst policy 2 requires all development to be designed to the highest possible standards, including as appropriate the use of sustainable materials. Policy 3 aims to minimise reliance on non-renewable high-carbon energy sources and maximise sustainable construction technologies. The NPPF sets out how development should promote sustainability.

6.63 The design of the building encompasses a number of sustainable elements. The application states that the design of the proposed pavilion utilises an energy efficient construction method with the wall, roof and partition elements of the building formed with modular panels moulded from bonded aerated recycled glass beads. The proposed thermal performance will exceed current Building Regulation standards. The proposal also includes low energy light fittings, low energy mechanical extraction fans and low water use type sanitary fittings.

6.64 It is therefore considered that its sustainability credentials are sufficient to meet the aims of JCS Policies 1, 2 and 3, and the objectives of the NPPF.

**6.65 Groundwater/surface water & Flood risk**

6.66 Joint Core Strategy Policy 1 requires development to be located to minimise flood risk and protect groundwater sources. Saved policy GS3 of the Broadland District Local Plan seeks to avoid unacceptable effects from new development including in terms of, land drainage. Saved policy CS2 seeks use of sustainable drainage systems for new development where appropriate, whilst saved policy CS12 requires development to address any pollution risks.

6.67 The application site is located in Flood Zone 1 so there is a low risk of tidal

and fluvial flooding.

6.68 The development proposes a connection to the main sewer for management of foul water, whilst roof rain water runoff would be directed to a soakaway. In addition, the new “hard” landscaping pavers and sub base are permeable. There are no particular concerns with these methods, and the Environmental Health Officer has raised no objection to the proposal.

6.69 It is therefore considered that the proposed development would not cause any adverse effects in terms of flood risk, ground or surface water pollution, and the proposal complies with JCS Policy 1, Broadland Local Plan saved policies GS3, CS2 and CS12, and the aims and objectives of the NPPF.

6.70 **Landscape and Trees**

6.71 The Arboricultural Report which accompanies the application recommends root pruning of one Silver Birch on the northern boundary of the playing field, crown pruning of two Silver Birch to facilitate the construction works and protection of retained trees.

6.72 The Council's Arboricultural Officer has been consulted on this application and has raised no objection, subject to conditions in relation to Arboricultural Requirements, and Arboricultural watching brief. This would seem to be a reasonable request.

6.73 Given the above, the application is not considered to be in conflict with saved policies GS3 and ENV2 of the Broadland District Local Plan, or the aims and objectives of the NPPF.

6.74 **Playing pitch provision**

6.75 Broadland Local Plan saved policy RL8 seeks to prevent the loss of existing or potential recreational or sporting facilities.

6.76 The application states that, the proposed pavilion would be sited on the existing school playing field. It is proposed that following removal of the existing modular classroom and reinstatement of the ‘footprint’ that the existing sports pitch can be relocated to avoid the new pavilion. The proposal would result in the net loss of a relatively small part of the playing field.

6.77 Whilst not raising objection, Broadland District Council question whether the loss of an area of playing field is acceptable and local concern is also raised that the proposed location will incur changes to the sports pitch.

6.78 Sport England has been consulted and offers no objection on the basis that the development will not have a significant adverse impact on playing field provision on this site, subject to conditions in relation to provision and maintenance of a relocated mini-soccer pitch and, removal of the existing modular classroom and reinstatement of its footprint to playing field use. This would seem to be a reasonable request.

6.79 It is therefore considered that the proposal is acceptable and compliant with Broadland Local Plan saved Policy RL8, and Paragraph 74 of the NPPF, which seeks the protection of existing playing fields.

