

# Planning (Regulatory) Committee Extraordinary Meeting

Date: **Friday 21 February 2020**

Time: **11am**

Venue: **Edwards Room, County Hall**

**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](mailto: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](mailto: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. 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.

## 3. Items of business the Chairman decides should be considered as a matter of urgency

## 4. 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.

## 5. FUL/2019/0047 Alderman Swindell Primary School, Beresford Road, Great Yarmouth, Norfolk NR30 4AB

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Report by the Executive Director of Community and Environmental Services.

**Chris Walton**  
**Head of Democratic Services**

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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

Item No. 4

<b>Report title:</b>	<b>FUL/2019/0053 – Land adjacent to West Hall Farm, Springvale, Gayton, Norfolk, PE32 1QZ</b>
<b>Date of meeting:</b>	<b>21<sup>st</sup> February 2020</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe (Executive Director of Community and Environmental Services)</b>
<b>Proposal and Applicant:</b> The change of use of agricultural land to school and nursery use and the erection of a 210 pupil primary school and 56 place nursery, access, associated car parking, playing fields and landscaping. (Executive Director, Children's Services, Norfolk County Council).	

## Executive summary

This application is for the change of use of agricultural land to school and nursery use and the erection of a 210 pupil primary school and 56 place nursery, access associated car parking, playing fields and landscaping. The main aim is to provide a new Primary School to replace the existing Gayton Church of England Primary School. The school building will provide 7 classrooms and group rooms, with a central library and resource area, and a multi-purpose hall. A range of ancillary spaces including WCs, a plant room and storage will also be provided, along with staff and administration areas and a kitchen. The nursery building will provide two children's rooms, associated WCs and nappy change, along with a shared kitchen area, storage and administration areas.

There have been 43 third party representations, from 40 members of the public, of which 23 express support for the application, 14 offer objection and 6 are neutral. There are no objections in principle to the development of a new Primary School and nursery in Gayton as there is broad agreement that the existing school is inadequate and does not provide the quality and range of accommodation and facilities required. The existing school site is too small to accommodate a new school of the size required. The representations received are primarily concerned with the location of the new school and make reference to a number of alternative sites that were initially considered and which they consider to be more appropriate, some contending that an alternative site would provide better access and have less significant adverse traffic, safety, amenity and environmental impacts.

No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because of the number of objections received. The key issues to be assessed in the determination of the application include; the principle of the development; access, traffic, pedestrian safety and parking; the amenity impacts; design and landscaping (including the impact on open space); and ecology. Flooding and drainage, sustainability, contamination, archaeology and the provision of adequate number of hydrants, have also been raised as additional issues. It is considered that the proposal would be in accordance with the policies contained within the development plan

and that in accordance with the National Planning Policy Framework, significant weight should be afforded to the need for an enhanced education provision to cater for the growing needs of the school. Conditional full planning permission is therefore recommended.

### **Recommendation:**

It is recommended 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 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 This application is for the for the change of use of agricultural land to school and nursery use and the erection of a 210 pupil primary school and 56 place nursery, access, associated car parking, playing fields and landscaping. The aim is to provide a new Primary School to replace the existing Gayton Church of England Primary School. The school building will provide 7 classrooms and group rooms, with a central library and resource area, and a multi-purpose hall. A range of ancillary spaces including WCs, a plant room and storage will also be provided, along with staff and administration areas and a kitchen. The nursery building will provide two children's rooms, associated WCs and nappy change, along with a shared kitchen area, storage and administration areas.
- 1.2 The application states that Norfolk County Council (NCC) Children's Services have identified a need for a new primary school within the village of Gayton to replace the existing Primary School at Lynn Road. The existing school currently has 148 pupils on the roll and it is anticipated that there will be increasing demand for school places, including that from planned housing development. The existing school facilities are considered to be inadequate and the site is too small to redevelop with a larger building or buildings. Therefore, the construction of a replacement school has been identified as being required to cater for the needs of the area and that a new site is required. The existing Goslings nursery provision also needs to be moved to the new site with the provision of a 52-place single storey nursery building.
- 1.3 It has been identified that the majority of pupils who attend the existing primary school live within the village of Gayton, with only a small number travelling from the surrounding villages/catchment area. The current school site has an area of 0.80 ha, whereas to accommodate the anticipated growth, a site of at least 1.60 ha is required to accommodate a one form entry school and nursery.
- 1.4 Accordingly, in 2017, NPS Group on behalf of NCC, undertook a site search to identify a potential site on which to develop a replacement school. This initially identified a site in the south west part of the village, off Back Street, as the most suitable and planning application, Ref. Y/2/2017/2009 was submitted in July 2017 for a school on that site. However, due to flood risk considerations and

the need for works on third party land, it proved impractical to deliver a school on the Back Street site. As a result, the site search was revisited and updated. This has now identified the current application site, east of Springvale, as representing the most suitable site in Gayton to deliver the replacement Primary School.

- 1.5 The submission of the current application has coincided with the withdrawal of the previously undetermined application.

#### Overall Development Plan

- 1.6 The Gross Internal Floor Area of the new school building will be 1,280m<sup>2</sup>. The building will be single storey throughout, although the main hall will be of increased height to accommodate its use for sports. The Gross Internal Floor Area of the new nursery building will be 287m<sup>2</sup>, based on a provision of 2.5m<sup>2</sup> per child.
- 1.7 The school building is to be arranged into two distinct zones separated by a spine corridor. The south side houses a bank of seven classrooms accommodating Reception to Year 6. The Early Year and Key Stage 1 classrooms include en-suite WCs and cloakrooms which allow for easy internal/external learning. Key stage 1 and 2 are divided by an open plan large group room, with views across the external play areas.
- 1.8 The north side of the corridor houses the main entrance, which leads to the central heart space/library to one side, and the reception and administration offices to the other. Also accommodated on this side are the assembly hall, the kitchen with support spaces, a food tech/practical space, the staff room, and a small meeting room/changing facility.
- 1.9 Direct access to the external play areas will be provided with the spaces, which have been designed to maximise the link and interaction between the interior and exterior.
- 1.10 The nursery building is designed to provide a welcoming and secure environment for young children, and the two main nursery rooms have been provided with en-suite WC/ nappy change facilities and a linking kitchen.
- 1.11 The staff and administration areas and main entrance have been located in front of the nursery rooms to allow privacy and maximise security, whilst maintaining good links via the main corridor.

#### Layout

- 1.12 The site is located centrally in the village close to housing both in Springvale and individual dwellings accessed off Vicarage Lane. As a result, consideration has been given to the scale and siting of the new buildings and ancillary elements and access/turning roadway, to ensure that these will not have any unacceptable impact on the residential amenity of nearby residents. Distance has deliberately been retained between the proposed primary school and nursery buildings and neighbouring residential properties, particularly those to west in Springvale and to the north along Vicarage Lane. The aim has been to protect neighbouring amenity from overlooking and loss of privacy.

## Design

- 1.13 The application states that the proposed design and layout of the buildings is intended to respect the village location of the site to ensure that it sits comfortably within the street scene and landscaped setting. The main school building is predominantly single storey in scale but with some taller elements, notably the school hall. The nursery building, is also single storey and has been positioned to ensure there will be no impact on the converted barn to the east or the wider area and users of the public right of way to the north.
- 1.14 The layout of buildings and spaces on the site, the application states, have been determined by the site-specific features, opportunities and constraints, notably in relation to access, drainage considerations, ecological interest and residential amenity. As a result, a layout has been developed that concentrates buildings and parking in the northern and western parts of the site, with the playing field on the eastern side. The scheme proposes retention of as many existing features and trees as possible, although some tree removal is necessary to facilitate construction of the new access and the main building. To mitigate this, significant additional planting is proposed as part of the landscaping scheme.
- 1.15 The school will be located close to a residential area. However, because of the different function of the school and the different massing of buildings required to deliver an educational use, the application states that it has not been considered appropriate to reflect the domestic/residential appearance of nearby housing.
- 1.16 The school will nevertheless predominantly be single storey, with a parapetted flat roof over the hall and kitchen areas. The elevated roof to the Assembly Hall is intended to provide a focal point for the building, with the teaching and staff areas formed under standing seam metal mono-pitched roofs in a linear plan form.
- 1.17 The design with a flat roof is intended to provide the most economical platform for roof mounted mechanical ventilation equipment. The parapet provides a health and safety compliant enclosure for those who need to access the equipment.
- 1.18 The school building façade will be clad with buff facing brick to the main elevations, with coloured panels adjacent to the classroom windows. Stand-alone external canopies are provided to the Reception and Key Stage 1 classrooms. These will provide covered play areas and will be powder coated to match the aluminium work of the glazing systems. The main hall is predominantly brick clad and provides a prominent area on which to display the school sign, flanked by two strips of vertical glazing.
- 1.19 The materials used at the nursery building will be similar to the main school building, with buff facing brick, and powder coated aluminium windows and doors. The building includes a standing seam metal pitched roof, and a stand-alone external canopy to provide a covered play area at the rear for nursery. Both buildings will include a solid entrance canopy.



## Access

- 1.20 Initially, the favoured approach was to create a new link between Springvale and Rowan Drive, to the west of the site, from which the school access could be taken and to allow for pupil drop off and collection from an extended public highway. Initial consultation suggested this approach was broadly welcomed. However, it has not been possible to pursue this as there is a strip of land between the application site and Rowan Drive under the control of a third party and despite significant effort, they have been unwilling to sell this to allow such an access to be delivered.
- 1.21 As a result, the proposed access will be via Springvale, using the existing estate road. The existing turning head is to be extended into the school site to allow single point access, which will be adopted as a public highway. Several existing trees need to be removed and a turning loop to be created (at an adoptable standard) to allow turning and drop-off in order to limit the demand for car parking on Springvale.
- 1.22 Access into the school grounds will be from the turning loop. The geometry of the turning loop will impact on the current alignment of the existing right of way which runs adjacent to the north side of the site. As a result, the proposed design seeks to ensure that access to this route (which is defined as a restricted byway) is maintained. The scheme has been formulated in consultation with NCC Rights of Way Officer and is intended to have no adverse impact on accessibility for residents using the public right of way.
- 1.23 Pedestrian accesses will be provided from the footway associated with the turning loop and the public right of way using dedicated gateways to separate car borne movements from pedestrian movements and to create a convenient route for pupils arriving on foot. It is also intended to provide pedestrian access to both east and west Gayton, with access to and from the east via Vicarage Lane and the public right of way, and access to and from the West via the existing Springvale public footpath.
- 1.24 In addition, access to the site to and from the south will be provided via a gate in the boundary, to allow for potential housing which may be developed in future.
- 1.25 No vehicular access to the site is envisaged from the eastern side of the site via Vicarage Lane.
- 1.26 Further to consultation with the Highways Authority, it has been agreed that there is to be no coach access into the site. Instead these will park, pick-up and drop-off in either Springvale or Winch Road.
- 1.27 Off-site highway improvement measures for pedestrians crossing Lynn Road (B1145) from Orchard Road to Vicarage Lane, will also be provided.

### Car Parking and Cycle Storage Provision

- 1.28 The school and nursery will share a single car park within the site, the layout of which having been designed in consultation with the Highway Authority. Due to the location of the site within a growing residential area, a slightly reduced car parking provision in comparison with the NCC Car Parking Standards has been agreed comprising 37 car parking spaces for staff and visitors including 2 disabled spaces.
- 1.29 Stands for secure storage of up to 30 bicycles and 40 scooters will also be provided, which will contribute to the sustainable travel plan for the school. The car park will also include provision for emergency vehicles to enter and manoeuvre, providing a safe drop-off and pick-up zone. To ensure safety, these and pedestrian movements will be coordinated by the school.

### Pedestrian Access

- 1.30 A footpath and cycleway will be provided along the link road to give access to the neighbouring housing development and beyond. The proposed pedestrian routes leading to the school and nursery will be accessed from this, and the design will give priority to pedestrians to ensure the safety of pupils, staff and visitors approaching the school by foot and on cycles.

### Inclusive Access

- 1.31 Both the primary school and nursery buildings will be fully accessible to wheelchair users and the ambulant disabled. All external doors will have level thresholds and the internal floor levels will be consistent throughout to allow full access for wheelchair users. The external landscaping has been designed to maximise accessibility and allow full access for wheelchair users and ambulant disabled persons.

### Lighting

- 1.32 Lighting will be required around the school buildings and the car parking. This has been devised to provide a suitable level of security (avoiding dark areas) and maintain a good level of amenity and deter the potential for anti-social behaviour.

### Landscape Design

- 1.33 A Tree Preservation Order covers most of the application site. There are a number of trees, hedging and vegetation around the perimeter and in the central part of the site. Development of the new access will necessitate the removal of a number of trees and vegetation, but significant new planting is proposed to mitigate for this loss.
- 1.34 The majority of the trees have been assessed as being of low or moderate quality. The application states that care has been taken to limit tree loss. To accommodate the school, nursery and access, two category 'A' trees and seven category 'B' trees (a total of nine individual trees) will need to be removed, together with two groups and part removal of a further two groups).

Existing trees and hedges around the proposed site will generally be retained and protected during the course of the construction works and 33 replacement trees are to be planted. To further mitigate for the loss extensive new planting is proposed, which as well as providing new trees will include hedging which is intended to enhance bio-diversity and create an attractive educational environment.

### Ecology

- 1.35 The application is accompanied by an Ecological Report, in the form of an extended phase 1 habitat survey, which identifies that the site/area is devoid of water bodies suitable for great crested newts. In addition, it confirms that reptiles are absent from the site and that the likelihood of badgers or otters being present is low, the likelihood of water voles is negligible and the likelihood of bat roosts being present is low, although nesting birds are likely to present during the breeding season (March to August inclusive). Site clearance is therefore to be undertaken outside of the breeding bird season to avoid disturbance/injury/killing of nesting birds.
- 1.36 The report notes that during the development, the loss of hedgerows and scrub may displace hedgehogs, which currently use the site to nest and forage in. It has however been identified that the reuse of the site for non-residential use is unlikely to have any significant effect on hedgehogs, provided ecological connectivity is maintained. The adoption of avoidance, mitigation and compensatory measures (including enhancements by installing new hedgerows and the provision of bird and bat boxes) outlined in the ecology report is intended to ensure no long-term impacts relevant to protected species.

### Boundary Treatment

- 1.37 The perimeter of the proposed site will feature a 2.4m hire weldmesh fence and matching pedestrian and vehicular weldmesh gates. Where space permits native shrub and hedgerow planting will be provided at appropriate points along the boundary to soften it and reduce visibility into the site.

### Sustainability

- 1.38 The design includes sustainability features and energy efficiency measures. The buildings will be well insulated to reduce heat losses and in terms of mechanical and electrical services, these have been designed to achieve low energy consumption by utilising natural daylight and wherever possible natural ventilation.
- 1.39 Both buildings have been designed to provide heat by means of Air Source Heat Pumps located in their own dedicated external compound complete with acoustic fencing designed to limit the noise transfer to the neighbouring properties. These will be programmed to operate during the school opening times of 8am until 5pm during weekdays and operate in 'night set back mode' outside of these hours during the heating season.
- 1.40 With regard to ventilation, buildings will be provided with heat recovery ventilation units and extract fans located within the ceiling voids and operate

only during the main school day hours of 8 am until 5 pm (complete with attenuation provided to the exhaust ductwork limiting noise transfer to outside). There will be kitchen servery ventilation provided by supply and extract fans located on the flat roof above behind the 1 metre high parapet wall, located on the perimeter of the flat roof (complete with attenuation and acoustic cladding to the external ductwork exiting the servery). The kitchen is a reheat facility (not cooking kitchen). The operation of the kitchen servery ventilation system will be during the lunch time hours of 11am until 2pm during weekdays only.

### Drainage

- 1.41 On site surface water attenuation is to be provided which has been designed for the 1 in 100 year plus 40% climate change rainfall event with a restricted outfall to a combined total rate of 5 litre/second (l/s) into the Anglian Water public surface water sewer on Rowan Drive. An Anglian Water Pre-Planning Assessment Report has confirmed that a connection may be made to the public surface water sewer at a rate of 5 l/s. In addition to intercept any overland flows from the site to the adjacent residential site, a swale will be formed along the boundary.
- 1.42 Foul drainage will be to the mains sewer with an Anglian Water Pre-Planning Assessment Report confirming that foul flows will be acceptable to the foul sewerage network, which has available capacity. The new connection will be made to the existing foul water sewer in Rowan Drive.

## **2. Site**

- 2.1 The site is located centrally in Gayton to the east of Springvale, falling within the administration area of Kings Lynn & West Norfolk Borough Council.
- 2.2 It is currently in agricultural use and is Grade 3 agricultural land. It consists of an area of grassland with trees and hedging, which is part overgrown and was last used for the grazing of horses. Access to the site is available from Springvale using an existing turning head. Whilst the site also abuts Rowan Drive (also from the west) there is, as detailed above, land in third party ownership which has precluded direct access onto the site.
- 2.3 In terms of the surrounding uses, existing residential development lies to the west, with agricultural land to the east and south. There is a dwelling to the north east of the school site, which is a converted barn. The site itself is relatively flat and located centrally within the village with a Public Right of Way (Restricted Byway 8) located to the north of the application site, offering pedestrian access from Lynn Road via Hills Crescent to Springvale.

## **3. Constraints**

- 3.1 There are a number of constraints affecting the site including the following:
- The site falls outside, but immediately adjacent to, the Development

Boundary for Gayton, as shown on Inset Map G41 in the Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016);

- The nearest Listed Building is Orchard Farmhouse, Orchard Road, which is a Grade II Listed lies approximately 260 north east of the site;
- The nearest Scheduled Monument is the Medieval and Early Post-Medieval Settlement Remains 570m west of Jubilee Farm on Lynn Road, approximately 325m north west of the site;
- There are number of other more distant Listed Buildings and Scheduled Monuments in and around Gayton mainly to the north, south and west of the site;
- The nearest designated Site is the Leziate, Sugar and Derby Fens Site of Special Scientific Interest (SSSI) which is located approximately 1.8km north west of the site;
- There is a Group Tree Preservation Order (TPO) covering most of the site; and
- It lies in Flood Zone 1 on the Environment Agency's (EA) Flood Map for Planning.

