

# Planning (Regulatory) Committee

Date: **Friday 23 April 2021**

Time: **11am**

Venue: **Online - Teams Live Virtual Meeting.**

To view the meeting please follow this link: <https://youtu.be/xkRsqt6MtOk>

Members of the Committee and other attendees: **DO NOT** follow this link, you will be sent a separate link to join the meeting.

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

## **Membership**

Cllr Colin Foulger (Chair)

Cllr Brian Long (Vice-Chair)

Cllr Mick Castle

Cllr Mike Sands

Cllr David Collis

Cllr Eric Seward

Cllr Danny Douglas

Cllr Martin Storey

Cllr Brian Iles

Cllr Tony White

Cllr William Richmond

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 request a copy from [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# A g e n d a

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

## 2. Minutes

Page 5

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 5 March 2021

## 3. Declarations of Interest

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

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

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

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

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

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

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

## 5. FUL/2020/0100 - Ormiston Victory Academy, Middleton Crescent, Costessey, Norwich, NR5 0PX

Page 9

Report by the Executive Director of Community and Environmental Services

6. **FUL/2020/0088 - Bridge End, Foulsham Road, Hindolveston, Norfolk, NR20 5BZ** **Page 44**

Report by the Executive Director of Community and Environmental Services

7. **FUL/2020/0099 - Harford Manor School, Ipswich Road, Norwich, NR2 2LN** **Page 66**

Report by the Executive Director of Community and Environmental Services

**Tom McCabe**  
**Head of Paid Service**  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: 15 April 2021



**If you need this document in large print, audio, Braille, alternative format or in a different language please contact Customer Services on 0344 800 8020 or 18001 0344 800 8020 (textphone) and we will do our best to help.**

## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

### **Human Rights Act 1998**

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

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

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

**Planning (Regulatory) Committee  
Minutes of the Meeting Held on 5 March 2021  
at 11am on Microsoft Teams (virtual meeting)**

**Present:**

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

Cllr Mick Castle  
Cllr David Collis  
Cllr Danny Douglas  
Cllr Brian Iles  
Cllr William Richmond

Cllr Mike Sands  
Cllr Bev Spratt  
Cllr Martin Storey  
Cllr Tony White

**Substitute Members Present:**

Cllr David Harrison for Cllr Eric Seward

**Also Present**

Hollie Adams  
Neil Campbell  
Nick Johnson  
Cllr Brenda Jones  
Dan Osborne  
John Shaw  
Adrian Truss

Committee Officer  
Principal Planner  
Head of Planning  
Local Member for Lakenham  
Norse, on behalf of the applicant  
Developer Services Manager  
Locum Senior Lawyer (Planning and Environment)

**1 Apologies and Substitutions**

- 1.1 Apologies were received from Cllr Eric Seward (Cllr David Harrison substituting).

**2 Minutes**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 16 October 2020 were agreed as an accurate record.

**3 Declarations of Interest**

No declarations of interest were made.

## 4 Urgent Business

There was no urgent business.

### Applications referred to the Committee for determination.

## 5 FUL/2020/0094 Norfolk County Council, Martineau Lane, Norwich, NR1 2DH

5.1 The Committee received the report setting out planning permission being sought under section 73 of the Town and Country Planning Act 1990 to vary the approved planning permission FUL/2019/0066 at County Hall, Norwich, for the construction of a new car park to the perimeter of the annex building, upgrade including surface water drainage to existing annex car park and the installation of a single car park deck to main car park.

5.2 Cllr Mike Sands joined the meeting at 11:10

5.3.1 The Principal Planner gave a presentation to the Committee; see [appendix A](#):

- If Members refused the application before them today, the developers could still implement the original application, which the Committee had previously approved.
- Objections had been received against the application as well as some letters of support; one letter of support received focussed mainly on highways grounds while one letter expressed a preference for the amended scheme.
- The presentation showed a map indicating the approved version of the decked carpark and the proposed, amended decked carpark which was reduced in size by 531 square metres; this would provide the same amount of spaces as those lost on the deck will be gained on ground level.
- The officer outlined the proposed changes to lighting arrangements, orientation of the ramp and other proposals as outlined within the report.
- The hedge at the back of the annex had been removed through the previous permission granted, so that it was removed prior to the nesting season.