6.80 **Responses to the representations received**

- 6.81 The application was advertised by means of neighbour notification letters and two site notices.
- 6.82 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.83 **Other issues**
- 6.84 'Gifting' of building: The fact that this building is being 'gifted' by a local resident is not a material planning consideration.
- 6.85 Loss of view: As regards concerns raised by the Parish Council regarding loss of view, the protection of a person's particular view from a property is not a material planning consideration.
- 6.86 Loss of light: Concern has been raised by local residents regarding loss of light to a residential garden. In terms of planning considerations, rights to light do not attach to gardens and would not be sufficient reason for rejecting a proposal.
- 6.87 Security: As regards concerns raised by the Parish Council and local residents regarding loss of security to neighbouring properties and the school itself arising from community use of the pavilion, the applicant's agent has confirmed that there will be no extension to the existing hours of opening and no additional users.
- 6.88 Property Value: Concern has been expressed by a local resident that the proposal would be detrimental to the value of their property. However, the perceived loss of property value is not a material planning consideration.
- 6.89 Costs: Concern has been raised by local residents regarding setting up costs, and financial outgoings in respect of day to day costs and general maintenance. As this aspect does not relate to the use and development of land, it is therefore beyond the scope of planning control.
- 6.90 Sports Hall: A local resident has questioned why a pavilion is required and believes that a sports hall built onto the school would be a better option. It is the applicant, not the Council, that decides what proposal to submit; the Council then has to determine that application on its merits, whatever other form it would prefer the application to take.
- 6.91 Viability of Salhouse Village Hall (Jubilee Hall): It is clear that there is strong concern for the viability of Salhouse Village Hall as a result of competition from the proposed pavilion. With regard to the need to include a planning condition to restrict use of the pavilion to playgroup and pre-school / after school groups, Circular 11/95 – *Use of conditions in planning permission*, requires that planning conditions should be relevant to planning. However, potential competition is not a material planning consideration and can not be taken into account. Notwithstanding, the applicant's agent details that there are to be no additional proposed users.
- 6.92 Application Form: Concern is expressed that an error may have been made regarding the application form in relation to whether the applicant or agent is related to any member of staff or elected member of the council. Given that the application is being made by the head teacher on behalf of the Director of

Children's Services it is considered that the form has been completed correctly.

## **7. Resource Implications**

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **8. Other Implications**

### **8.1 Human rights**

- 8.2 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.
- 8.3 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.
- 8.4 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.

### **8.5 Equality Impact Assessment (EqIA)**

- 8.6 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.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **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.

## **9. Section 17 – Crime and Disorder Act**

- 9.1 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.

## **10. Risk Implications/Assessment**

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

## **11. Conclusion and Reasons for Grant of Planning Permission**

- 11.1 Planning permission is sought for provision of a detached, single-storey, pavilion for school and community functions, to replace an existing temporary classroom unit.
- 11.2 For the reasons detailed in this report, on balance, the proposed development is considered to be in accordance with the development plan and national planning policy.
- 11.3 The proposal is therefore considered to be acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **12. Conditions**

- 12.1 1. The development hereby permitted shall commence not later than three years from the date of this permission.

Reason:

Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 12.2 2. Except as modified by details to be approved pursuant to condition nos. 3 and 4 below, the development must be carried out in strict accordance with the application form, plans and documents detailed below:
- a) Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse; No: 227a Revision; dated Feb 14; received 7 February 2014
  - b) Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse; No: 227b Revision; dated Mar 14; received 6 March 2014
  - c) Arboricultural Impact Assessment at Salhouse Primary School, Cheyney Avenue, Salhouse; unreferenced; prepared by A.T. Coombes Associates; dated 25th November 2013
  - d) Design and Planning Statement, including drainage assessment, landscaping details, open space and pitch assessment, lighting assessment and noise assessment and demonstration of compliance with National and Local Planning policies - Re: Removal of existing modular "mobile" classroom and erection of a permanent, single story modular pavilion, Salhouse Primary School, Cheyney Avenue, Salhouse, NR13 6RJ – 3<sup>rd</sup> Revision February 2014; prepared by Nigel Jackson; dated

January 2014; received 7 February 2014

- e) the contents of the letter from Nigel S Jackson BSc (Hons) Building Surveyor & Design Consultant to Norfolk County Council dated 05 February 2014

Reason: For the avoidance of doubt and in the interests of proper planning

- 12.3     3. Prior to the commencement of the development hereby permitted, details of an arboricultural watching brief for site supervision and monitoring during the construction works shall be submitted to and approved in writing by the County Planning Authority. The development shall thereafter take place in accordance with the details as approved.

Reason:

To ensure the protection of existing trees on the site and in the interest of the amenity of the area, in accordance with saved policies GS3 and ENV2 of the Broadland District Local Plan (2006).

- 12.4     4. Prior to the commencement of any works on site, details of the type and colour of all external materials and roofing materials, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall then be constructed and retained in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development, in accordance with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) and saved policy ENV2 of the Broadland District Local Plan (2006).

- 12.5     5. No development shall take place until the relocated mini-soccer pitch as indicated on the submitted Drawing, Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse - No: 227b Revision, dated Mar 14 has been marked out and is ready for use. The relocated pitch shall thereafter be maintained in this position.