#### **4. Planning History**

- 4.1 There is no previous planning history for the current application site. It should however be noted, as set out above that there was a previous planning application, Ref. Y/2/2017/2009 for a replacement Primary School to be located in the south west part of the village, off Back Street. This was submitted in July 2017 but was withdrawn in parallel with the submission of the current application in November 2019.

#### **5. Planning Policy**

##### **Development Plan Policy**

- 5.1 Relevant development plan policies for the purposes of the application comprise the following:

5.2 **King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011)**

- Policy CS01: Spatial Strategy
- Policy CS02: Settlement Hierarchy
- Policy CS06: Rural Areas
- Policy CS08: Sustainable Development
- Policy CS11: Transportation
- Policy CS12: Environmental Assets
- Policy CS13: Community and Culture

5.3 **Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Development Boundaries

- Policy DM9: Community Facilities
- Policy DM15: Environment, Design and Amenity
- Policy DM17: Parking Provision in New Development
- Policy DM22: Protection of Local Open Space.

5.4 It should be noted that a Local Plan Review (the King's Lynn & West Norfolk Local Plan Review (2016 - 2036)) is currently in progress and a draft Local Plan Review Document was published for consultation in March 2019. This is as yet still some considerable way from adoption and cannot therefore be attributed any significant weight.

## 5.5 **Neighbourhood Plan**

5.6 The site is located in Gayton Parish. The Gayton and Gayton Thorpe Neighbourhood Plan is currently in preparation but a draft has not as yet been published and so no weight should be attributed to it

## 5.7 **Other Material Considerations include**

## 5.8 **National Planning Policy Framework (2019)**

- Chapter 2. Achieving Sustainable Development
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

## 5.9 **Ministry of Housing, Communities & Local Government: National Design Guide (2019)**

## 5.10 **Department for Communities and Local Government: Policy Statement – planning for school development (2011)**

## 6. **Consultations**

6.1 Planning, Borough Council of King's Lynn and West Norfolk : No comments received at the time of writing this report.

6.2 Gayton Parish Council : The Parish Council support the development but advise that it has concerns about the following points:

### General

That it is aware that there were other sites within the village that may have been more suitable but understands that these sites have

been considered and have not been found to be appropriate for developing further.

### Access

States that it is very concerned about the impact on residents in Springvale and the surrounding area. They would like assurance that a zero-tolerance approach will be achieved within the Traffic Management Plan whilst the build is taking place but also that the situation should be addressed once the school is completed so that residents are not constantly disturbed. It also comments that some residents have suggested the use of double yellow lines down one side of the approach road but that it is aware that sometimes yellow lines can make the situation worse. It requests that monitoring be undertaken for the first year taking into account the school's and residents' views. It advises that there have been several comments regarding there only being one access and feels that other roads close by or around other entrance gates will be used as car parks.

It requests that the access be modified to provide an in and out access and ideally not both on Springvale. It makes the following additional comments:

Turning Circle: It is concerned that it may cause congestion if not staffed correctly. The turning circle will go over the line of the footpath. The Council would like the construction to cause minimum disruption to the area if it cannot be accommodated in another place or in another way.

Coaches: It is concerned about children's safety because the access is not suitable for coaches. It questions whether this should be a main requirement when building a new purpose-built school. This could possibly be achieved if the in and out access could be provided.

Car Parking: It understands that car parking, wherever the school is to be built, will be an

issue mainly with parents being unwilling or unable to walk. It states that a walking bus scheme would be welcomed. It also states that parishioners are asking what will happen when there are large school events, with parents, grandparents etc. all being present at the same time. It asks whether another area on site or nearby can be allocated for car parking?

Loss of Green Space: It is concerned that there will be significant loss of green space with the school being built in the location proposed. It understands that the school would like the landscaping undertaken to their specifications but not necessarily immediately. It asks for an assurance that the school will be able to access the landscaping provision within the first year. It also states that there is an area owned by the County Council to the north of the proposed site. It asks if this could be given to the village in mitigation for what has been lost. It understands that this area might not be available if needed to address another issue raised, but if not it would welcome the use of this area as additional green space.

Highways: It comments that access to the proposed new School will be from Winch Road. It asks that consideration be given to lowering the speed limit to 20mph around the vicinity of the entrance especially during school opening times.

Footpaths: It states that parishioners would like to see provision for walking/cycling to school, without use of gravel and requests that footpaths to be kept in good order. It also comments that there is a large piece of Carrstone that has been placed in the entrance to Vicarage Lane for an extremely long time and asks if this could be retained within the site.

In conclusion, the Parish Council comments that the village is in desperate need of a new school but does not wish to upset the lives of other parishioners in the process. It comments that the new school is a substantial much



needed development that will affect the lives of a considerable number of residents now and in the future and the it hopes that the Planning Committee will take on board all of the concerns that have been raised.

6.3 Environmental Health Officer (Community Safety & Neighbourhood Nuisance Team) Borough Council of King's Lynn and West Norfolk

: Have offered comments on a number of aspects of the development as follows:

#### Construction Phase

They advise that the Construction Consideration Statement provides a suitable framework of control of the construction phase but request the inclusion of a condition to ensure that it does.

#### Traffic

They comment that in relation to traffic movement that coaches will not be permitted to access the site, and that they will pick-up and drop-off in Springvale or Winch Road. They are concerned that this will lead to buses idling and reversing onto the un-adopted estate roads in order to turn around and that this will lead to an increase in noise for local residents during pick up and drop off. They would prefer a scheme where coaches are able to use the turning head to turn around. They advise that if the turning head is not to be utilised, a robust management plan to control coaches serving the school will need to be agreed. The management plan should also include details of how the proposed development will control visitors' cars parking on the estate roads or blocking access to estate roads at peak times (beginning and end of the day). They advise that this could lead to complaints of anti-social behaviour if not properly controlled.

#### Drainage

They advise that the drainage proposals are acceptable and in particular that the proposal to use attenuation cell storage on site with a limited discharge via a hydrobrake to the public surface water sewer for surface water, along with a swale to the west of the site to

prevent any run-off to the residential area, is a suitable system to handle surface water and land drainage. They advise that full details of pipework and associated infrastructure should be reserved by condition.

#### Lighting

They comment that the proposed lighting for the completed building and surrounding land is acceptable and should minimise any adverse impact on residents. They recommend lighting is conditioned to ensure that is be provided in accordance with the submitted plan

#### Noise

They are concerned that the air source heat pump compound west of the main school is around 14m from the boundary of the nearest dwellings on Rowan Drive (numbers 29 and 16) and that the information supplied indicates that noise levels at the property boundaries could be up to 13dB above background levels. They observe that it is proposed to enclose the units within a 2.2m high acoustic timber fenced compound. To ensure that this is effective they advise that the details of the acoustic enclosure are reserved by condition.

They also advise the details of the external plant to serve the kitchen including the ventilation equipment and any proposed attenuation which is to be situated behind a roof parapet should be conditioned.

6.4 Environmental Health Officer (Environmental Quality Team) Borough Council of King's Lynn and West Norfolk

Have offered comments on the following aspects of the development:

#### Air Quality

They advise that the level of staff and visitor vehicle trips is not deemed to be a significant change within EPUK and IAQM Planning for Air Quality Guidance. They advise that the background annual mean concentrations of nitrogen dioxide (8.83 µg/m<sup>3</sup>) and particulate matter (14.09 µg/m<sup>3</sup>) are both well below the national objective. They comment that active transport will also be encouraged at the

school, with secure storage for up to 30 bicycles and 40 scooters provided thereby encouraging active transport and contributing to the sustainable travel plan for the school. Additionally, they comment that the site will be accessible to pedestrians by a footpath and cycleway from the neighbouring housing developments, due to its central location in the village. Lastly, they comment that the inclusion of a turning loop for drop off should limit the demand for car parking and idling along the access road.

They advise that the air quality concerns from construction dust have been satisfactorily addressed in the Construction Consideration Statement.

They therefore have no objections to the development on air quality grounds. They have requested the addition of EV changing points/infrastructure within the development if this is feasible.

#### Contaminated Land

They comment that the application includes a Preliminary Contamination and Geotechnical Risk Assessment, which reviews documentary sources of information about the site's environmental setting and land-use. They comment that the report does not identify any major potential sources of land contamination, but that it is likely that there will be some localised Made Ground in the area where former farm buildings have been demolished. They comment that the report sets out a preliminary risk assessment in a conceptual site model and recommends that the actual risks to the receptors would need to be determined by undertaking an intrusive ground investigation and laboratory analysis. They therefore recommend that additional site investigation and risk assessment and any necessary remediation be carried out should permission be granted and that this be required by condition.

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| 6.5 | Lead Local Flood Authority (NCC) | : | Advise that the Flood Risk Assessment and Drainage Strategy submitted with the |
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application are acceptable and that they have no objection subject to the inclusion of a condition requiring submission of the detailed designs of a surface water drainage scheme, its approval and subsequent implementation and that the finished ground floor levels of the buildings will be a minimum of 300mm above expected flood levels of all sources of flooding.

- 6.6 Highway Authority (NCC) : The Highway Authority advise that the preferred vehicular access arrangement to serve the new school would be to join Springvale and Rowan Drive with a new adopted estate road with the school fronting onto the road, but that the principle of a loop road, as proposed, whilst not the preferred option, is a technically acceptable solution. They advise that to accommodate the loop further works will be required to the current turning head at the end of Springvale, but that the details of these works can be agreed, at a later date. They advise that double yellow lines and "School Keep Clear" markings will be required and will need to be the subject of a Traffic Regulation Order (TRO) which the applicant will be required to fund.

They advise that the vehicular access into the site should be a simple dropped crossing of the footway to give pedestrians priority and that any barriers will need to be set back to ensure a vehicle can pull off the road if they are closed.

They advise that the site location and pedestrian links to the main residential catchment area of Gayton is good and that the site is well positioned and benefits from a good footway/PROW network serving it from the residential population to the south of the B1145.

With regard to the pedestrian route to the site from the residential area to the north of the B1145, they advise that improvements will be required to ensure that this route is safe and suitable. The main desire line will be along Orchard Road crossing the B1145 to Vicarage Lane and then leading onto Gayton RB8 to the

school. They advise that the crossing of the B1145 is not currently acceptable to cater for this and requires improving. They advise that the detail of these works can also be agreed at a later date as part of the required agreement under Section 278 of the Highways Act 1980. They, in addition, offer the following comments on the details of the proposal:

#### Site Layout

They confirm that the site layout is acceptable and that the parking provision is in line with the Council's adopted parking standards with 37 parking spaces proposed for the 30 full time equivalent (FTE) staff. They advise that the location and the specification of the central sheltered cycle and scooter parking store is acceptable, but in order to cater for future demand, that the school designates an area for future cycle parking. This they advise can be addressed by condition and can be monitored through the Travel Plan process.

#### Construction Phase

They advise that the proposed construction parking arrangement and compound and the details set out in the submitted construction consideration statement are acceptable and advise the inclusion of conditions regarding their implementation.

#### Summary

They acknowledge that there is concern locally that the proposal could potentially result in up to 210 additional pupils accessing the school and that this will result in pressures on the immediate highway network. Having considered the information submitted with the application, including the sustainable links to site, the on-site parking and the package of off-site mitigation proposed, they advise that they are satisfied that the proposals deal appropriately with highway network and safety issues. They acknowledge that the proposal will result in activity within the immediate vicinity of the new school and could potentially cause a nuisance to local residents, but that

this is unlikely to generate a significant highway safety concern and that are therefore no grounds for a highway related recommendation for refusal. They advise that they will work with the school to develop a Travel Plan to help promote the use of more sustainable modes to access the site, but also advise that the school will have a key role in addressing the public nuisance issues raised, as part of the Travel Plan process. They advise that part of the Travel Plan, will involve the promotion of alternative methods (other than the car) to access the school, and that this will require engagement with parents and pupils. They advise that the school will be required to monitor the Travel Plan at agreed intervals.

Whilst accepting that the application will result in further activity, they do not consider that this would substantiate a highway objection to the proposal. They therefore recommend approval subject to the highways conditions and informatives set out in Section 13 below.

6.7 Pubic Rights of Way (NCC)

The NCC Green Infrastructure Officer (Access) is no obstruction of the PROW nor a need for a diversion order. It is noted that as this PROW is classified as a Restricted Byway (RB), there must be a dropped kerb interface between RB8 to the east and the turning circle to accommodate a horse and cart.

6.8 Historic Environment (NCC)

Advise that an archaeological desk-based assessment has already been produced in relation to the site and that the archaeological evaluation by earthwork survey and trial trenching has already taken place. This work has revealed three phases of occupation/activity dating to the 10th to 14th centuries.

They advise that if permission is granted the requirement for the submission, approval and implementation of a Written Scheme of Archaeological Investigation should be included by condition.

6.9 Ecology (NCC)

Advise that the Phase 1 Ecology Report submitted with the application is fit for purpose. They comment that the site is

comprised of six paddocks (semi-improved grassland) with scattered semi-mature and mature trees. The grassland is species poor and heavily grazed by horses. Hedgerows within the site are BAP habitats, and together with other linear features, are likely to support foraging and commuting bats. The site is not located within or adjacent to any statutory or non-statutory designated sites. No reptiles were found during specific reptile surveys and the site is considered unlikely to support great crested newts. Trees within the site are identified as having negligible to low potential to support roosting bats. Hedgehogs are likely to use the site. The loss of hedgerows and scrub has been assessed as significant, but that mitigation has been proposed. They note that high levels of lighting are proposed, including the illumination of parts of the hedgerow along the western boundary, but that this will be controlled by timers.

They advise the inclusion of conditions relating to the submission, approval and implementation of a Biodiversity Enhancement Plan and a Landscape and Ecological Management Plan (LEMP) and informatives on working practices and the management and felling of trees, during the construction phase.

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| 6.10 | Arboriculture (NCC) | Advise that the Arboricultural Impact assessment submitted with the application is fit for purpose, with adequate mitigation suggested for tree losses incurred. Advise that the Arboricultural Method Statement and Tree Protection Plan should be followed closely to ensure that impacts to retained trees are as minimal as possible. |
| 6.11 | Landscape (NCC)     | Advise that they have no objections from a landscape perspective and that implementation of the landscaping scheme should be conditioned.   |
| 6.12 | Sport England       | : Advise that if the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any  |

approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, they advise that to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England's Design and Cost Guidance.

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| 6.13 | Anglian Water Services Limited     | : | Have no objection, subject to the inclusion of a condition to ensure that no hard-standing areas are constructed until the works have been carried out in accordance with the surface water strategy and associated informatives.   |
| 6.14 | Norfolk Constabulary               | : | No comments received at the time of writing this report.  |
| 6.15 | Norfolk Fire and Rescue Service    | : | Have requested the inclusion of a condition requiring the installation of an additional fire hydrant capable of delivering a minimum of 20L of water per second, to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. They have also requested the addition of an informative making clear that the developer will be expected to meet the costs of supplying and installing the fire hydrant. |
| 6.12 | County Councillor Graham Middleton | : | No comments received at the time of writing this report.  |

### Representations

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| 6.13 | The application, including the original plans, was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. A second round of consultation with neighbours was undertaken following the receipt of additional information.  |
| 6.14 | In response, there have been 43 third party representations, from 40 local residents, of which 23 express support for the application, 14 offer objection and 6 are neutral.   |
| 6.15 | <p>The supporting representations in summary make the following points:</p> <ul style="list-style-type: none"> <li>• That there have been years of debate about how and where to build the new school;</li> <li>• That the site now proposed will provide a central location where all children in the village are close enough to walk to school;</li> <li>• That a modern purpose-built new school is urgently needed;</li> <li>• That the comments from the previous application(s) have been taken on board. The building is a low and has more land than previously available at</li> </ul> |



- other sites with scope to further expand as required;
- That it is unfortunate that the drive in and out as a one-way system cannot be delivered;
  - That children currently have to be taught in mobile or static classrooms which are cramped and inadequate in terms of the learning environment they provide. They are cold in winter and hot in summer. The current school can also make it difficult to keep children of different ages in the right place and apart as every group is muddled and all ages are mixed in the areas they have to play. Having a new school would bring more structure;
  - That Gayton has grown significantly in recent years and the demand for a new school is overdue;
  - That the location selected for the new school will be unpopular with a minority of the village wherever its located. The site selection has been well balanced in its decision of location and as the preferred site provided is central to the densest area of population of pupils in the village;
  - That there is understanding and appreciation of the concerns for residents neighbouring the proposed location in terms of traffic movements, but when viewed in comparison to the current school, it will be far safer for the pupils and visitors;
  - That sensitive planting of the site including native trees and wildflower areas would also be beneficial. The response from statutory consultees indicates this is a sustainable and suitable site for a new school;
  - That the new location provides more than adequate pedestrian access;
  - That the design of the new building is within keeping of the style of the neighbouring estate. It is sympathetic to, and in keeping with, the mono pitched roofs and off cream brickwork as well as taking reference from the former agricultural site adjacent to nearby converted agricultural buildings;
  - That the open space provision will provide an ample area for the pupils to benefit from space to run around and play games even with possible expansion;
  - That it is welcomed that land will be held in hand for future development of the school should it be required;
  - That the new planting of trees and shrubs mitigating the removal of the old ones and the implementation of stringent means to protect the existing trees and commuting wildlife listed in the reports attached are welcomed;
  - That the connection to the school via the existing footpath is welcomed;
  - That the inclusion of the nursery on the site is greatly welcomed as a local employer and as a vital service for the community;
  - That addressing a concern that has been raised by objectors, Springvale road is an adopted road and has to be maintained by NCC through public expense under the Highways Act;
  - That the existing school is dangerously located in the main road through Gayton with a narrow pavement. The new site will have no passing through traffic and a 2.0 wide pavement on each side and will encourage parents not to use their cars;
  - That parents will still be able to walk their children to school without the worry of the main road and the parking situation at the current school which presents many problems;
  - That Gayton school embraces out of classroom learning through the 'Forest

School' program that has been running for at least the last two/three years. Having a much larger outdoor nature space on the new site will encourage this and will enable children to get involved with tree planting and learn about conservation and wildlife; and

- That the new and enhanced outdoor space and sports facilities will enable children to enjoy sport and reach their potential.