5.3.2 Members asked questions about the presentation:

- The Locum Senior Lawyer confirmed that Cllr Sands arrived early enough into the meeting that he could take part in debate and vote.
- A Member discussed the height of lighting on the deck, and the risk of light spill being intrusive to surrounding areas and wildlife. The Member suggested that if not already proposed, amber LED lights could mitigate this. The Principal Planner **agreed** to look into the type of lighting proposed for the decking.
- Officers were asked if the cladding proposed for the deck would fit with the character of the area. The surrounding area was wooded and County Hall had dark brown window frames and brick work, and therefore officers was felt the brown cladding would fit in well with this.
- The cost of the project was queried; officers suggested that the developer would be best placed to answer this question.

- 5.4 The Committee heard from registered speakers.
- 5.4.1 Dan Osborne spoke to the Committee on behalf of the applicant:
- The design and built contract had been appointed and the design finalised; the application sought to amend drawings and documents and remove some conditions.
  - As part of the design and review process some elements were further considered and improvements provided by downsizing the footprint of the decked carpark and changing orientation of the exit ramp.
  - Reorienting and reducing the amount of parking spaces to 122, with gains on ground level, meant no loss in spaces from the original application
  - Allowing for revised circulation of traffic on the ground floor, the ramp had been reoriented 180 degrees aiding traffic circulation and reduced headlight glare across Conesford drive
  - The slightly reduced height of elevation had a knock-on effect to the lighting and other elements as outlined by the planning officer
  - The applicant would continue the work to the annex to conclusion as outlined in the approved application but there was a temporary hold on works to the deck system to await the Committee's decision.
- 5.4.2 Mr Osborne confirmed that measures in place to mitigate excess carbon and traffic because of the project was outlined in the original application and had not been amended as there was no change to the amount of parking. Electric vehicle charging points were part of a separate project as part of the wider carbon reduction scheme for the Council.
- 5.5.1 Cllr Brenda Jones spoke as Local Member:
- Cllr Jones felt that the proposal for extra spaces was unsafe, unwise and irresponsible and was concerned over the cost of the project
  - She felt the need for additional car parking was questionable, noting the change of working arrangements since the pandemic and the forecast that 75% of Council workers would return to County Hall with the rest working from home.
  - Cllr Jones was concerned that resident concerns regarding the outlook from their homes had not been followed up on
  - Objections to this project had been received from Norwich City Council
  - Cllr Jones noted potential disruption to animal habitat and queried what steps would be taken to replace lost habitats such as via removal of hedges
- 5.5.2 Cllr Jones replied to a query that she felt if there was wider range of routes for people to access County Hall by bus or from park and ride facilities, this would encourage people to do so.
- 5.6 The Committee moved to debate on the application:
- The Vice-Chair noted that there had been some argument raised about whether a carpark deck was appropriate but planning permission for this had previously been granted. The design presented to Committee gave an improvement to what they had already voted to approve.
  - It was noted that moving staff onto one site had carbon reduction advantages as

there would be less buildings to light and heat, however that the Committee was not a transport policy making Committee and they must deal with application presented to them.

- It was noted that some of the concerns previously raised about the application had been noted and mitigations made.
- It was noted that buses from Great Yarmouth and Lowestoft stopped at Bracondale, providing access to County Hall by public transport from these areas.
- A Member was concerned that there was not need for as much parking and by the cost of the application considering the debt of the Council; it was noted that cost could not be a determining consideration for planning applications.
- A Member felt that more measures could have been taken to mitigate the impact of traffic and therefore improve the application further
- The Chair noted that the developer had brought back considerate amendments and reduced the footprint of deck, providing an improvement to the already approved application.

With 8 votes for, 1 vote against and 3 abstentions, the Committee **RESOLVED** to **APPROVE** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12:02

**Chair**



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.