Reason:

To ensure that existing sports pitch provision is maintained on this site, in the interests of sport/recreational provision, in accordance with saved policy RL8 of the Broadland District Local Plan (2006).

- 12.6     6. Within six months of the occupation of the building hereby permitted, the temporary classroom unit sited adjacent to the school hard play area, as indicated on the Submitted Drawing, Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse – No 227b Revision, dated Mar 14, shall be removed and the site reinstated to playing field use.

Reason:

To compensate for the loss of playing field as a result of the proposed pavilion, in



the interests of sport/recreational provision, in accordance with saved policy RL8 of the Broadland District Local Plan (2006).

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12 above.
- (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.

## Background Papers

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted 2011, amendments adopted 2014)

Broadland Local Plan (2006) – saved policies

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

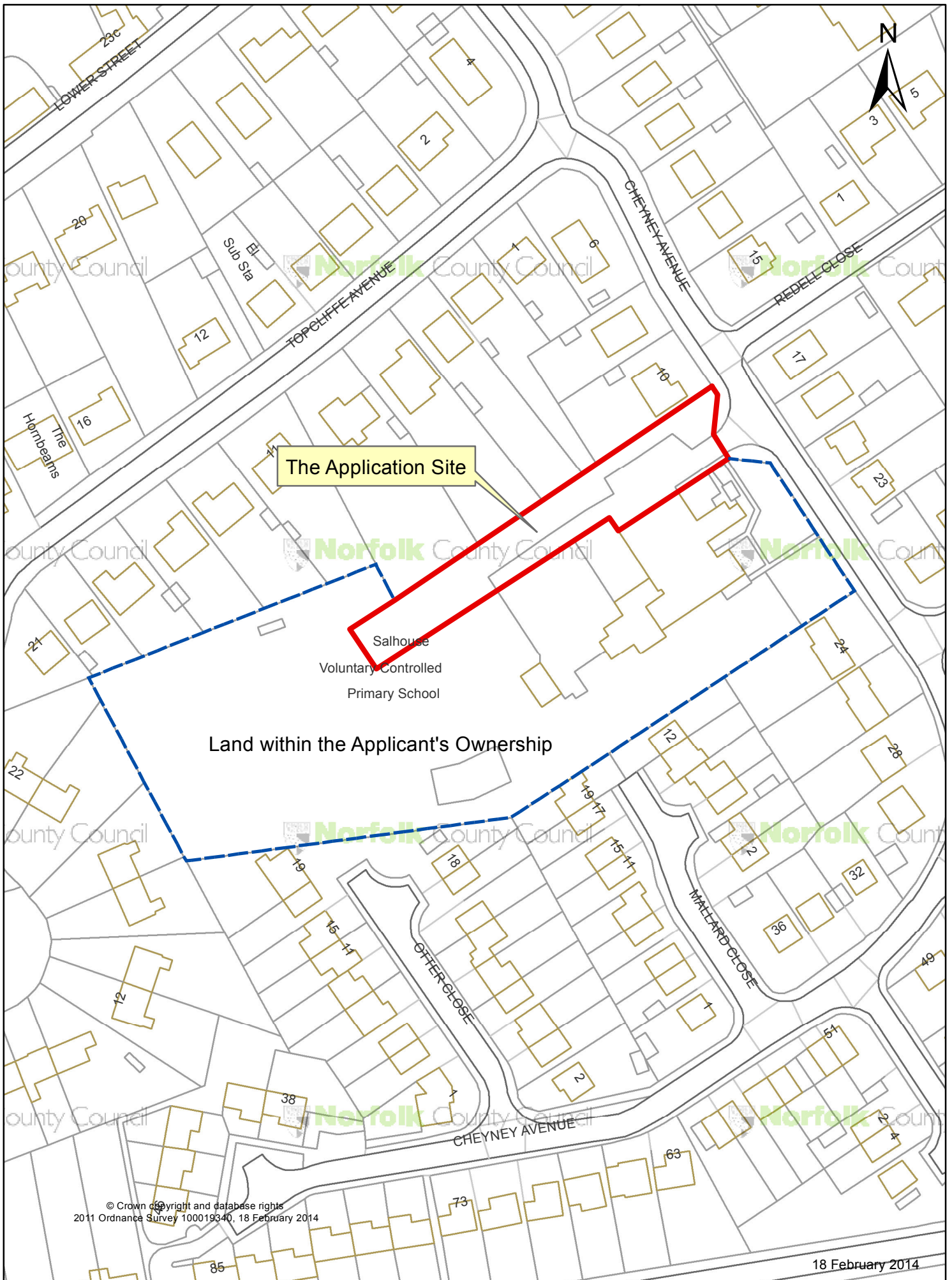
## Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Andrew Harriss or textphone 0344 800 8011 and we will do our best to help.