6.16 The objecting representations make the following points:

- That the new school will cause more pedestrian and vehicular traffic through Springvale causing noise and disturbance, both during the construction phase and once the new school is open;
- That the residents of Springvale have to pay a ground maintenance and its unfair on those who live there to have to pay the costs if there is damage caused by more traffic;
- That the increase in pedestrian and vehicular traffic will increase the incidence of blocked drives and make it a more dangerous place;
- That the road surface in Springvale is already in poor condition and potholed and that it is now proposed to significantly increase traffic and therefore wear and tear. This raises the issue how road maintenance and repairs will be funded in the future;
- That there are much better alternative locations to build the new school;
- That the access through Springvale is narrow and inadequate. There is already on-street parking which would cause a problem as the road is narrower than a main road, which is likely to cause difficulties for coaches picking up children from the school;
- That it is likely that a significant proportion of children will still be driven to school. There is currently no monitoring of this on the existing school site and it is not proposed to implement any restrictions on the access through Springvale. This raises the question of how this is to be monitored and what measures will be put in place to ensure safety of residents including children of Springvale;
- That the location of the new school should be reconsidered and a more sustainable site for future expansion identified;
- That the existing bridleway is a valuable link for the community to enjoy the countryside. This should be enhanced and the new school should be sited next to the existing school;
- That when the options for the location of the new school were reassessed NCC advised that it would look into the merits of siting it on the vacant land to the south of the existing school, which is favoured by most people in the village;
- That there has been insufficient diligence exercised in exploring the alternative site to the south of the existing school. The landowner of this site is willing to sell the land for the purpose of building a new school and adoption of this site would avoid the loss of the valuable green space with its embedded wildlife and visual amenity to the village provided by the Vicarage Lane site;
- That the development now proposed will cause the loss of several mature trees and will inevitably lead to the loss and destruction of the ancient

footpath and bridleway at Vicarage Lane. This is a loss of heritage;

- That there would be traffic build up and parking on the B1145 (Lynn Road) on a stretch with limited visibility and close to bends in the road. This could well prove to be a dangerous situation;
- That the proposed site is on one side of an ancient footpath/bridleway which links the two sides of Gayton. This Bridleway has one end which is pedestrian only, which is to be developed into highway, via the provision of a vehicular roundabout. This Bridleway is the only legal access within Gayton for villagers to enjoy access to the countryside and it accords with NCC Greenways initiative. The joy and freedom this natural space affords children and other residents is very important. This has been ignored by NCC;
- That the site is also important for keeping horses and wildlife;
- That Norfolk Wildlife Trust confirmed to the Neighbourhood Plan Steering Group, the importance of this area;
- That the ecology survey submitted with the application refers to surprisingly few species having been observed, and makes no mention of the destruction of the bushes and wildflowers and plants which took place in October 2019;
- That a very 'comprehensive' tree survey has been undertaken and there is a provisional TPO demonstrating the importance of the site as an important habitat for wildlife;
- That the design of the new buildings is nothing like any of the public consultation drawings;
- That there has been a stakeholder's group which has not worked with or discussed anything with the Neighbourhood Plan Steering Group, and there have been no discussions with the community;
- That safety during construction has not been adequately considered by the application and the proposed construction of a roundabout and car park raises safety issues;
- That the drop-off provisions are very poor, and residents of Springvale were not consulted prior to the submission of the planning application;
- That during November 2019 NCC adopted a policy to plant one million trees across Norfolk, one for every person in Norfolk. The application site is the best location in Gayton to contribute towards this and has the advantage of an established tree and wildlife population. It is close to the built environment adding amenity value to the footpath for the residents and their children; and
- That it is requested that the site to the south of the existing school is reconsidered. This would be a better location in terms of allowing NCC to meet its tree planting policy (on the currently proposed site), climate change and community enjoyment and would be a more central site adjacent to the church and is safer.

6.17 The neutral representations make the following points:

- That the pupils at Gayton primary are in desperate need of a new School. Class years are having to share which impacts on their education. The pupils do not have any acceptable provision for outside after school clubs.

The pupils have little sanitary facilities. The teachers seem cramped when extra support for children with Special Educational Needs and music teaching is required;

- That the existing school is too small and out of date and is unable to offer some activities including assemblies where parents can attend and be part of their child's schooling;
- That the site now proposed 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. If the school/pre-school were to be built behind the existing school, the old school could be converted to a village hall creating a central hub for Gayton;
- That the site plan submitted with the application shows that there is a buffer zone between school and housing. As safeguarding is a key priority of there should be chain-link fence in front of the new hedge line creating a larger buffer zone between Manor Farm Cottage and the proposed school;
- That on review of the landscape plan, it is pleasing to see that a number of trees are to be preserved on the southern boundary but disappointing that a large number of trees will be removed to make room for the new school buildings. As many trees as possible should be retained, and supplemented with more planting on the site, thus creating a larger buffer zone with planting to act as a buffer for noise and provide a green space for wildlife. There are at least two Ash trees that can be preserved and included in the new planted hedge line;
- That as the site is rich in wildlife such as bats, hedgehogs and owls, a positive aspect is to see bat and owl boxes included alongside hedgehog friendly fencing;
- That the proposed cladding, using a weathered cream brick does not closely match the old surrounding buildings and it is suggested that a lighter buff brick would be more in keeping;
- That if the site is to be accessed via Springvale, NCC should adopt the road should the school be constructed due to the much increased volume of traffic, i.e. cars, coaches; delivery vans/lorries and emergency services all requiring access to and from the site;
- That the central location of the site within the village will mean not having to cross any main roads for the majority of children and it will make it easier for more children to walk to school. It will also enable children to still have easy access to the church when needed; and
- Traffic calming measures should be put in place to ensure the safety of the children and residents.

## **7.0 Assessment**

7.1 The underlying 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".

- 7.2 Relevant development plan policy, as detailed above, is set out in; the King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011) and the Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016). In addition, the policies set out in the National Planning Policy Framework (2019) and the DCLG Ministerial Policy Statement on planning for schools development (2011) are a material consideration.
- 7.3 The key issues to be assessed in the determination of the application include; the principle of the development; access, traffic, pedestrian safety and parking; the amenity impacts; design and landscaping (including the impact on open space); and ecology. Flooding and drainage, sustainability, contamination and archaeology have also been raised as additional issues.
- 7.4 **Principle of the Development**
- 7.5 The key issue in relation to the principle of the development is that the application site falls outside the development boundary for Gayton set out in the Local Plan Policies Map. This raises two questions; whether the proposal accords with the Development Plan, and if it doesn't whether there is a more suitable site. The latter point is one that has been raised by objectors who whilst not arguing about the principle of developing a replacement Primary School and Nursery in Gayton, question whether the correct site has been chosen.
- 7.6 The application also needs to be considered in the context of the National Planning Policy Framework (NPPF), which in Paragraph 94, makes clear that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 7.7 So, first in relation to the principle of the development the relevant development plan is the King's Lynn & West Norfolk Borough Council Local Development Framework, which includes a Core Strategy and a Site Allocations and Development Management Policies Plan. Policy CS01 sets out the overall Spatial Strategy for King's Lynn and West Norfolk. This states that the development priorities for the borough include improving accessibility for all to services including education and developing sustainable development locations by accommodating these priorities by utilising the settlement hierarchy set out in Policy CS02. This is to ensure that new investment is directed to the most sustainable places and that locally appropriate levels of growth take place in selected Key Rural Service Centres and Rural Villages. In support of Policy CS01, the Site Allocations and Development Management Policies Plan, Policy DM9, is concerned with Community Facilities, and states that the Borough Council will encourage the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.
- 7.8 Specifically in relation to Gayton, the key relevant policies in the Core Strategy are Policy CS06 on Development in Rural Areas, Policy CS02 which sets out the Settlement Hierarchy, and within the Site Allocations and Development Management Policies Plan, Policy DM 2 on Development Boundaries.

- 7.9 Under Policy CS06 the strategy for rural areas is identified as being to; promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity; maintain local character and a high quality environment; and to focus most new development in the main towns and villages referred in the Core Strategy as Key Rural Service Centres. These are identified in the settlement hierarchy set out in Policy CS02. The underlying aim of the two policies is to ensure that employment, housing, services and other facilities are provided in close proximity in Key Rural Service Centres. To ensure that this happens Development Boundaries are defined for those settlements shown on the Local Plan Policies Map. Gayton is identified as forming part of a Key Rural Service Centre under Policy CS02 and has a development boundary defined on the Proposals Map. As set out above, the key issue is that the application site for the new Primary School and nursery lies outside the Development Boundary for the village shown on the Inset Map G41 in the Site Allocations and Development Management Policies Plan.
- 7.10 Policy CS02 makes clear that limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Boundary of the Key Rural Service Centres. The detail of how this will work is then set out in the Site Allocations and Development Management Policies Plan, Policy DM2 on Development Boundaries. This states that development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan. However it also makes clear that those areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan. It lists what are number of exceptions, one of which is the development of new community facilities, where their development would be in line with Core Strategy Policy CS13.
- 7.11 Policy CS13 is concerned with Community & Culture and seeks, amongst other things, to create sustainable communities through the provision of community infrastructure and to ensure the provision of new facilities in accessible locations where an existing need can be justified, although it qualifies this by stating that it will do so where this will not compromise the environmental quality of the area.
- 7.12 In terms of development plan policy then, it does allow the development of new community facilities where these contribute to the sustainability of communities, outside the development boundary, provided these are in accessible locations and the need is justified, subject to this not compromising the environmental quality of the area.
- 7.13 The development boundary in Gayton, is somewhat unusual, in that it is drawn tightly round the existing built up area of the village, so that there is almost no vacant or undeveloped land included within the development boundary, and it does not include individual plots of any significant size. There is however an open and undeveloped area of land that runs into the geographical centre of

the village from its south east side, which is excluded from the area included within the development boundary. This is almost entirely surrounded by the built-up area of the village, and the area included within the development boundary.

7.14 The application site is located within this central area and there is undeveloped land to the immediate north, east and south that it is surrounded on all sides by the built area of the village, even though it does not fall within the development boundary. It is located on what is the closest large undeveloped area of land to the geographical centre of the village and adjoins the Public Right of Way, Restricted Byway 8, which connects the east and west sides of the village through the undeveloped area in its middle. In terms of proximity to all the existing built up residential areas of the village, there is little doubt that is one of the best, if not the best, location in the village, and it is directly on and adjoins one the main pedestrian routes through the village, and one of the few locations in the village that could be considered to potentially be within reasonable walking distance of the entire village. As such there is no issue that in terms of the geographical location it is a highly sustainable site, and possibly the most sustainable site in the village. As such there is no doubt that it meets the criteria as an acceptable site set out in Core Strategy Policies CS02 and CS06 and Policy DM2.

7.15 In terms of justified need, there is likewise no doubt that the new Primary School is required. It has been recognised for some time that the existing school is inadequate and sub-standard in terms of the accommodation it provides, is located on a site that is already too small even to meet existing requirements to an acceptable standard and is of insufficient size to be able to accommodate anticipated future growth. As such the development of the site now proposed falls within the exceptions listed in Policy DM2 as an essential community facility. In terms of the principle of the development, it is therefore clear that the development of the new school and nursery, although outside the development boundary, does fall within the permitted exceptions of development plan policy, and therefore in terms of the principle of the development it is acceptable.

7.16 Although the relative impacts of the current application site and a number of alternative sites have been considered through a site selection process. Given that it is considered that the proposal accords with the development plan the second question relating to whether there are more suitable alternative sites is not relevant to the determination of this proposal.

#### **7.17 Access, Traffic, Pedestrian Safety and Parking**

7.18 As with any new or extended school invariably the most significant issue in relation to the potential impacts, relates to access, traffic, pedestrian safety and parking. This is particularly a concern for any nearby or immediately adjacent residential areas that are, or are likely to be, on the main pedestrian and vehicular access routes to the school. This, as is set out above, has been the most significant issue raised by objectors in terms of the potential environmental impacts. The issue tends to be all the more important because of the priority attached to locating schools, especially new ones, in the most

sustainable and accessible locations. This usually means locating as close as possible to, and preferably within walking or cycling distance of, the residential population that they serve, but can also mean significant impacts on residential occupiers and especially those immediately adjacent to the main access points into the school. Impacts can be reduced by separating access and egress routes, particularly for vehicular traffic, but also by management of travel through Travels Plans that seek to make travel as sustainable as possible and minimise any disruption and disturbance, at the beginning and the end of the school day, with the aim of reducing these impacts down to an acceptable level. The potential to do this successfully in Gayton is very good insofar as the major proportion of the children attending the existing school are known to be resident in the village, and it is not anticipated that this will change significantly. The transport impacts of the development have been addressed and assessed in the Transport Statement submitted with the application.

- 7.19 Core Strategy Policy CS08 on Sustainable Development seeks to ensure that all new development responds to the context and character of places by ensuring that the scale, density, layout and access will enhance the quality of the environment and provide good access links for walking and cycling. Policy CS11 on Transport more specifically seeks to ensure that development proposals should demonstrate that they have been designed to reduce the need to travel and promote sustainable forms of transport appropriate to their particular location and relate to the uses and users of the development. It states that they should in order of preference consider walking, cycling, public transport and only then use of the private car and that they should provide for safe and convenient access. In addition the Site Allocations and Development Management Policies Plan, Policy DM15 on Environment, Design and Amenity seeks to ensure that development protects and enhances the amenity of the wider environment and states that proposals will be assessed against their impact on neighbouring uses and their occupants taking into account a number of factors including ensuring safe access, adequate parking and the amenity impacts. In addition, Policy DM17 is concerned with car parking standards and states that for non-residential development, car parking provision will be negotiated having regard to the current standards published by Norfolk County Council. Additional guidance is also set out in paragraphs 108-111 of the NPPF, which advises that applications for development should give priority first to pedestrian and cycle movements, both within development proposals and within neighbouring areas and that conflicts between pedestrians, cyclists and vehicles should be avoided.
- 7.20 As detailed above the locational considerations in relation to the new Primary School and nursery in Gayton, have sought, to identify what in geographical terms is the most accessible and sustainable, or one of the most accessible and sustainable available locations. The site at West Hall Farm, is as set out above, the most centrally located and therefore arguably the most sustainable, or one of the most sustainable locations in Gayton. Vehicular, pedestrian and bicycle access can be achieved directly from Springvale to the immediate east and pedestrian and bicycle access from Gayton Restricted Byway 8 which runs along the northern boundary of the site.



- 7.21 As set out above, it had been hoped that the vehicular access arrangement to serve the new school would be achieved by joining Springvale and Rowan Drive with a new adopted estate road with the school fronting onto the road but, this has not proved to be possible, and has resulted in the access arrangements now included in the application with a turning loop to be constructed at the eastern end of Springvale in the north west corner of the site. This will mean that vehicular access and egress will be via Springvale, which although very wide at 5.5m, for a residential road, will still require management measures to minimise vehicular traffic. It is proposed that drop off will be allowed in the turning loop to limit the demand for parking on Springvale whilst management measures will also be introduced on Springvale including double yellow lines and “School Keep Clear” markings, the exact extent of which will be the subject of a Traffic Regulation Order which the applicant will be required to fund. How far these extend along Springvale will need to be determined in consultation with the Highway Authority, in order to safeguard the safety and amenity of residents.
- 7.22 The geometry and layout of the loop itself has been the subject of considerable discussion and will need to take into account the line of the existing right of way, Restricted Byway (RB) 8, and in particular there has been concern, expressed by the Public Rights of Way Officer that the design of the loop must accurately reflect and incorporate the correct legal line of the Restricted Byway, which it has done.
- 7.23 The District Council Environmental Health Officer (EHO) has raised a concern coaches will not be allowed direct access to the site, with them instead parking picking-up and dropping-off in either Springvale or Winch Road. This has the potential to lead to buses idling and reversing on the estate road in order to turn around and as a result increasing noise and nuisance for local residents during pick up and drop off. The EHO therefore recommends either that coaches do use the turning head to turn around, or that a robust management plan is put in place to control coaches serving the school. This should include details of how the proposed development will control visitors’ cars parking on the estate roads or blocking access to estate roads at peak times (beginning and end of the day) which could lead to complaints of anti-social behaviour if not properly controlled.
- 7.24 The Highway Authority has advised that the proposal and the details are acceptable and deal satisfactorily with highway network and safety issues. It comments that the development will result in increased activity within the immediate vicinity of the proposed school and that this could potentially cause a nuisance to local residents, but that with the mitigation measures proposed this is unlikely to generate a significant highway safety concern. It states that it will work with the school to develop a Travel Plan to help promote the use of more sustainable modes to access the site and that this should also address the public nuisance issues as raised by the District Council EHO, by the promotion of alternative methods (other than the car) to access the site, and engaging with parents/pupils to ensure such issues are managed.
- 7.25 The Highway Authority has commented that in terms of its proximity to the main

residential catchment areas of Gayton, the site is well positioned and benefits from a good footway/PROW network serving the residential population to the south of the B1145. With regard to the pedestrian route to the site from the residential area to the north of the B1145, it advises that improvements will be required to ensure that this route is safe and suitable. The main desire line will be along Orchard Road crossing the B1145 to Vicarage Lane and then leading onto Gayton Restricted Byway 8, to the school. It advises that at present the crossing of the B1145 is not acceptable to cater for this and requires improving. Improvements, including the installation of new dropped-kerbs are proposed as part of the development which the Highway Authority advises are in principle acceptable, and that final details can be agreed, at a later date, as part of an agreement under s.278 of the Highways Act 1980. As the works are off-site these cannot be directly conditioned, but the coming into use of the new school can be made conditional on their prior implementation.