# Planning (Regulatory) Committee

Item No: 5

<b>Decision making report title:</b>	<b>FUL/2020/0100 - Ormiston Victory Academy, Middleton Crescent, Costessey, Norwich, NR5 0PX</b>
<b>Date of meeting:</b>	<b>23rd April 2021</b>
<b>Responsible Cabinet Member:</b>	<b>N/A</b>
<b>Responsible Director:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>If this is a key decision, date added to the Forward Plan of Key Decisions.</b>	<b>N/A</b>

## Executive Summary

This is an application for the expansion of the existing 1200 pupil secondary school to a 1500 pupil school by construction of a new stand-alone three storey building, and refurbishment works to the existing school, improved secure fencing to the front of the school, an increase of 42 car parking spaces and 60 cycle storage spaces and relocation of the existing on-site temporary modular accommodation at the Ormiston Victory Academy, Middleton Crescent, Costessey.

There have been concerns expressed by Costessey Town Council and objections or concerns raised in thirteen third-party representations from nearby residents about the traffic and pedestrian safety and parking impacts on the residential roads around the school including Middleton Crescent, Richmond Road, East Hill Road, and Longdell Hills and the associated amenity impacts. The impact on privacy as result of overlooking and overshadowing has also been raised as an issue in relation to the residential properties to the west of the school in Longdell Hills.

No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on the grant of planning permission. The application is considered to be in accordance with development plan and national planning policy.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because of the number of objections to the development.

The key issues to be assessed in the determination of the application are, the principle of the development, the locational and transport related sustainability considerations, design, landscaping and ecology; traffic, pedestrian safety and parking; the amenity Impacts (including disturbance from traffic and pedestrians, overlooking and overshadowing), the

impact on playing field provision, surface water drainage and flood risk, sustainability and the cumulative impacts.

It is considered that the proposal would be in accordance with the policies contained within the development plan and with the National Planning Policy Framework. Conditional full planning permission is therefore recommended.

### **Recommendation:**

That the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.**
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

## **1. Background**

- 1.1. Norfolk County Council (NCC) Children's Services has identified the need to expand teaching provision at Ormiston Victory Academy to accommodate the increase in residential growth in Costessey and the anticipated subsequent demand for more school places. The Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk and the South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) identify the Easton/Cotessey area as providing 1000 new homes in the period up to the end of March 2026. The existing main school building, which received Planning Permission in 2012, was intended to provide accommodation for 1250 pupils. However, recent analysis of capacity suggests that this number is closer to 1050. This application, which is for a new teaching block, would allow for an increase in capacity at the school by an initial 300 pupils in the 11-16 age range, increasing overall capacity at the school nearer to the required levels.
- 1.2. This application is for development of a new three-storey standalone teaching block which will accommodate fourteen general classrooms and other facilities and additional car parking and cycle storage to accommodate the additional 300 pupils.

## **2. Proposal**

- 2.1. **SITE**
- 2.2. Ormiston Victory Academy (formerly Costessey High School) is located in the residential area of Costessey to the north Dereham Road on the north west side of Norwich, approximately 1.6km (1 mile) east of the Costessey junction on the A47 and 6.2km (3.9 miles) north west of Norwich city centre.
- 2.3. It is located off Middleton Crescent (to the north east of the school), with Richmond Road to the east, East Hills Road to the south and Longdell Hills to the west. There

are three residential closes on the west side of the Richmond Road where the properties on their western boundaries adjoin the school, including White Gates, Stone Breck and Chestnut Close. The main access into the school, including the main vehicular access is from the north east side of the school site from Middleton Crescent. There are existing additional pedestrian accesses into the school from Stone Breck to the east (which also provides emergency vehicle access only) and Longdell Hills to the west.