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Salhouse

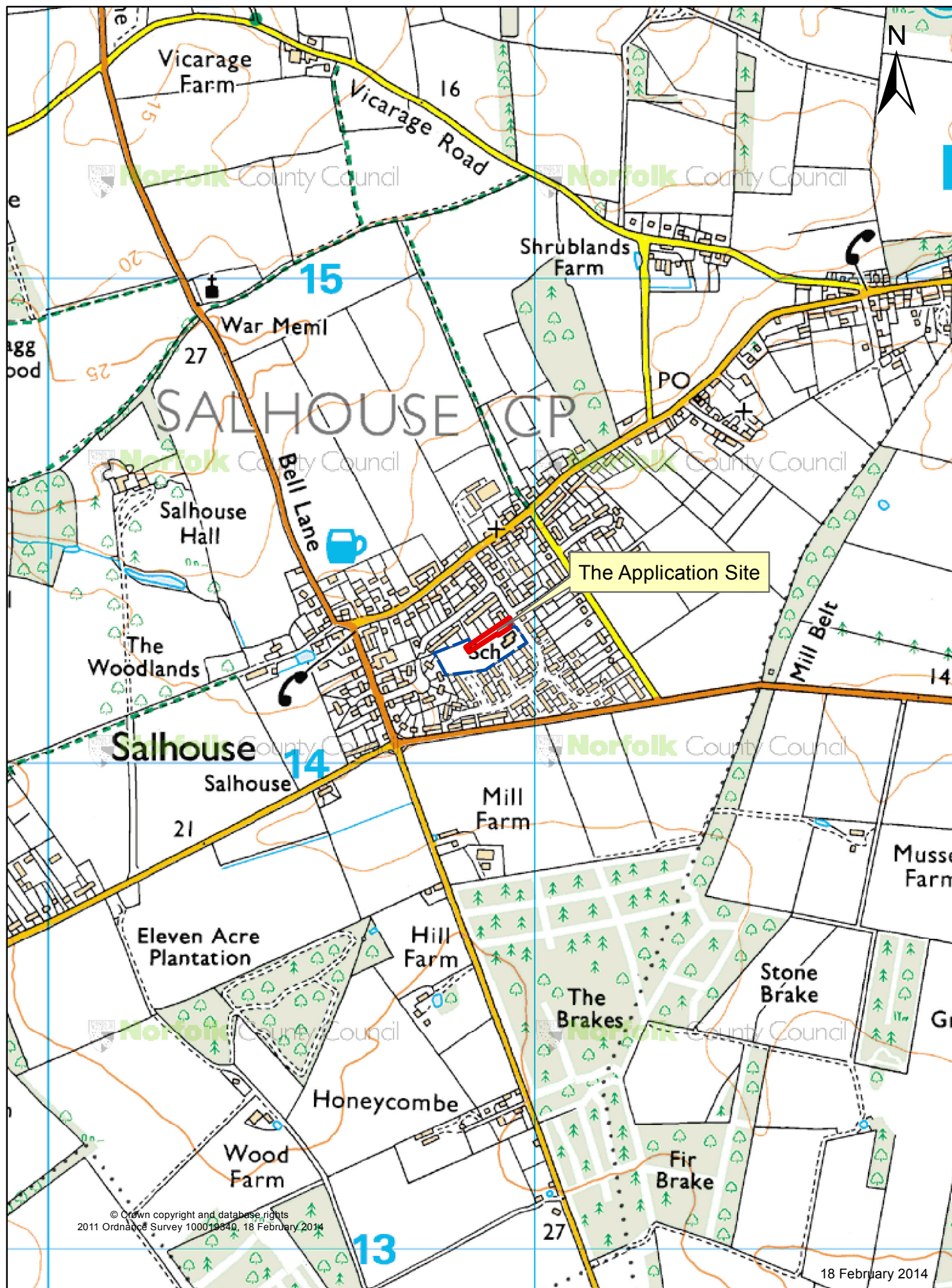
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