- 7.26 The Highway Authority as set out above have confirmed that in other respects the details of access, traffic, pedestrian safety and parking, including the management of construction phase traffic, the proposals are all acceptable and can be controlled to safeguard the safety and amenity of the local residents as well as parents, pupils and children, the latter through the implementation of the submitted Construction Consideration Statement. It should also be noted that Springvale is an adopted highway and that the County Council is therefore already responsible for its maintenance, rather than local residents.
  
- 7.27 With these safeguards the development of the new Primary School and Nursery can be considered to be acceptable in terms of relevant development plan policy and the policy set out in the NPPF.
  
- 7.28 **Amenity Impacts**
  
- 7.29 Over and above the strategic issues relating to the principle of the development and the access, traffic, pedestrian safety and parking considerations, the other key issue that invariably arises in relation to the development of new schools, are the amenity impacts, particularly on adjacent and nearby residential properties and areas. These generally comprise the impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes into any school in the short periods at the beginning and end of the school day and the noise and disturbance (including in this case, the impact of any lighting), primarily from, and associated with, outdoor recreational and sports activities. In some instances, other issues occur such as the noise and disturbance from outdoor and out of hours activities, once a new school is operating.
  
- 7.30 Relevant policy includes Core Strategy Policy CS08 on Sustainable Development which seeks to ensure that all new development responds to the context and character of places by ensuring that the scale, density, layout and access will enhance the quality of the environment and enhance community wellbeing and the Site Allocations and Development Management Policies Plan, Policy DM15 on Environment, Design and Amenity. This seeks to ensure that development protects and enhances the amenity of the wider environment and states that proposals will be assessed against their impact on neighbouring uses and their occupants taking into account a number of factors including the

amenity impacts.

- 7.31 In addition, Paragraph 180 of the NPPF, makes clear that in determining planning applications Local Planning Authorities should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from a development. It makes specific reference to the impacts from noise, light pollution, and impacts on health and the quality of life.
- 7.32 Whilst the general amenity impacts of the development have been raised by objectors, the primary concern is with the impacts of the access route to the new school along Springvale. Apart from the traffic, highway and pedestrian safety implications for the residents of Springvale, the primary concern is with the associated noise and disturbance from vehicles and pedestrians prior to the start of the school day and after the end of it. Much of the effective management of the amenity impacts will depend upon the successful implementation of the Travel Plan for the school and the regular review and updating of this. The comments from the Highway Authority recognise this point, but also makes clear the school itself has to take responsibility for the management of the amenity impacts related to travel to and from the school. This can be achieved by monitoring and remaining responsive to the needs and concerns of affected local residents in updating the Travel Plan, and in considering how and when activities are undertaken at the school and how these are managed to protect the amenity of neighbours.
- 7.33 As detailed above the District Council EHO has expressed concern about buses idling and reversing on the estate road in order to turn around and as a result increasing noise and nuisance for local residents during pick up and drop off. Again, this is something that needs to be monitored and addressed through the Travel Plan, if necessary.
- 7.34 More generally, in terms of school activities, the site is relatively well separated from adjoining and nearby residential properties. No issues of overlooking or day light have been raised by objectors and layout proposed maintains separation between the outdoor play and sports pitches from the gardens of the nearby residential properties. The District Council EHO has identified the potential for disruption during the construction phase but has advised that the measures detailed in the Construction Consideration Statement adequately address these and that conditions relating to lighting and noise from external plant should provide adequate safeguards against amenity impacts from these.
- 7.35 The latter comprises air source heat pumps which are to be located in their own dedicated external compound to the west of the main building and will largely operate during school opening hours, but also at night during those times of the year when heating is required. It also includes extraction fans to be located on the flat roof above the kitchen close to south east corner of the building. The air source heat pumps will be located approximately 15-20m from the nearest houses at the eastern end of Rowan Drive but will be enclosed in acoustic fencing.
- 7.36 With the mitigation proposed, including the school Travel Plan, the development can therefore be considered to be acceptable in terms of the

relevant amenity related development plan policies and the NPPF.

**7.37 Design and Landscaping (including the impact on Open Space)**

7.38 There are no significant issues raised relating to the design of the buildings.

7.39 In terms of policy, Core Strategy Policy CS08 on Sustainable Development seeks to ensure that all new development is of high-quality design and responds to the context and character of its setting, whilst Policy CS12 on Environmental Assets seeks to ensure that the design of new development is sensitive to the surrounding area and does not detract from the inherent quality of the environment. It states that it should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The Site Allocations and Development Management Policies Plan, Policy DM15 on Environment, Design and Amenity states that development must protect and enhance the amenity of the wider environment and that the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets, including spaces between buildings through high quality design and use of materials. In addition, Chapters 12 and 15 of the NPPF are concerned with achieving well designed places and conserving and enhancing the natural environment (particularly paragraph 170). It is now supported by the new National Design Guide that was published in October 2019, which forms part of the Planning Practice Guidance and is intended to support the achievement of good design.

7.40 The Design and Access Statement submitted with the application makes clear that the design of the new school has sought to take its design cues from the buildings and architecture of the surrounding area. It identifies that the existing buildings in the immediate vicinity to the west of the site on Springvale are generally built with buff masonry and also incorporate mono-pitch roofs.

7.41 Whilst there has been comment from objectors stating that the design of the new buildings differs from that shown in the public consultation drawings, but there have been no significant objections on grounds of design. Copies of the consultation boards used as part of the public consultation events, of which there were two held in March 2019, are included with the application. In fact, these show a design that does not differ in any significant way from that included in the current application. There has been a comment that the material finishes are not appropriate, but overall the supporting third-party representations and the report of the responses to the public consultation indicate that the public response has generally been positive and supports the proposed design approach. As such there are no major concerns that the design is not appropriate for the site.

7.42 The development can therefore in terms of its design be considered to be compliant with Core Strategy Policies CS08 and CS12 and the Site Allocations and Development Management Policies Plan Policy DM15 and is acceptable in terms of the design objectives of the NPPF and the National Design Guide.

- 7.43 There is one significant aspect of the design that has raised concerns amongst objectors, as set out above; this is that there would be a loss of trees and that it would impact on rural open space.
- 7.44 The issue has partly been raised in the context of the comparative commentary of the sites included the Site Assessment analysis, with the suggestion that the development of Site 10 - Land to the north of St Nicholas Close, would have been far less damaging. It is also argued that the loss of the trees is inconsistent with Norfolk County Council's commitment to planting one million trees across the county.
- 7.45 As detailed above a Tree Survey and Report has been submitted with the application. This identifies the site as being located in the centre of Gayton and as currently being used for grazing horses with a large amount of bramble and scrub covering it. It identifies that hedgerows and a mix of mature and early mature trees separate residential properties on the western boundary and that Restricted Byway 8 to the north is bordered by hedgerows. It also identifies a number of mature tree groups and shrubs growing in the centre of the site.
- 7.46 The survey identifies 28 individual trees and 12 grouped trees on the site, the majority of which have been assessed as being of low to moderate quality with grouped trees having mainly landscape qualities.
- 7.47 There are two willows, (identified as trees T11 and T14) which it assesses as offering significant cultural and conservation value and as having substantial girths and features such as cavities, flaking bark and crown retrenchment indicative of "veteran" status.
- 7.48 The report states that trees within a group (identified as G11) will require removal to accommodate the new access road from Springvale and a further single Hawthorn tree (within group G12) will also require removal to allow construction of the access road.
- 7.49 A number of individual trees (trees T10, T11, T14, T15, T16, T17, T18, T20, T21 and G10) are identified as requiring removal to allow construction of the school, nursery and car parking areas and there is one tree (T17) it states should be removed for safety reasons. In addition, there are trees (within Group G12) that may require nominal root pruning work to install the footpath on the north side of the site.
- 7.50 Overall, it is identified that the majority of trees within the site offer moderate arboricultural amenity value. It is proposed that there should be mitigation replanting to compensate for the lost trees and it is recommended that a full planting schedule should be produced and conditioned as part of the planning application and that planting take place throughout the site with species and composition being in keeping with the local landscape.
- 7.51 The advice from the Arboricultural and Woodland Officer is that the Arboricultural Impact assessment is fit for purpose and that whilst some trees

will be lost, adequate mitigation is being proposed to make up for the loss. There is therefore, notwithstanding the concerns of objectors, no reason to object to the development. They do advise that the Arboricultural Method Statement and Tree Protection Plan should be closely adhered to ensure that the impacts on retained trees are as minimal as possible.

7.52 In relation to the issue of loss of open space, it is inevitably the case that there will be some impact on the area when new development takes place. It should be noted that the site is not, and has not been, public open space, and has not been publicly accessible. Nevertheless, and particularly because of its location adjacent to Restrict Byway 8, it has offered a route through what has been considered to be an area of open countryside in the middle of the village. The importance of Restricted Byway 8 as a recreational route is recognized in the application and the route safeguard. In addition, the application includes a detailed landscaping plan which seeks to protect and enhance the setting of the site, the implementation of which will be required by condition.

7.53 The Green Infrastructure and Landscape Officer has not expressed any objection to the proposed landscaping scheme included as part of the development. As such there is no basis for considering that the development is not acceptable in terms of relevant development plan policy and the relevant sections of the NPPF relating to the trees and landscape, including the impact on open space.

#### **7.54 Ecology**

7.55 Several of the submitted objections raise the issue the ecological value of the site and question whether this has been adequately assessed and taken into account. They also do so in the context of the comparative value of other sites as set out in the Site Assessment report.

7.56 Relevant policy includes the Core Strategy Policy CS08 and CS12 and Chapter 15 of the NPPF on conserving and enhancing the natural environment (and particularly paragraph 170), as set out above.

7.57 As detailed above the application is supported by a Phase 1 Ecological Report and an Aerial Bat Scoping Survey report. The County Ecologist has advised that the Ecology Report is fit for purpose. The reports identify that the site is comprised of six paddocks (of semi-improved grassland) with scattered semi-mature and mature trees. The grassland is species poor and heavily grazed by horses. Hedgerows within the site are identified as BAP habitats, and that together with other linear features, are likely to support foraging and commuting bats. The site is not located within or adjacent to any statutory or non-statutory designated sites. No reptiles were found during specific reptile surveys and the site is considered unlikely to support great crested newts. Trees within the site have been assessed as being of negligible to low potential to support roosting bats. Hedgehogs are likely to use the site and the loss of hedgerows and scrub has been assessed as significant. Mitigation is however being proposed.

7.58 The mitigation measures will include; ensuring that clearance of scrub and trees on site should be undertaken between September and February to reduce

the likelihood of injuring/killing breeding birds before they start nesting on the site; ensuring that works within close proximity to retained trees should follow an appropriate Arboricultural Method Statement; that the BAP significant hedgerows are protected during the construction phase; ensuring that appropriate hedgehog protection measures are put in place (including the provision of access points through any close boarded fences surrounding the site); that if work is proposed during the bird breeding season, the site is checked for evidence of active nesting by a suitably qualified ecologist prior to work commencing and that any nesting bird sites are cordoned off and left undisturbed; that measures to prevent injuries to bats are put in place and bat boxes provided on the completed development; and that any external lighting is minimised following the works and that any lighting used is directional and low intensity with motion sensor triggers.

- 7.59 The County Ecologist is satisfied that adequate mitigation has been included in the proposals and offers no objection to the development subject to the inclusion of conditions relating to the submission, approval and implementation of a biodiversity enhancement plan and a landscape and ecological management plan (LEMP). As such there is no basis for considering that the development is not acceptable in terms of relevant development plan policy and the relevant sections of the NPPF relating to ecology.

## **7.60 Other Issues**

- 7.61 Flooding and Drainage: A Flood Risk Assessment and Drainage Strategy have been submitted with the application. The LLFA have advised that this is acceptable and that they have no objection subject to the inclusion of a condition requiring submission of the detailed designs of a surface water drainage scheme, its approval and subsequent implementation and that the finished ground floor levels of the buildings will be a minimum of 300mm above expected flood levels of all sources of flooding. No other significant issues relating to flooding or drainage has been raised by consultees or in the third-party representations. There are therefore no significant issues in terms of relevant development plan policy or policy set out in the NPPF.
- 7.62 Sustainability: Core Strategy Policy CS08 requires new development to achieve a high standard of sustainable design. This includes achieving high standards of sustainability and energy efficiency and sets out detailed requirements for how this is to be achieved. This includes the requirements for buildings of 1000m<sup>2</sup> of non-residential floor space to reduce their predicted CO<sub>2</sub> emissions by at least 10% (by using decentralised and renewable and low carbon sources) as compared to the Standard Assessment Methodology.
- 7.63 A Sustainability Statement has been included with the application which includes details of the ventilation strategy, details of the energy options considered, the energy strategy proposed, and details of the materials, technologies and techniques to meet energy performance requirements. It also includes details of the other sustainability measures including water conservation, passive solar control, lighting and lighting controls, electrical energy metering and noise transmission.

- 7.64 It confirms that the technology proposed will exceed the supply of a minimum of 10% of energy from renewable or low carbon sources, by the use of air source heat pumps for both the proposed primary school and nursery and initial stage 3 calculations show that the heat energy provided by the air source heat pumps system for the heating and hot water production is equivalent to 50.3% of the total building energy usage, easily meeting the requirement set out in Core Strategy Policy CS08.
- 7.65 Contamination: The application includes a Preliminary Contamination and Geotechnical Risk Assessment, which reviews documentary sources of information about the site's environmental setting and land-use. The report does not identify any major potential sources of land contamination, although it is likely that there will be some localised Made Ground in the area where former farm buildings on the site have been demolished. The District Council's EHO accordingly advises the inclusion of an appropriate condition relating to additional site investigation and risk assessment and any necessary remediation be carried out, if required.
- 7.66 Archaeology: The application similarly includes an Archaeological Desk-based Assessment, an Archaeological Pre-Application Evaluation by Trial-Trenching Report and an Earthwork Survey Report. These have revealed three phases of occupation/activity dating to the 10th to 14th centuries. Accordingly, the County Archaeologist has requested the inclusion of the condition requiring a programme of archaeological work in accordance requirements set out in the paragraphs 189 and 199 of the NPPF. They advise that this should consist of archaeological excavation of the western parts of the propose main new school building and some of the surrounding area. An appropriate condition is recommended to secure this work.
- 7.67 Number of Hydrants: As part of the submitted plans, two existing hydrants have been identified as being located adjacent to the site, which are located at the eastern end of Springvale and Rowan Drive. Norfolk Fire and Rescue have advised that an additional hydrant is required and have accordingly requested that a condition be attached the consent, if approved, requiring the provision of an additional hydrant, This is include as Condition No. 13.19 in the recommended conditions set out in the Section 13 below.
- 7.68 Sustainable Development**
- 7.69 The overarching question is whether the development proposed, is sustainable development. Paragraph 11 of the NPPF, states that in determining decisions on planning applications local planning authorities should apply the presumption in favour of sustainable development and in doing so should approve development proposals that accord with an up-to-date development plan without delay. This is restated in the Site Allocations and Development Management Policies Plan, Policy DM1.
- 7.70 For the reasons set out in the preceding paragraphs the application is considered to be sustainable development in line with the advice set out in the NPPF paragraph 11 and Policy DM1.
- 7.71 Responses to the representations received**
- 7.21 The application was advertised by means of neighbour notification letters, site



notices, and an advertisement in the Eastern Daily Press newspaper.

7.73 There have been 43 third party representations, from local residents, details of which are set out in paragraphs 6.13 to 6.17 above.

7.74 The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 7.1 to 7.70 above.

### **7.75 The Community Infrastructure Levy**

7.76 The development is CIL liable, but zero rated.

### **7.77 Local Finance Considerations**

7.78 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.

7.79 In this instance it is not considered that there are local finance considerations material to this decision.

## **8. Resource Implications**

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **9. Other Implications**

### **9.1 Human rights**

9.2 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.

9.3 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.

- 9.4 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.

9.5 **Equality Impact Assessment (EIA)**

- 9.6 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.

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

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

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

- 9.10 **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.

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

- 10.1 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.

**11. Risk Implications/Assessment**

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

**12. Conclusion and Reasons for Granting of Planning Permission**

- 12.1 This application is for the change of use of agricultural land to school and nursery use and the erection of a 210 pupil primary school and 56 place nursery, access and associated car parking, playing fields and landscaping. The aim is to provide a new Primary School to replace the existing Gayton Church of England Primary School. The school building will provide 7 classrooms and group rooms, with a central library and resource area, and a multi-purpose hall. A range of ancillary spaces including WCs, a plant room and storage will also be provided, along with staff and administration areas and a kitchen. The nursery building will provide two children's rooms, associated WCs and nappy change, along with a shared kitchen area, storage and administration areas.

- 12.2 There have been 43 third party representations, from 40 local residents, of which 23 express support for the application, 14 offer objection and 6 are neutral. There are no objections in principle to the development of a new Primary School and nursery in Gayton as there is broad agreement that the existing school is inadequate and does not provide the quality and range of accommodation and facilities required. The existing site is too small to

accommodate a new school of the size required. The representations received are primarily concerned with the location of the new school and make reference to a number of alternative sites that were initially considered and which would be the most appropriate, some contending that an alternative site would provide better access and have less significant adverse traffic, safety, amenity and environmental impacts.

- 12.3 The key issues to be assessed in the determination of the application include; the principle of the development; access, traffic, pedestrian safety and parking; the amenity impacts; design and landscaping (including the impact on open space); and ecology. Flooding and drainage, sustainability, contamination, archaeology and the provision of adequate number of hydrants, have also been raised as additional issues.
- 12.4 No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.
- 12.5 Accordingly, the application can be considered to be in accord with the development plan, and the NPPF, and can therefore be considered to sustainable development in line with the advice set out in the NPPF paragraph 11 and the Site Allocations and Development Management Policies Plan, Policy DM1. The concerns raised by objectors can be addressed by condition, in order to make the development acceptable and there are no other material considerations that give indicate that it should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out below.

### **13. Conditions**

- 13.1. 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.

13. 2. The development must be carried out in strict accordance with the application form and the following plans and documents:

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

- 13.3 The external materials and finishes used in the construction of the development hereby permitted shall be as detailed on the approved Drawings and as detailed in Section 2 Materials Palette of the Design and Access Statement listed in Condition No. 2

Reason: To ensure the satisfactory appearance of the development, in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy

CS08 and Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 12 of the NPPF (2019).

- 13.4 The landscaping scheme hereby permitted (as set out on Drawing No. HBS-DR-L-800 Rev P4 - Proposed Landscape General Arrangement dated 15<sup>th</sup> January 2020) shall be implemented within the first planting season (October to March), following completion the development. Any plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08 and Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 12 of the NPPF (2019).

- 13.5 No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the County Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

- 13.6 No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the County Planning Authority.

Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

- 13.7 Prior to the first use of the school hereby permitted the road(s), footway(s) and cycleway(s) shall be fully constructed to the satisfaction of the County Planning Authority in conjunction with the Highway Authority.

Reason: To ensure satisfactory development of the site.

- 13.8 Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5

metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

- 13.9 The gradient of the vehicular access shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

- 13.10 Prior to the first use of the development hereby permitted the proposed access/on-site car parking/on site footpath/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

- 13.11 The on-site parking arrangement for construction workers outlined on Drawing No. 004 Rev P1 shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

- 13.12 For the duration of the construction period all traffic associated with the construction of the development will comply with the approved Construction Consideration Statement and Construction Site Traffic Management Plan. In addition, all measures outlined within the statement shall be implemented throughout the construction period.

Reason: In the interests of maintaining highway efficiency and safety.

- 13.13 Within 6 months of the approval hereby permitted the detailed drawings for the footway improvement works on the B1145 (as indicated on Drawing No. 19-1-1044/NPS DRC 00 100 Rev P1) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the

environment of the local highway corridor.

- 13.14 Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

- 13.15 Prior to the commencement of the use hereby permitted a part time 20 mph limit, the provision of double yellow line and/or School Keep Clear Markings markings (indicatively shown on drawing 17-1-1083-110 RevP0) shall be promoted by the Highway Authority.

Reason: In the interests of highway safety.

- 13.16 Within 6 months of the first occupation of the development hereby permitted a review of the existing school travel plan shall be submitted to and approved in writing by the County Planning Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing as part of an annual review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 13.17 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 13.18 Prior to commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy (NPS Group REF: 19-1-1044/FRA Rev B dated November 2019) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- I. Provision of surface water storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 1% AEP, including allowances for climate change, flood event
- II. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - 3.33% AEP rainfall event to show no above ground flooding on any part of the site; and
  - 1% AEP rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- III. The design of the attenuation features will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP return period.
- IV. Finished ground floor levels of properties are to be a minimum of 300mm above expected flood levels of all sources of flooding (including SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- V. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VI. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

- 13.19 Prior to the occupation of the development hereby permitted, a scheme shall be submitted for the provision of fire hydrant/s on the site in a location agreed with the County Planning Authority in consultation with Norfolk Fire and Rescue Service and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 &16 (Fire Hydrants/Water Supplies and Vehicle Access). The fire hydrant/s shall be installed in accordance with the

approved scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 13.20 Prior to the commencement of development, a biodiversity enhancement plan shall be submitted and approved in writing by the Local Planning Authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include the number and locations of bird boxes, bat boxes, habitat enhancements (including hedgehog highways) as per recommendations in the Phase 1 Ecological Survey. The measures shall be carried out strictly in accordance of the approved scheme.

Reason: In the interests of preserving the ecological interest in the area in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08 and Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 15 of the NPPF (2019).

- 13.21 Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

Reason: In the interests of preserving the ecological interest in the area in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08 and Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 15 of the NPPF (2019).

- 13.22 The approved Tree Survey and Report, BS5837:2012 - Arboricultural Method Statement and Tree Protection Plan for West Hall Farm, Gayton, Norfolk Wildlife Services, (updated) dated November 2019; shall be adhered to and



implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the Local Planning Authority.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during construction works and in the interests of the visual amenity of the area in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08 and Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 15 of the NPPF (2019).

- 13.23 No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation; and

No development shall take place other than in accordance with the written scheme of investigation approved under condition (A); and

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the proper investigation, assessment, recording and publication of details of archaeological interest of the site in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS12, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Chapter 16 of the NPPF (2019).

- 13.24 The Construction of the development should be carried out in accordance with the principles set out in the NPS Group Construction Consideration Statement 19-1-1044 Revision P3.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure the provision measures to safeguard them from any disturbance in

accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 180 of the NPPF (2019).

- 13.25 External lighting shall be installed in accordance with the submitted plan NPS-DR-E-(60)-005 Rev P1.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure the provision measures to safeguard them from any disturbance in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 180 of the NPPF (2019).

- 13.26 No development above foundation level shall take place on site until a scheme to protect the noise sensitive properties from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use. The scheme shall specify the noise/power levels of the equipment and provide details of anti-vibration mounts. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure the provision measures to safeguard them from any disturbance in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 180 of the NPPF (2019).

- 13.27 Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options and proposal of the preferred option(s).

The assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure adequate remediation of any contamination on the site in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 178 of the NPPF (2019).

- 13.28 Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure adequate remediation of any contamination on the site in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 178 of the NPPF (2019).

- 13.29 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in

writing of the Local Planning Authority.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure adequate remediation of any contamination on the site in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 178 of the NPPF (2019).

- 13.30 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition No. number 13.27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition No. 13.28, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition No. 13.29.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure adequate remediation of any contamination on the site in accordance with King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011), Policy CS08, Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016), Policy DM15 and Paragraph 178 of the NPPF (2019).

## **Informatives**

### **Highways**

1. For further information on school travel plans please contact 01603 224248 or email <mailto:travelplans@norfolk.gov.uk>

Schools that are required to generate or update plans should use the following link <http://www.modeshiftstars.org/> so that they can use this National on line system to generate and update travel plans.

2. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's

responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Jon Hanner 01603 223273. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer. If required, street furniture will need to be repositioned at the Applicants own expense.

3. Please be aware it is the applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk) for further details.

### **Drainage**

1. Further guidance on the information required by the LLFA from applicants can be found at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-watermanagement/information-for-developers>.
2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
5. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest

opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

7. Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. Anglian Water therefore highly recommend that you engage with them at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, Anglian Water recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, they will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied to the Decision Notice, Anglian Water will require a copy of the following information prior to recommending discharging the condition:

Surface Water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 [year greenfield run off rate on the following HR Wallingford website - http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation](http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation) . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website).

## Ecology

If several years have passed since surveys were undertaken then update surveys may be required and any additional mitigation measures that need incorporating into the site's design agreed with the local planning authority. The validity of the ecological surveys will be informed by CIEEM guidelines (2019) see <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/>

The LEMP shall also include details of the legal and funding mechanism (s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Given the nature and size of this development and the information included in the [Phase 1 Ecology Report, NWS, 2019, and the Aerial Survey (NWS, 2019)] the following working practices will be adhered to:

- Long vegetation within the development site should be cut to 10cm height two weeks prior to works commencing, with a subsequent cut to ground level after 48 hours with arisings removed during September to October;
- Any brash piles should be dismantled by hand during April to May or September to October;
- Any building materials stored on site should be raised off the ground on pallets away from boundaries;
- Any trenches dug for construction should be covered over at night or should have a shallow graded end to prevent animals getting trapped;
- No bonfires should be made or lit on site. Hedgehog often use piles of timber as a place of refuge.
- T14 Within 3 months of the grant of consent, ivy shall be cut at the base of the stem of Tree T14 as close to ground level as possible;
- Ivy shall then be removed from the lower stem before felling commences (and outside the bird nesting period) using the following methodology:
  - Always remove a section of ivy (more than 50mm) to prevent cut stems grafting back together;
  - Carefully remove using secateurs, loppers or hand saws. Metal bars or felling levers may be useful for prising off cut sections;
  - Do not use chainsaws;
  - Never damage the bark of the tree.
- Tree T15 shall be dismantled in sections and lowered to the ground. Any section of the tree with cavities must be left on site for 24 hours before clearance.
- If any bats are found during clearance works, works must stop immediately and Norfolk Wildlife Services contacted.

## **Archaeology**

A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team. We now charge applicants for the elements of our involvement on planning cases not covered by our service level agreements with local planning authorities.

## Fire

With reference to the provision of a second hydrant, the developer will be expected to meet the costs of supplying and installing the fire hydrant.

## Background Papers

King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011)

[https://www.west-norfolk.gov.uk/downloads/download/68/core\\_strategy\\_document](https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document)

Kings Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016)

[https://www.west-norfolk.gov.uk/downloads/file/2491/sadmp\\_plan\\_adopted\\_2016](https://www.west-norfolk.gov.uk/downloads/file/2491/sadmp_plan_adopted_2016)

The National Planning Policy Framework (NPPF) (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf?\\_ga=2.81687703.1498971390.1566921834-1965140127.1559835065](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.1566921834-1965140127.1559835065)

Planning Practice Guidance (2014)

<https://www.gov.uk/government/collections/planning-practice-guidance>

## 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:

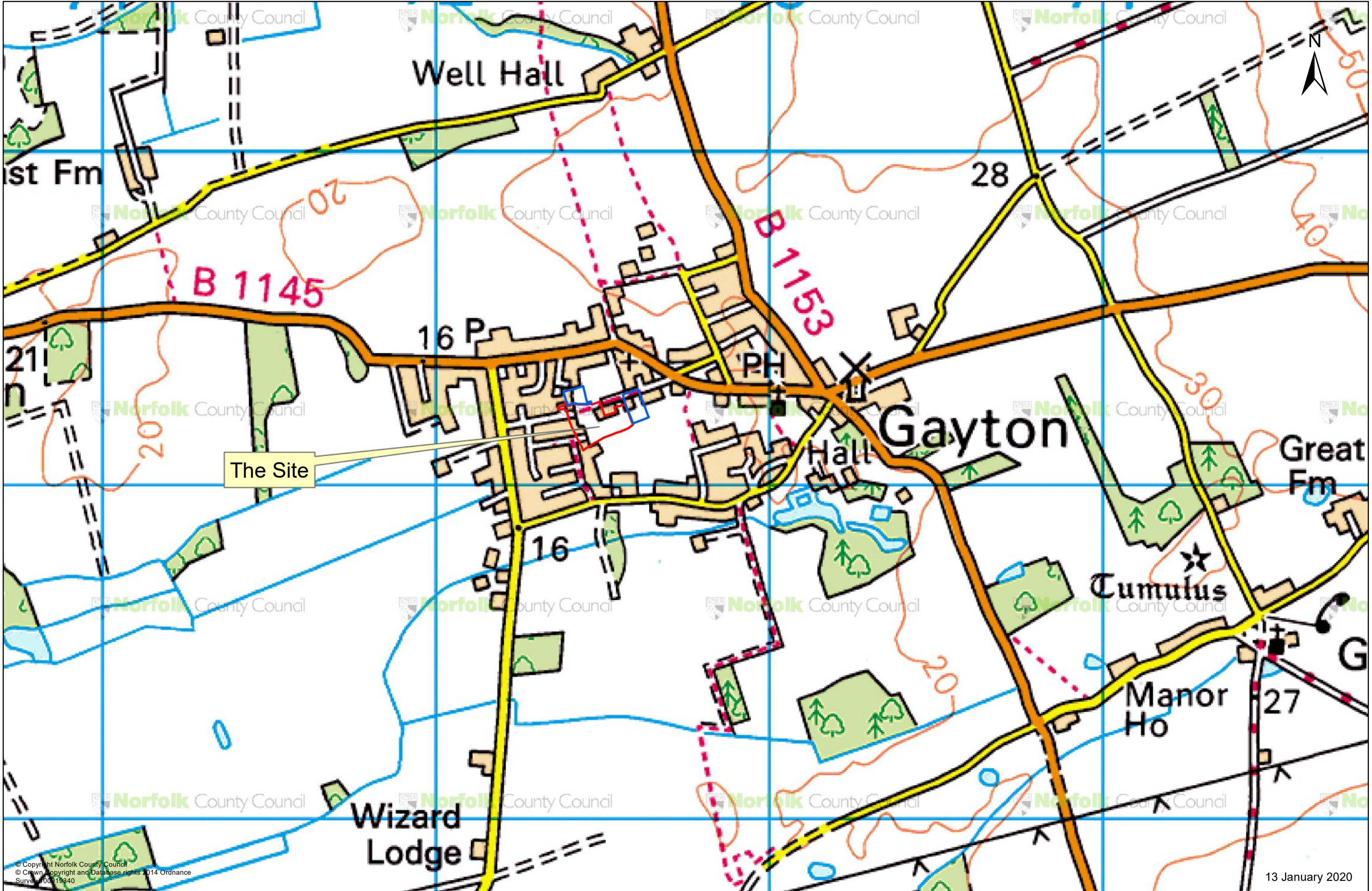
**Officer name:** Andrew Sierakowski **Tel No:** 01746 718799

**Email address:** [andrew.sierakowski@norfolk.gov.uk](mailto:andrew.sierakowski@norfolk.gov.uk)



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





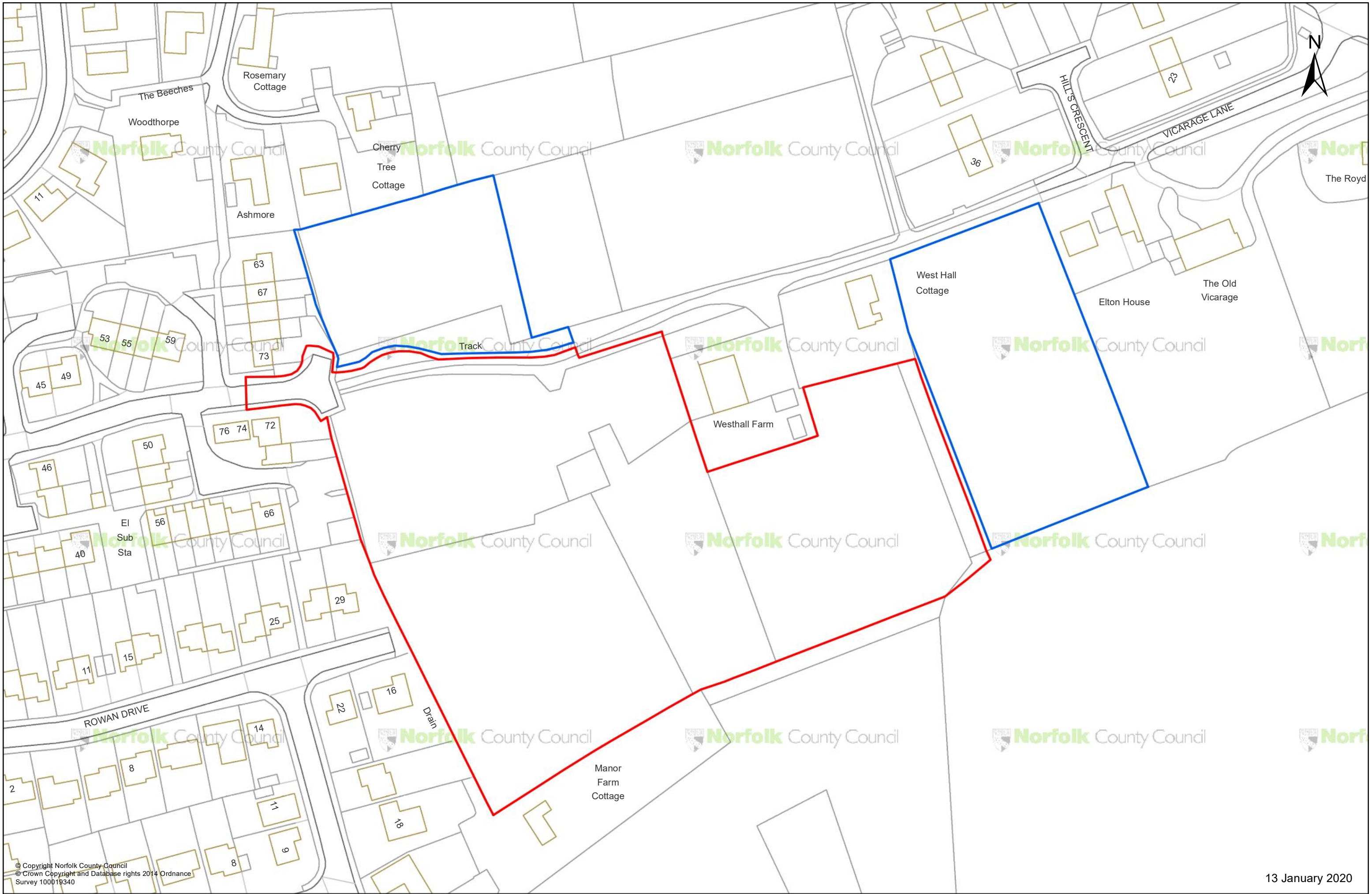
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13 January 2020

Gayton Primary  
Location Plan







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13 January 2020

# Planning (Regulatory) Committee

Item No. 5

<b>Report title:</b>	<b>FUL/2019/0047 Alderman Swindell Primary School, Beresford Road, Great Yarmouth, Norfolk NR30 4AB</b>
<b>Date of meeting:</b>	<b>21 February 2020</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe (Executive Director of Community and Environmental Services)</b>
<b>Proposal and Applicant:</b> Partial demolition of existing school buildings and the provision and operation of a 96 place Social Emotional Mental Health (SEMH) Special Educational Needs (SEN) School providing Primary and Secondary age range educational provision (for pupils up to year 11), including three residential dormitory blocks (to accommodate up to 36 pupils educated at the school during term time weekdays only), external areas (including grass sports pitch, enclosed hard PE games area, hard and soft informal and social areas), plus new accesses to new staff car park, secure on-site pupil drop off and collection with one way in / out vehicle movements, and 2.4 – 3.0 metre fencing. (Executive Director of Children's Services, Norfolk County Council).	

## Executive summary

The application has generated four third party representations, from local residents, one being a petition signed by 20 members of the public. Their concerns relate primarily to the impacts of the proposal on highways safety and residential amenity. There are no overriding objections from statutory consultees.

The quality of the design and the sustainability credentials of the proposal have been carefully considered along with the impacts on amenity, visual amenity, landscape & trees, groundwater/surface water & flood risk, highways safety, ecology and archaeology. It is considered that the principle of the change of use and development on this site is in accordance with the development plan and national planning policy.

The proposal is therefore considered to be acceptable subject to conditions and there are no material considerations of sufficient weight to justify a refusal.

### Recommendation:

It is recommended 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 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 The proposal description includes part demolition of the existing primary school to facilitate the development. In reality this element of the scheme is permitted development, which has been established through a Prior Notification application (PRA/2019/0001), which was approved in November 2019. The application is therefore for a new Social Emotional Mental Health Special Educational Needs School as part of Norfolk County Council's investment in Special Educational Needs Provision across the county. The school will provide additional Special Educational Needs places for Social Emotional Mental Health (SEMH) pupils in the east of Norfolk offering for the first time this type of school in the Great Yarmouth area. The school is a through age provision with Primary and Secondary School aged pupils from Year 1 to Year 11. There is no provision for Early Years nursery or A-level studies on site. The school will have an all-male cohort of pupils. The site will be used as a school offering dormitory accommodation.
- 1.2 The new two-storey school building is proposed to be linked to the existing retained school building. The new school building will provide 14 classrooms/group rooms along with a central library and resource area as well as a multipurpose hall. A range of ancillary spaces including WCs, changing rooms and storage will also be provided, along with staff and administration areas and a full kitchen.
- 1.3 The proposal includes three on-site residential dormitories for a total of 36 pupils and 6 staff. The residential dormitory blocks have bedrooms, communal space and washrooms.
- 1.4 The existing gross internal floorspace of the former Alderman Swindell Primary School is 1,143m<sup>2</sup>. The amount of existing accommodation to be demolished amounts to 991m<sup>2</sup>. The total floor area proposed including the existing and proposed for the Social Emotional Mental Health (SEMH) Special Educational Needs (SEN) School is 2,796m<sup>3</sup>.
- 1.5 To ensure access and a secure site, the following measures are proposed:
- A new 2.4 m high weldmesh fencing to the whole site boundary.
  - New double gates 2.4m high (for emergency and vehicular access) to the eastern and western site boundary.
  - A new pedestrian gate, next to the disabled bay.
  - A new double maintenance gate along the northern boundary of the car park.
  - 3m high weldmesh fence with one pedestrian and one maintenance access gate to the Multi Use Games Area (MUGA).
  - A new 1.8m high timber hit and miss fencing to the bin store area, with matching double gates.
  - Security barrier to the car park barrier with central reservation and with CCTV/ Audio to Main Office.

- The primary and secondary hard outdoor spaces are separated by the 2.4m fence and are accessible by means of a double gate on its western and eastern boundaries.
- 1.6 The landscape design seeks to retain and protect where possible existing vegetation and extend these by introducing new tree species and native shrub planting throughout the site.
- 1.7 The outdoor space includes a soft Physical Education (PE) area, hard outdoor PE area, hard informal & social area and a soft informal and social area.
- 1.8 A new controlled vehicular car park entrance and exit will be from Keyes Avenue. The car park will have 38 spaces which includes 1 disabled space. There is a straight through drop off access road for vehicular access, allowing pupils to be dropped off directly outside the school entrance. Access is via a new turning on the western boundary with Keyes Avenue and straight through out onto Perebrown Avenue. An additional entrance on Keyes Avenue will allow access into the staff car park and out again onto Keyes Avenue. Most of the pupils will be dropped off via taxi at the drop off point so pedestrian access for the pupils will not be the major form of entry. A covered cycle parking for 8 cycles is provided for members of staff in the staff car park.
- 1.9 Overall Development Plan  
The re-development of Alderman Swindell will provide 6 new primary classbases, 6 secondary classbases, Practical Teaching and Learning spaces, communal Halls, break out spaces, Staff and Administration accommodation and Dining facilities.
- 1.10
  - The Primary accommodation is predominantly within the retained existing school building.
  - A new link corridor is proposed to provide suitable circulation to access the class bases from the Main Entrance.
  - The existing corridor was originally an external veranda. The proposals reintroduce covered external areas that will be accessible from each class base.
  - Replacement toilet facilities are centrally located in the floor plan and ancillary spaces include calming rooms that are easily accessible from the principal circulation route.
- 1.11 Design  
The applicant considers that the built form has been formulated to meet the needs of the end user and their pupils.
- 1.12 Drainage  
The proposal includes a drainage scheme which has been designed to ensure acceptable rates and volumes of drainage. The scheme would direct

surface water from the hardstanding areas to a cellular soakaway aquacell prime (or similar) to be located under the north-east corner of the site beneath the informal soft play area.

## **2. Site**

2.1 The site is located to the north of Great Yarmouth and is the former Alderman Swindell Infant (and then Primary) School. The school closed in 2018 and the site has been vacant with on-site residential guardians providing site security.

2.2 The site is bounded to the north by a community playground, the former Scout Hut site, and beyond these, Fisher Avenue with two storey dwellings beyond. Perebrown Avenue bound the site to the east with two-storey residential beyond. Bereford Road bound the site to the south with housing and local shops. Keyes Avenue bound the site to the west with two-storey residential beyond. This gives the site an 'island context', being visible on all sides with public footpaths and highways to three sides.

2.3 The site ground level is highest close to the eastern boundary where it is 3.0m above sea level. The lowest parts are at the southwestern corner where it is 2.0m above sea level. The position of the site within the town result in part of the site falling within a higher flood risk area.

2.4 The site known as the former scout hut is in the applicant's ownership but is not included within these proposals.

## **3. Constraints**

3.1 The site falls within the development boundary for Great Yarmouth, shown on the Policies Map that accompanies the Great Yarmouth Core Strategy (Adoption Version October 2015).

3.2 It has no landscape, heritage or other environmental protection designations and none of the trees on the site are protected by a Tree Preservation Order (TPO). It is shown as being located in Flood Zones 1, 2 & 3 on the Environment Agency's Flood Map for Planning.

## **4. Planning History**

4.1 The planning history for the Former Alderman Swindell Primary School held by the County Council includes the following planning applications:

<b>Application Reference</b>	<b>Description of development</b>	<b>Decision</b>	<b>Date of decision</b>
PRA/2019/0001	Application for prior notification of the proposed partial demolition of the former infant school.	Permitted development	29/11/2019
Y/6/2015/6004	Provision of 6-bay double class base modular accommodation for a	Permitted	10/07/2015

	period of two years; external works to include ramps, steps, paving, external lighting and associated works		
Y/6/2007/6002	Refurbishment and Alterations to Verandas and New Ramped Access	Permitted	12/04/2007
Y/6/2004/6014	Extensions to provide performing arts area, changing, shower facilities, storage and early years/sure-start training facilities for young mothers	Permitted	24/03/2005
6/2001/0652	Extensions to provide performing arts area, changing, shower facilities and storage. Internal alterations to existing school to improve access.	Permitted	22/10/2001
6/1996/0763	Proposed single storey extensions, internal alterations & revised off- street car parking facilities.	Permitted	13/03/1997

## 5. Planning Policy

### Development Plan Policy

5.1 Relevant development plan policies for the purposes of the application comprise the following:

#### 5.2 **Saved policies of the Great Yarmouth Borough-Wide Local Plan (2001)**

Policy EDC3 – Education and Community Services - Redevelopment of school buildings and grounds

#### 5.3 **Great Yarmouth Borough Council Local Plan: Core Strategy (2015)**

Policy CS1 – Focusing on a sustainable future

Policy CS2 - Achieving sustainable growth

Policy CS9 - Encouraging well designed distinctive places

Policy CS10 – Safeguarding local heritage assets

Policy CS11 - Enhancing the natural environment

Policy CS12 – Utilising natural resources

Policy CS13 - Protecting areas at risk of flooding and coastal erosion

Policy CS15 – Providing and protecting community assets and green infrastructure

Policy CS16 - Improving accessibility and transport



#### 5.4 **National Planning Policy Framework (revised 2019)**

Chapter 2 Achieving Sustainable Development  
Chapter 8 Promoting healthy and safe communities  
Chapter 9 Promoting sustainable transport  
Chapter 12 Achieving well-designed places  
Chapter 14 Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 Conserving and enhancing the natural environment  
Chapter 16 Conserving and enhancing the historic environment

#### 5.5 **Adopted Neighbourhood Plan**

5.6 There is no adopted neighbourhood plan.

#### 5.7 **Emerging Development Plans**

5.8 Draft Local Plan Part 2 Development Management Policies, Site Allocations and Revised Housing Target, 20th August - 30th September 2018 (Regulation 18 Consultation).

5.9 Draft Local Plan Part 2 Further Focused Changes Consultation - 19th August - 6th October 2019 (Regulation 18 Consultation).

#### 5.10 **Other Material Considerations Include**

5.11 Great Yarmouth Borough Council, Habitats Monitoring and Mitigation Strategy (January 2019).

5.12 Ministerial Policy Statement on Planning for Schools Development (15/08/2011)

5.13 National Design Guide (October 2019)

5.14 Norfolk County Council, Environment Policy (November 2019)

### 6. **Consultations**

- |     |   |   |   |
|-----|---|---|---|
| 6.1 | Great Yarmouth Borough Council (Planning)             | : | Initial objection on the basis that inadequate information has been submitted to carry out the statutory duty in respect of the residential development in the proximity of the SPA. Revised to no objection following the submission of an appropriate assessment. |
| 6.2 | Great Yarmouth Borough Council (Environmental Health) | : | No objection subject to conditions relating to contamination, local air quality & hours of work (07:30 to 18:00 Mon to Fri, 08:00 to  |



			13:00 Sat & No work Sun or bank Holidays) during construction.
6.3	Environment Agency	:	No objection, providing that NCC has taken into account the flood risk considerations which are our responsibility (LLFA).
6.4	Anglian Water Services Limited		<p>Sufficient available foul water capacity. There are Anglian Water Assets near or within the site, if diversion is required this should be done prior to commencement of the development.</p> <p>Informative suggested re: connection to the used water network.</p> <p>Surface water disposal method being proposed does not relate to Anglian Water operated assets. The applicant should seek the advice of the Lead Local Flood Authority.</p>
6.5	Lead Local Flood Authority (NCC)	:	<p>Initial objection on the grounds of insufficient information being provided to demonstrate that the surface water can be adequately managed for this proposed development.</p> <p>Additional information provided – no objection.</p>
6.6	Highway Authority (NCC)	:	<p>Initial concerns relating to the drop off / pick up and the on-site facilities (staff parking) being proposed.</p> <p>Additional information relating to “heavily managed drop off / pick up arrangements and staff parking arrangements” satisfactorily provided, no objection subject to conditions including the requirement for a traffic management plan.</p>
6.7	Sport England	:	No objection.
6.8	Ecologist (NCC)	:	No objection in principal, no further surveys are required. Any loss of bat roosts can be mitigated. Recommend inclusion of flower beds, green roofs & additional planting. The application site is located within 500m of North Deans SPA. A shadow HRA may be required as the students and staff are likely to visit the North Deans SPA.

			In response to further consultation in respect of the appropriate assessment HRA, no objection subject to a condition to protect bats.
6.9	Landscape and Arboriculture (NCC)	:	Initial concern raised on the basis of maintenance of the proposed landscaping, fencing being proposed within root protection areas, a requirement to add more species to the mix of planting, questions the use of certain species and the watering arrangements.  Requests that more hedgerow trees are introduced to screen the development.
6.10	Norfolk Constabulary	:	The application details excellent perimeter security, strong boundary treatment, excellent access control and robust security procedures. Overall the proposal strongly reflects the advice and recommendations found in Secured By Design Schools 2014. Further recommendation for laminated glazing and construction of the cycle storage robustness.
6.11	Norfolk Fire and Rescue Service.	:	Request confirmation that evacuation lifts will be included within the dormitories. It is strongly recommended that each dormitory building is fitted fire suppression equipment. Request confirmation that fire appliances can access the site.
6.12	Historic England	:	You do not need to notify or consult us on this application under the relevant statutory provisions.
6.13	Natural England	:	Standing advice only. Awaiting further comments regarding the appropriate assessment.
6.14	County Councillor Mick Castle	:	No objection to the initial consultation. In response to further consultation did not wish to comment at that stage as before taking a view on how to vote on the application preferring to see the final detailed proposals - and submissions in respect of them - when they come to Planning Regulatory Committee.

- |      |   |   |   |
|------|---|---|---|
| 6.15 | Historic Environment (NCC)                          | : | No objection. Demolition and replacement of the 1930s and later elements of the buildings to constitute less than substantial harm to undesignated heritage asset.  |
| 6.16 | Great Yarmouth Borough Council (resilience Officer) | : | The requirement is for the school to prepare a completed flood response plan using the template created by the NPS. This should be completed prior to the school opening but with named individuals in place. |

### Representations

- 6.17 The application, including the original plans, was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. After submission the application was amended a further three times, on each occasion the amended application including the amended details and documents were re-advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

- 6.18 In total there were four third party representations, from local residents, one being a petition signed by 20 members of the public. Key issues raised include the following:

#### **Highways**

- Concern during drop off & pick up which could result in congestion on the local network.
- The proposed 100% increase in parking requirements plus visitors and other service vehicles could result in parking spilling on to the surrounding estate roads, resulting in congestion, pollution and confrontation.
- Question whether parking provision is sufficient given the staff to pupil ratio.
- A significant probability that this development will devalue neighbouring properties and will make them less saleable.

#### **Amenity**

- 2 storey dormitories bring the elevations considerably higher and closer to neighbouring properties will be imposing and loss of light.
- Windows of the dormitories facing neighbouring properties causing a lack of privacy.
- There could be increased artificial lighting at night-time due to the residential element, thus permeating and polluting the residential properties.
- A project of this nature could have serious consequences for the welfare and well-being of residents, with the added loss of amenities and overwhelm the local identity.

### **Design**

- The use of the lighter coloured bricks will not be in keeping with the old school front entrance.
- Increase built development & hard-standing on the site from 45% to 75% is gross overdevelopment of the site and will have a dramatic visual effect. It's inappropriate and unacceptable.
- The formidable double-barrier boundary fencing will give an appearance of an institution for the correction of children being designed to keep students securely inside. It will be an un-wanted visual eye-sore.

### **Principle of Development**

- Why isn't a new school being built at North Dene?
- All children had to be moved from Alderman Swindell into mobiles at Northdenes because Northdenes was not big enough. Would have been cheaper for tax payers to leave Swindell as it was and build new school with Northdenes.
- You've closed an above average school Swindell and put children into below average school, Northdenes.
- You are also wasting tax payer's money rebuilding two schools when only one was needed.
- The proposal must be withdrawn and a more realistic proposal presented for education or for housing for the elderly.

### **Social**

- Due to the very high security measures there will be little, if any social interaction between the school and the residents, creating an us and them rift. It will bring no social benefit.
- The headteacher of a similar type of facility, described his own school that, "the pupils are likely to be some of the most challenging in Norfolk and that a huge number were also at risk of criminal exploitation. There is a strong likelihood that these vulnerable pupils could be targets for locally active drug gangs and other associated criminal activity, the effects could permeate into the school and surrounding community".
- The proposal could have serious negative repercussions for the overall nature and quality of life in the surrounding locality which is currently well known for being calm, safe, well maintained and problem-free.
- The proposal will bring no social, communal or aesthetical benefits for the residential area.
- The proposal could turn the area in to a sink estate and another no-go area of the town.

## **7.0 Assessment**

- 7.1 The key issues to be assessed in the determination of the application include; the principle of the development, amenity (noise, dust, light pollution etc), design, landscape/trees, biodiversity, transport, sustainability, impact on heritage assets, groundwater/surface water, flood risk, cumulative impacts and playing pitch provision.

### **7.2 Principle of development**

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”.*

- 7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Saved policies of the Great Yarmouth Borough-Wide Local Plan (2001) and Great Yarmouth Borough Council Local Plan: Core Strategy (2015). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Ministerial Policy Statement on Planning for Schools Development (15/08/2011) and the National Design Guide are material considerations of significant weight.

- 7.4 Officers consider that the proposed development represents a change of use from the current D1 educational use (non-residential institution) to a “*sui generis*” use, that is a use of its own. The reason being that the proposal is for a school with a residential element rather than a residential school, this is because of the proportion of the pupils boarding (36 of 90 pupils). As such it would not be appropriate to consider the use as purely a C2 “residential institute” nor is it appropriate to consider it D1 “non-residential institute including a school.” The application is being considered on this basis and should there be any subsequent application for a change of use it would also have to be considered on this basis. For information a “*sui generis*,” use does not benefit from any permitted development rights for a change of use under the General Permitted Development Order 2015 (as amended) and Town and Country Planning (Use Classes) Order 1987 (as amended).

- 7.5 In terms of the principle of the development, the key policies are saved policies EDC3 (Redevelopment of school buildings and grounds) & HOU7 (New residential development) and Core Strategy policy CS15 (Providing and protecting community assets and green infrastructure).

- 7.6 The principle of the educational use on the site has long been established. Policy EDC3 sets out criteria for consideration. These specify that the proposal will not prejudice the long-term use of the site for education and that access, servicing and amenity requirements can be met. Officers consider that the proposal meets the requirement to not prejudice the educational element. The site would continue as an educational use albeit as part of an overall sui generis use. In considering the Core Strategy policy CS15, the policy is clear that everyone should have access to services and opportunities to allow them to fulfil their potential and enjoy healthier and happier lives. The policy highlights that community infrastructure including schools are central to achieving this. Therefore, the continued use of the school site for educational purposes is acceptable in principle.
- 7.7 The principle of the introduction of a residential element on the site should be considered against saved policy HOU 7. The site is situated within the identified settlement boundary for Great Yarmouth. Policy HOU7 states that in principle new residential development may be permitted within the settlement boundaries providing it meets the criteria set out in the policy. The criteria being based on form & character, the level of services, access arrangements, the proximity of facilities and an acceptable impact on amenity. The relevant criteria points are considered further in the report. Therefore, subject to the proposal meeting the criteria the residential element of the scheme in principle would be acceptable.
- 7.8 In addition, the NPPF, Paragraph 94 makes clear that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 7.9 Amenity (noise, dust, light pollution etc)**
- 7.10 Policy CS9 recognises the importance of high quality and distinctive places as such the policy seeks to ensure that all new development protects the amenity of existing and future residents or people working nearby from factors such as noise, light & air pollution and ensure that new development does not unduly impact upon public safety. Saved policy EDC3 states that proposals to redevelop or change the use of school buildings or their grounds will only be permitted if the applicant can demonstrate that amenity requirements can be met.
- 7.11 The applicant considers that careful attention has been paid to the scale and siting of the extension and ancillary elements and access arrangements in designing the proposed development. Such that in the applicant's opinion the elements will not have an unacceptable impact on amenity. Officers agree with this conclusion in respect of the two-storey school extension building, which will largely be on the existing school footprint. Officers also agree that the new access arrangements will not have an unacceptable impact on amenity.

- 7.12 In respect to the proposal for the three residential dormitories and their use, Officers raised concerns relating to amenity at the pre-application stage. The concerns centred around;
- The relationship between the existing residential properties (primarily residents of Perebrown Avenue) and the three new residential dormitories.
  - The proposed layout of the dormitory blocks, specifically, the distances being between the blocks, primarily the windows of the habitable rooms and the impact this could have on amenity for the future occupants.

Officers advised the applicant to re-consider these elements of the scheme or provide a robust assessment against the policy requirements of policy CS9 to justify the design. It was recommended that any assessment should include details of any measures being introduced to protect amenity outside of normal school hours and into the night.

- 7.13 The applicant in response has not amended the proposal and distance between habitable rooms in the dormitories remains at approximately 4.5 metres. The applicant provided a single paragraph assessment within the planning statement which considers this element of the scheme to be acceptable because the accommodation would differ from *“normal housing”* as *it will only be used for parts of the year (weekdays and in term time), provides for only bedroom used for sleeping and in two story buildings; so therefore the siting of these will deliver an acceptable level of amenity for pupils when in occupation.* The submission does not mention any measures to protect amenity outside of normal school hours and in to the night.

- 7.14 A local resident has raised concern that the two-storey nature of the dormitories, their proximity to the boundary (28 metres at the nearest point) and an increase in artificial lighting at night-time due to the residential element, could result in an unacceptable impact on amenity. Officers do not share this view. The external lighting scheme is set out in the planning application and the design and lighting specification would not result in an unacceptable impact on residents.

- 7.15 The Environmental Health Officer (Commercial Team Manager, Environmental Services) has consider the proposal and has not raised any concern on these issues but has suggested conditions/informative relating to the contamination, hours of operation and local air quality during the construction phase.

- 7.16 Officers are disappointed that the applicant has chosen not to provide a robust assessment of how amenity for the future residents of dormitories will be affected as a result of the residential element of the scheme. However, the

EHO has not raised a concern on this nor the issues raised by local residents. It is noted the NPPF places a requirement on Local Planning Authorities to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Therefore, subject to condition Officers are recommending that it would not be appropriate to the refuse the application on the grounds of amenity.

**7.17 Design**

- 7.18 The relevant policy relating to design is Policy CS9 of the Core Strategy and Chapter 12 of the NPPF. CS9 recognises the importance of high quality and distinctive places and seeks to ensure that all new development responds to its surroundings, considers key features, promote positive relationships with existing buildings, provides safe access & parking, protect amenity, conserve biodiversity and minimise the risk of flooding & emissions of greenhouse gases.
- 7.19 The application includes a detailed Design and Access Statement, which sets out details of the design concept and approach to the design and layout of the site. It explains that the Primary School classrooms are proposed predominantly within the retained existing school building and that this would be linked to the two-storey new school block, which will accommodate the Secondary school provision.
- 7.20 The proposed school building extension, the alterations to the existing building and the link are acceptable in design terms. Whilst the massing and scale of the two-storey element is not ideal, it is in this instance considered to be acceptable. The material choice and appearance of these elements of the scheme are also considered to be acceptable.
- 7.21 To assist those involved in designing “special schools,” the Government has issued Building Bulletin 104 (BB104) which is used to provide non-statutory area guidelines for buildings and grounds for ages 3 to 19. BB104 sets out area recommendations for overall categories of space (for example basic teaching areas) and also for individual types of spaces. It also includes graphs and formulae to show the recommended ranges for the area of these spaces. Unfortunately, the proposed scheme does not meet the recommendations set out in BB104 in respect of the number of small group rooms, the recommendation is for there to be 5, there is provision for 4. The DT workshop floorspace being proposed is 54.3m<sup>2</sup>, the recommendation is for a range of 62-75 m<sup>2</sup>. There’s a recommendation for a sensory room for light and sound therapy for this type of proposal, this has not been included. There’s also a recommendation for a soft play room and this also has not been included.
- 7.22 In addition to the school buildings the proposal includes three dormitories which will accommodate 36 pupils and 6 members of staff during weekdays and term



times only. In terms of massing, scale and materials, the dormitories are considered acceptable.

- 7.23 The government has issued national Minimum Standards for Residential Special Schools which includes a standard relating to residential accommodation. These standards relate to many non-planning related issues such as children being able to personalise their rooms, use of surveillance, furnishings etc. I can confirm that the proposal meets the standard in relation to toilet facilities and the remainder are related to management issues and not relevant to planning.
- 7.24 There is concern that the positioning and orientation of the dormitories will lead to a detrimental impact on amenity for future users, this issue has been considered in amenity section of the report.
- 7.25 In addition, there is also concern that the buildings by virtue of their positioning and orientation may have a negative impact on the street-scene and could be out of character with the surrounding area. This point was raised at the pre-application stage, the applicant at that time was advised to re-consider the design or provide a robust assessment against the policy requirements to justify the design. In response the applicant states that *“the proposed residential accommodation has been designed and sited to relate well to the nearby housing.”* The development as a whole *“respects the site context to ensure that it sits comfortably within the ‘street scene’ and wider area.”* Great Yarmouth Borough Council planners have not raised an objection in this regard.
- 7.26 The proposal retains the existing 1.4-1.5m high vertical bar fence, which will be made good as required. In addition, a 2.4m high 'V Groove' Weld Mesh perimeter fence with barbed edge at top and matching gates in Dark Green RAL 6009 is proposed. Further 3m high Rebound Weld Mesh with barbed edge at top and matching gates also in Dark Green RAL 6009 is proposed for internal boundaries. Landscaping has also been proposed to soften the impact. Officers note that the government does not provide any guidance for the type of fencing to be used.
- 7.27 The applicant explains that the site security strategy has been designed to achieve both pupil safety and containment whilst also ensuring the site remains appropriately permeable and navigable. Officers are concerned that the design of the fencing particularly the barbed edge will have a negative impact on the surrounding area and give the proposed school the appearance of a secure unit rather than that of a school.
- 7.28 The design/appropriateness of the external spaces is considered under the playing provision section of this report.

- 7.29 It is clear from the assessment that the proposed development does not meet all the recommended standards set out by the government in BB104. Officers advise members to form their own view on these points and have in their mind that BB104 is guidance not law and that the applicant and the end user have the specialist knowledge of the pupil's requirements and that they believe that the scheme will be able to provide the education setting to meet the needs of the pupils.
- 7.30 In addition, the NPPF places a requirement on Local Planning Authorities to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. As such Officers are therefore recommending that in terms of the planning balance greater weight should be given to the need for the school.
- 7.31 Landscape/Trees**
- 7.32 Policy CS9 of the Core Strategy is relevant which requires all new developments within the borough to consider incorporating key features, such as green infrastructure and conserve and enhance landscape features.
- 7.33 The landscape design in broad terms seeks to retain and protect where possible existing vegetation and extend these by introducing new tree species and native shrub planting throughout the site.
- 7.34 The applicant has submitted an Arboricultural Impact Assessment and Method Statement in support of the application. These demonstrate that twelve new trees would be planted in mitigation for the loss of four trees.
- 7.35 The Council's Natural Environment Team has considered the landscape proposals and in general terms considers it to be acceptable. There is concern that in achieving the drainage strategy the proposal will encroach on the root protection of trees on the site. This has not resulted in an objection, the NETi consider that it would be more appropriate for extra care to be taken during the construction phase, which can be secured through condition.
- 7.36 The proposal is therefore considered to be acceptable in landscape/trees terms and compliant with the requirements of policy CS9 of the Core Strategy.
- 7.37 Biodiversity**
- 7.38 Appropriate Assessment  
The site is situated within 500 metres of an internationally protected site, North Denes Special Protection Area. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species

Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Site, the proposal has the potential to have a significant impact on this by virtue of visitor pressure. Accordingly, an Appropriate Assessment has been undertaken by a suitably qualified ecologist. The appropriate assessment concludes that there will be no Likely Significant Effects on the integrity of the designated features of the Habitat Sites as a result of this proposal.

- 7.39 The NETi has also considered the proposed development and are satisfied that the Ecology report produced by Wild Frontier Ecology October 2019, identifies the key ecological features on the site and provided their recommendations for mitigation are followed there will be negligible impact on biodiversity and potentially a gain for biodiversity on the site. The Habitat Regulations Assessment conclusion is noted. Also, in recognition of bats being present the NETi confirms that work to the buildings will need to be carried out under a European Protected Species mitigation licence with appropriate measures taken to protect bats during the works, and mitigation in the form of bat boxes put in place, all under the terms of the licence. A condition to secure this has been requested, but Officers are satisfied that an informative will be a more suitable response.
- 7.40 In accordance with the Habitats Regulations Natural England have been re-consulted on Appropriate Assessment. At the time of writing the report Natural England have made no addition comments and officers refer members to their original comments where they raise no issues. If appropriate officers can update members through the addendum report or verbally at the meeting.
- 7.41 Transport**
- 7.42 Policy CS16 of the Core Strategy applies which seeks to ensure that new development does not have an adverse impact on the safety and efficiency of the local road network for all users and Chapter 9 of the NPPF applies relating to highways and sustainable modes of transport.
- 7.43 It is proposed to build a new gated car park access into the site off Keyes Avenue. The car park is located to the west of the proposed PE and sports pitch area. The parking provision for the car park has been developed with 38 spaces provided for 55 staff members.
- 7.44 The Highway Authority has considered the staff parking arrangements and whilst they would welcome more spaces, they accept that given the location there are already good pedestrian and cycling links to the site. Therefore, they do not raise an objection subject to conditions requiring proper construction prior to first use, off-site highways works (including the removal /

relocation of the existing vehicular accesses and associated traffic management measures) and a traffic management plan during construction.

- 7.45 Further south along Keyes Avenue from the entrance being proposed for the staff car park, a further new one-way gated entrance into the site is proposed. From this entrance, a one-way route is proposed which would head eastwards through the site, running south of the PE / sports pitch and residential blocks and north of the main school building. The one-way route continues through the site until it reaches Perebrown Avenue, where a gated exit point is proposed.
- 7.46 It is proposed that all pupils will arrive to the school via minibus or taxi. Parallel pick-up and drop-off parking spaces are proposed along the length of the one-way route to enable taxis to safely drop-off and pick-up pupils within the gated grounds and without obstructing the surrounding highway network. The arrangements for pupil drop off and collection will be heavily managed including split arrival/departure times for different age groups, with the aim of preventing vehicles backing up on to the highway network at peak times.
- 7.47 Local residents have raised the following issues relating to the impact on highways:
- The drop off & pick up period could result in congestion on the local network.
  - The proposed 100% increase in parking requirements plus visitors and other service vehicles could result in parking spilling on to the surrounding estate roads, resulting in congestion, pollution and confrontation.
  - Question whether parking provision is sufficient given the staff to pupil ratio.
- 7.48 The Highways Authority has also considered this part of the proposal and raise no objection subject a condition that requires agreement of a suitably worded management plan for drop off and pick times, to prevent congestion on the highway network and safe use.
- 7.49 Officers consider that the proposed development is acceptable in highways terms. The parking numbers given the expect staff and visitor numbers have been considered by the Highways Authority and no concern has been raised. Officers following advice from the Highways Authority are satisfied that the arrangements for drop off and pick up can be suitably managed to prevent any obstruction on the highway. Therefore, the application is considered to be in accordance with policy CS16 of the Core Strategy and Chapter 9 of the NPPF.
- 7.50 Sustainability**
- 7.51 Policies CS1 which is focused on a sustainable future & CS12 which recognises that protection of natural resources to support wider social and

economic sustainability objectives and Chapter 14 of the NPPF relate to sustainability.

- 7.52 The application includes a Sustainability Statement which explains that the proposed energy strategy consists of natural gas fired condensing plant for heating and hot water to all blocks. Solar PV is proposed to achieve Building Regulations Part L2A compliance and Norfolk County Council's 10% renewable planning requirement. The applicant estimates that an array of around 200 m<sup>2</sup> of PV panels will be required to meet the renewable energy requirement. The resulting array would need to be split between the school and dormitory roof areas.
- 7.53 The buildings are designed to achieve very high standards of energy performance with high thermal insulation standards & air-tightness which contribute to a building's 'passive' energy and minimises the carbon footprint. Fresh air will be provided by natural ventilation which will reduce energy usage and running costs.
- 7.54 Officers are satisfied that the proposed development would meet the sustainability requirements, subject to agreement regarding the size and final location of the solar array, which can be secured through condition. Therefore, the proposed development is considered to be in accordance with policies CS1 & CS12 of the Core Strategy and Chapter 14 of the NPPF and as such acceptable in this regard.
- 7.55 Impact on Heritage Assets**
- 7.56 Alderman Swindell is not listed (nationally or locally), nor within a Conservation Area and there are no nearby listed buildings. There are some handsome elements to the school. Prior approval has already been given for demolition of the elements of the existing buildings that are to be removed to facilitate this proposal. Historic England did not object to this demolition.
- 7.57 The applicant has submitted a Heritage Statement which concludes that on balance provided the elements of the School to be demolished are recorded with the records placed on the Environment Record. Plus, that any replacement building is of a good quality of design using good materials, the greater benefit of the site will be gained by allowing the site to evolve to its use as a SEMH SEN School.
- 7.58 Historic Environmental Services for Norfolk County Council in response state that, in terms of built heritage we consider the original 1929 elements of the former Alderman Swindell school to be an undesignated heritage asset and accept that demolition and replacement of the 1930s and later elements of the buildings to constitute less than substantial harm to undesignated heritage asset. A copy of the heritage statement will be deposited in the historic environment record and we have no further comments to make on the

built heritage of the proposed application site. In addition, in terms of below-ground archaeology, based on currently available information development at the application site would not have any significant implications for the historic environment, as such there's no recommendation for conditions for archaeological work.

- 7.59 The starting point for assessing the impact on heritage assets is the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the assessment provided by the applicant and the comments received from stakeholders and that prior approval has already been granted for demolition of the buildings, it is considered that there will be no harm caused by the development and there is a public benefit, so the development is considered to be acceptable. In addition, the application is considered to not be in conflict with the aims of policy CS10 of the Core Strategy and the NPPF.

## **7.60 Groundwater/surface water**

- 7.61 Core Strategy policies CS9 which seeks to minimise the risk of flooding, CS12 which supports greater use of storage technologies, as part of a wider Sustainable Drainage Scheme (SuDS) and CS13 which seeks to ensure development does not increase the risk of flooding elsewhere and Chapter 15 of the NPPF apply.
- 7.62 The applicant states in the flood risk assessment, that the site is at very low risk of pluvial flooding and considers the most probable source to be from a North Sea surge. The north-east part of the site is shown to be at the least risk of flooding. The proposal includes a drainage scheme which directs surface water from the hardstanding areas to a cellular soakaway aquacell prime (or similar) to be located under the north-east corner of the site beneath the informal soft play area.
- 7.63 Anglian Water has confirmed that the surface water disposal method being proposed does not relate to any of their operated assets. The LLFA having considered the proposed drainage scheme do not raise an objection subject to the proposal being constructed in accordance with the submitted details (secured by condition).
- 7.64 Officers therefore consider that the means of surface water disposal, the maintenance and management regime of the systems are acceptable. It is also considered that the proposed development will not increase surface water flood risk on or off the site. The proposed development is considered to be acceptable and in accordance with policies CS9, CS12 and CS13 of the Core Strategy and Chapter 15 of the revised NPPF.

## **7.65 Flood Risk**

- 7.66 Policies CS9, CS12 and CS13 of the Core Strategy and Chapter 15 of the NPPF relating to flood risk and coastal change apply.
- 7.67 The application is accompanied by a Flood Risk Assessment. According to the Environment Agency flood maps the application site lies within flood zones 1, 2 and 3, the residential element of the scheme is within the flood zone 1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Application of a sequential approach to site selection, in particular application of the Sequential Test, helps to ensure that development can be safely and sustainably delivered. In this instance the applicant has carried out a sequential test. The test has been applied to the built-up area of Great Yarmouth and the north area of Gorleston. This represents the catchment for the school and is considered by officers to be acceptable in this instance. Within this catchment the applicant concludes that there are no other alternative sites available at a lesser risk of flooding due there being no allocations, the only sites that have permission for an education use are already in use and any further windfall sites are smaller than the 1ha requirement. Therefore, it is considered that the site passes the sequential test.
- 7.68 It is now appropriate to carry out an exception test which is used to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. An educational use / establishment (and residential uses such as the ancillary accommodation proposed) fall within the “more vulnerable” flood risk vulnerability classification according to the Planning Practice Guidance. Therefore, to pass the test the applicant needs to demonstrate that the proposed development would provide wider sustainability benefits to the community that outweigh the flood risk and that the proposed development will be safe for its lifetime.
- 7.69 The applicant has provided a flood risk assessment which demonstrates that the proposed development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 7.70 Furthermore, the applicant considers that the proposed development provides significant wider sustainability benefits, namely by:
- providing a new SEMH School, which will cater the specific needs of pupils, without the need to travel to other parts of the County or outside Norfolk (with the associated environmental cost);
  - the new school will provide for SEMH pupils within the eastern part of the County;

- the proposal will provide bio-diversity enhancements through the new landscaping / planting proposed.

7.71 The Environment Agency has commented and raised no objection. They have helpfully highlighted the key notes to be considered in reaching an informed decision regarding flood risk, these include:

The appropriateness of the breach locations – the applicant in response states that they have used the worst-case flood levels between the defended, undefended and breach flood levels available both on-site and in the River Bure. The data shows that in a worst-case scenario the site could experience on-site defended flood depths of up to 0.72 metres.

Finished Ground floor Levels – the applicant points out that the finished ground floor level of the school have been proposed at 2.85m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change of 2.52m AOD and therefore dry of flooding by 0.33m depth in this event. Finished ground floor level of the three residential dormitory blocks have been proposed at 3.00m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change of 2.52m AOD and therefore dry of flooding by 0.48m depth in this event.

7.72 The applicant has provided a flood response plan to support the application. The Resilience Officer from the Borough Council in response considers there to be a requirement for the school to prepare a completed flood response plan using the template created for the application by the NPS. This should be completed prior to the school opening but with named individuals in place. This can be secured by condition.

7.73 Officers are satisfied with this justification and consider that the site passes the exceptions test. The proposed development is therefore considered to be acceptable and in accordance with policies CS9, CS12 and CS13 of the Core Strategy and Chapter 15 of the revised NPPF.

#### **7.74 Playing Pitch Provision**

7.75 Policy CS15 of the Core Strategy and Chapter 8 of the NPPF relate to sports/playing pitch provision and promotes a healthy lifestyle.

7.76 The application site covers an area of 1.12 ha. Development is proposed mainly on the previously developed part of the site. However, an element of the development is proposed on an area forming the former infant school playing field, notably the ancillary residential accommodation required for the school.

7.77 NPPF 97 provides guidance that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the space is surplus to requirements, it's being replaced by equivalent or better in



another location or the proposal is for an alternative facility. This proposal clearly does not meet these requirements. In this instance NPPF 94 also applies which requires local planning authorities to take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through decisions on applications. Also, local planning authorities should work with school promoters to identify and resolve key planning issues before applications are submitted.

- 7.78 The applicant explains that options for siting the new residential accommodation on the site are limited and all options involve development on parts of the playing field area.
- 7.79 BB104 provides recommended minimum external areas for special schools. The guidance distinguishes between schools with or without formal team games. It is not clear at this stage whether the school will have or will not have formal team games. However, the figures provided by the applicant demonstrate that the external areas including the Gross Area, Net Area, Soft PE do not meet the recommended areas set out in annex B of BB104 for either scenario. The proposal does meet the recommended areas for Hard Outdoor PE, Soft Informal & Social Areas and Habitat Area.
- 7.80 Sport England have reviewed the application submission and whilst they acknowledge the loss of open space, they do not raise any objection. Neither do they insist on a community use agreement being imposed on any grant of planning permission.
- 7.81 The hard informal and social area fronts the proposed school building and is also the location for the drop off, it will be unmarked and will be a porous tarmac surface.
- 7.82 It is clear from the assessment that the external areas being proposed do not meet the recommendations set out by the government in BB104. A local resident has also raised concern that the proposal represents over development. However, BB104 is guidance not law and that the applicant and the end user have the specialist knowledge of the pupil's requirements and they believe that the scheme will be able to provide the education setting to meet the needs of the pupils.
- 7.83 In addition, the NPPF places a requirement on Local Planning Authorities to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. As such Officers are recommending that it would not be appropriate to refuse the application on the grounds of insufficient playing provision.

## 7.84 Environmental Impact Assessment

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

## 7.85 Responses to the representations received

7.86 The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 7.1 to 7.83 above. In addition, below is a response to those issues not previously covered:

Issue Raised	Response
Why isn't a new school being built at North Dene	This is the only site put forward by the applicant.
All children had to be moved from Alderman Swindell into mobiles at North Dene because North Dene was not big enough. Would have been cheaper for tax payers to leave Swindell as it was and build new school with North Dene	The decision to relocate the former Alderman Swindell school has already taken place and as such will not be affected by the approval or refusal of this application and is not therefore material to this decision
You've closed an above average school Swindell and put children into below average school, Northdene	The decision to relocate the former Alderman Swindell school has already taken place and as such will not be affected by the approval or refusal of this application and is not therefore material to this decision
You are wasting tax payer's money rebuilding two schools when only one was needed	The decision to relocate the former Alderman Swindell school has already taken place and as such will not be affected by the approval or refusal of this application and is not therefore material to this decision
Due to the very high security measures there will be little, if any social interaction between the school and the residents, creating an us and them rift. It will bring no social benefit	It is not uncommon for schools to have security arrangements. It is not possible to comment on future relationships between community and school, but the applicant states this is not the experience elsewhere.
The headteacher of a similar type of facility, described his own school that, "the pupils are likely to be some of the most challenging in	The applicant in response to this point writes: Whilst it is true that many of the children that will attend the school will have very high levels

Norfolk and that a huge number were also at risk of criminal exploitation. There is a strong likelihood that these vulnerable pupils could be targets for locally active drug gangs and other associated criminal activity, the effects could permeate into the school and surrounding community	of need the school will be run on the model of Eaton Hall and led by many of its experienced staff. Eaton Hall has been judged to be outstanding by Ofsted for the last eleven years educationally. For the last two it has also been judged as outstanding for its residential care. The leadership is very experienced at working with this profile of student and has many of the best outcomes for these children in the county. They are familiar with working closely with a wide variety of professionals to facilitate the outcomes.
A significant probability that this development will devalue neighbouring properties and will make them less saleable	this is not a planning consideration.
The proposal could turn the area in to a sink estate and another no-go area of the town	The applicant in response considers that it is not possible to predict the precise impact any new school development may have on a community, but there is no evidence from similar schools to support this statement. The appointment of an experienced Academy Trust who manages a very similar school in a residential neighbourhood in Norwich is part of the mitigation of any risk to the local community.
The proposal must be withdrawn and a more realistic proposal presented for education or for housing for the elderly	The applicant is aware of this comment and has not chosen to withdraw the application.

7.87 In response to the points raised by Norfolk Fire and Rescue Service the applicant states:

*“We acknowledge and agree the need for Schools to be more inclusive and as such have included 1Nr evacuation lift. Any non-ambulant pupil, member of Staff or Visitor would have their own Personal Emergency Evacuation Plan in the event that they had to use any of the accommodation on the first floor.”*

*“The Fire officer is correct the note on page 4 of the submitted fire risk assessment should be for the main school not the dormitories.”*

Fire fighting systems: *"We can confirm an automatic suppression 'wet' sprinkler system will be installed throughout the School building and the Dormitory's for property protection."*

Access to site: *"We can confirm that fire appliance access will be provided into the site from the main road."*

## **7.90 The Community Infrastructure Levy**

7.91 The development is not CIL liable.

## **7.92 Local Finance Considerations**

7.93 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.

7.94 In this instance it is not considered that there are local finance considerations material to this decision.

## **8. Resource Implications**

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **9. Other Implications**

### **9.1 Human rights**

9.2 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.

9.3 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.

- 9.4 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.
- 9.5 **Equality Impact Assessment (EIA)**
- 9.6 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.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **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.
- 10. Section 17 – Crime and Disorder Act**
- 10.1 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.
- 11. Risk Implications/Assessment**
- 11.1 There are no risk issues from a planning perspective.
- 12.1 Conclusion and Reasons for Granting of Planning Permission**
- 12.2 The site has been in an education use for 90 years with an established school use. The proposal will ensure that an education use will continue on the site albeit as part of a sui generis use, which includes the residential element. The applicant has identified a need to site a SEMH school in Great Yarmouth. The proposed development offers good accessibility and potential for staff to be drawn from the town (limiting travel).
- 12.3 In considering the planning balance, this is a brownfield, established school site within the development boundary for Great Yarmouth, as identified on the proposals map for the Borough. The siting and materials of the proposed development are acceptable and it is considered that the proposal can be delivered without having a detrimental impact on trees, landscape or ecology/biodiversity. The proposed development is considered acceptable for the flood zone it lies in and the proposed drainage strategy demonstrates the site can be adequately drained without increasing surface water flood risk on or off site. Whilst the proposal will result in the loss of playing pitch provision, the applicant seeks to mitigate this loss with the provision of a games court

area on the proposed hard play area and improved layouts. It is acknowledged that the proposed development would increase activity in the immediate area during the construction phase however the development is a satisfactory distance from neighbouring properties and adherence to the construction consideration statement will ensure during the demolition and construction phase amenity impact is limited. Also, the applicant is committed to providing a package of off-site highway works and a managed drop off/pick up system will help alleviate potential highway issues. It is considered the proposed development accords with planning policies in the development plan, and in accordance with national planning policies significant weight is afforded to the expansion of the school which would enhance the education provision to meet the needs of the town.

- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, conditional full planning permission is recommended.

### **13. Conditions**

- 13.1 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.

- 13.2 The development must be carried out in strict accordance with the application form, plans and documents.

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

- 13.2 Prior to the first use of the development hereby permitted the vehicular access(es) over the footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.3 Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.4 Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No.19-1-1097-NPS-DR-C-(00)-210 Rev P1 only. Any other access or egress shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.5 The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.6 Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (Drawing No.19-1-1097-NPS-DR-C-(00)-210 Rev P1). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.7 Prior to the first occupation/use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out,

demarcated, levelled, surfaced and drained in accordance with the approved plan (Drawing No.19-1-1097-NPS-DR-C-(00)-003 Rev P1) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.8 The on-site parking arrangement for construction workers outlined on Drawing No.19-1-1097-NPS-DR-C-(00)-003 Rev P1 shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.9 For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Site Traffic Management Plan. In addition, all measures outlined within the statement shall be implemented throughout the construction period.

Reason: In the interests of maintaining highway efficiency and safety in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.10 Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site until detailed drawings for the off-site highway improvement works (including the removal / relocation of the existing vehicular accesses and associated traffic management measures) as indicated on Drawing No.19-1-1097-NPS-DR-C-(00)-210 Rev P1 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.11 Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to



in condition 10 shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.12 Prior to the first occupation of the development hereby permitted a 'Pupil drop off and collection management plan' shall be submitted to and approved in writing by the County Planning Authority. The management plan shall be implemented in accordance with the measures (to manage any impact on the adjacent highway network) contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing as part of an annual review. The management plan reviews shall monitor drop off / pick up activities to ensure there are no adverse implications on the highway network, and implement any further measures deemed to be required by the Highway Authority.

Reason: In the interests of maintaining highway efficiency and safety in accordance with the requirements of policy CS16 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.13 Prior to installation details of the photovoltaics, shall be submitted to, and agreed in writing, by the County Planning Authority. The photovoltaics shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of policy CS9 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.14 In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

- 1) a report shall be submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
- 2) ) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried in accordance with the requirements of policy CS9 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.15 Prior to the first occupation/use of the development hereby permitted a flood response plan should be submitted and approved in writing by the Local Planning Authority which includes named individuals.

Reason: To prevent safety, environmental and amenity problems arising from flooding in accordance with the requirements of policy CS9 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

- 13.16 Prior to works beneath trees 1-5 and tree 7 (Drainage Works) details of a watching brief shall be submitted and approved in writing by the Local Planning Authority. The watching brief is to be undertaken throughout the course of works affecting trees 1-5 and tree 7 (Drainage Works) and is to be carried out by a professional Arboricultural Specialist.

Reason: To ensure that trees are adequately protected during the construction phase of the development in accordance with the requirements of policy CS9 of Great Yarmouth Borough Council Local Plan: Core Strategy (2015).

## **Background Papers**

Saved policies of the Great Yarmouth Borough-Wide Local Plan (2001)

<https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1585&p=0>

Great Yarmouth Borough Council Local Plan: Core Strategy (2015)

<https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1884&p=0>

Great Yarmouth Borough Council, Habitats Monitoring and Mitigation Strategy (January 2019).

<https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=4092&p=0>

The National Planning Policy Framework (NPPF) (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf?\\_ga=2.81687703.1498971390.1566921834-1965140127.1559835065](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.1566921834-1965140127.1559835065)

Planning Practice Guidance (2014)

<https://www.gov.uk/government/collections/planning-practice-guidance>

Norfolk County Council, Environmental Policy

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>

## Officer Contact

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

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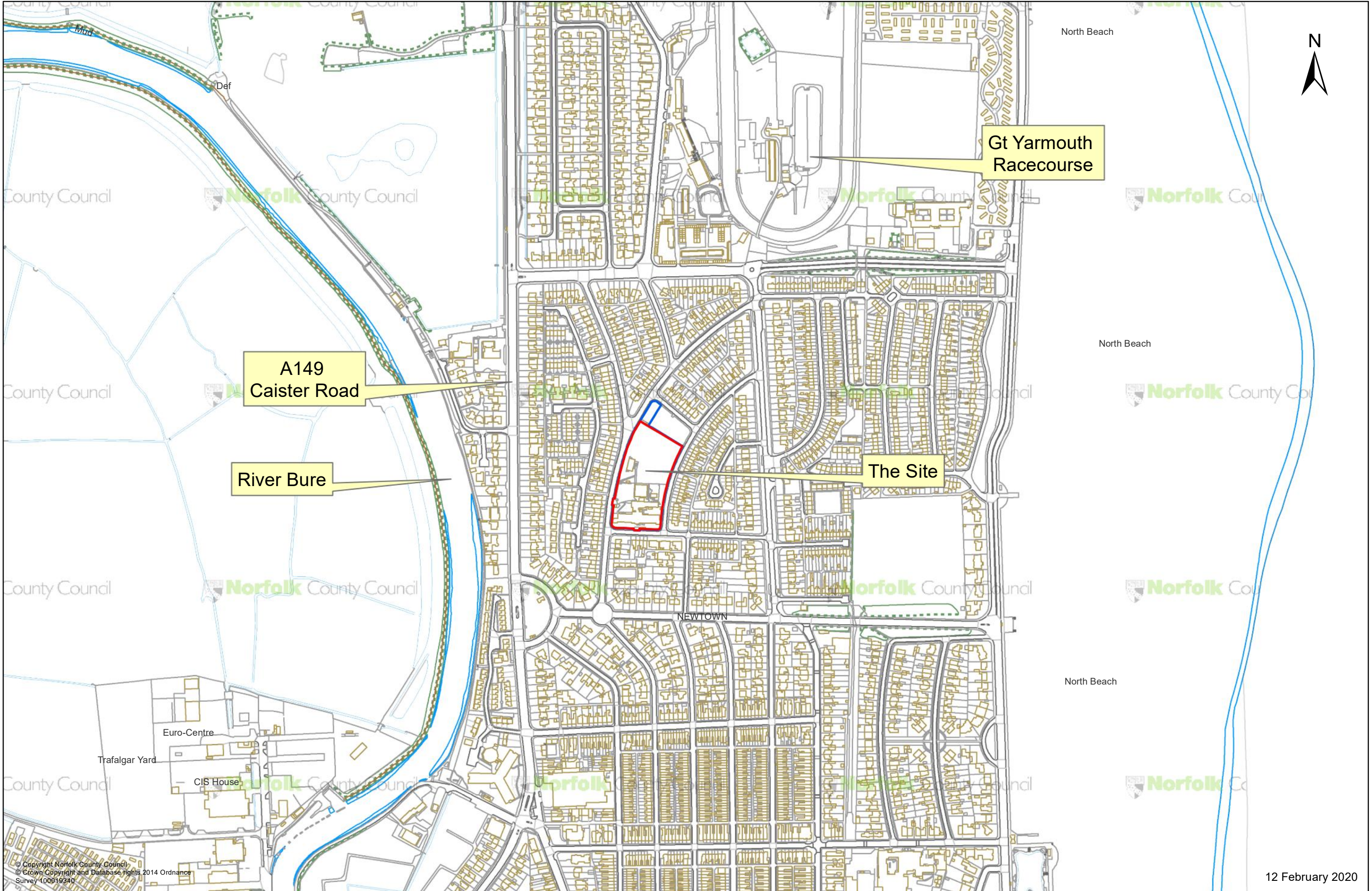
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Survey 100019340

Alderman Swindell  
Location Plan



12 February 2020