- 2.4. The existing main school building is located approximately in the middle of the school grounds which extend in total to over eight hectares and is located at some distance from the boundary with the surrounding residential properties. The application area comprises only the area of the school grounds that will be affected by the works proposed, including the western side of the school, the main school building, and peripheral and car parking areas around northern and north western sides of the site.
- 2.5. Most of the school playing fields are located to the south of the main building. The boundary of the school adjoins the gardens of the residential properties to the east, south and south west although along to the south west there is line of mature beech and lime trees along the boundary with the rear gardens of the adjacent properties in Longdell Hills. To the north west and north there is a substantial area of mature woodland, Costessey Woods, that screens the school from the residential areas to the north west and open countryside to the north in the direction of Costessey. There is also a line mature trees running broadly east to west through the middle of the school.
- 2.6. There is a sports hall on the east side of the site, with additional playing fields on the northern half of the grounds where the former high school building used to be sited before its demolition. Sport England requested that the use of this area as sports pitches be protected by conditioned as part of the 2012 Planning Permission. The remainder of the northern area of the school grounds is occupied by car parking provision, further school buildings and hardstanding sports areas.
- 2.7. The new block would be located on the western side of the school adjacent to the existing pedestrian access to Longdell Hills. There are currently two temporary modular classroom units located on this area.
- 2.8. **Proposal**
- 2.9. The two existing modular classroom blocks would be relocated to the north west corner of the school grounds to make way for the new building. The area to the immediate south of the existing modular classrooms that would be built on forms part of the peripheral area of the school playing fields but would not involve the loss of any of the area currently marked out and used as sports pitches.
- 2.10. It is proposed to provide a three-storey standalone teaching block which will accommodate fourteen general classrooms in total. The new block would also include eighteen storerooms, one staff room, one plant room, two ICT rooms, three art rooms, a 3D art room and store, a kiln room, two food rooms with associated food store and preparation rooms, a creative media suite, dark room, art resource room

and a graphic products room. An office, cleaner's store, ICT server and WCs are also proposed on each floor.

- 2.11. As well as the new teaching block, internal alterations are proposed within the existing main school building. On the ground floor it is proposed to convert a group room and classroom into a drama studio, as well as convert a food technology room to an additional dining space and for there to be an upgrading/reorganisation of the main kitchen and caretaker's area. On the first floor it is proposed to convert a classroom into a music room and another into a music practice room. Several rooms will also require service installations above the ceiling to accommodate the alterations on the second floor. Internal alterations on the second floor would include the conversion of an art room and kiln, SEN inclusion room and classroom, art room and creative media suite into three separate science labs and a science lab and prep room.
- 2.12. 42 additional car parking spaces are also proposed as part of the scheme in two areas on the eastern and western boundaries of the site, and a cycle shelter to accommodate 60 spaces of bicycles is to be provided adjacent to the entrance from Stone Breck on the east side of the site.

#### Overall Approach to Location and Layout

- 2.13. The overall location and layout of the building and other works, the application states, have been influenced by the key site-specific features and constraints, notably the objective of seeking to limit any loss of grassed areas on and around the existing playing field and the constraints associated with demolition of the previous high school building. The siting of the teaching block will be located on the site of the existing temporary modular classrooms. These will be temporarily relocated to the north-west corner of the school ground for 2-3 years, i.e. until construction of the new block is being completed.
- 2.14. The application states because of the various site constraints, there are limited options for siting the new block and additional car parking spaces. The solution proposed essentially seeks locate the new building as near as possible to the existing main school building to allow easy access between them, help efficiently deliver the curriculum and limit the impact on the existing sports field area. The siting has been devised to ensure no loss of formal sports pitch provision and has been subject to early-stage consultation with Sport England.
- 2.15. A further consideration has been that surrounding area to the east, south and west is residential, giving rise to potential amenity considerations. On the western boundary close to where the new block is to be located, this is a particular consideration. However, the site is screened to a significant degree by the line of mature beech and lime of 12.5m in height (compared with a building height of 11.25m to the top of the roof and 12.45m to the top of the parapet) and to the north of these by a row Leyland cypress trees of 9.0m in height, so that the height of the proposed building, whilst the same as the existing main building would be lower than the adjacent trees. These, the applications states will create a visual screen, that separates the school from the residential area to the west. The application states

that the number of windows on the west elevation of the building has been deliberately reduced to limit potential overlooking into the adjacent properties on the east side of Longdell Hills. A daylight/sunlight shadow casting assessment has been undertaken and included with the application that assesses the impact on amenity of the properties to the west, in terms of overshadowing. This identifies that there would be no overshadowing for most of the year.

### Design

- 2.16. The primary concern in terms of design is with the design of the new teaching block, as the other works are largely alterations to the existing site layout and internal alterations to the existing main school building
- 2.17. The new teaching block is essentially a three-storey parapet-roofed red brick structure, with grey panel clad stairwells at either end and grey and gold/yellow fenestration and panel detailing on the four elevations. It also includes a single but substantial full height gold/yellow panelled section to identify the location of the main entrance into the building on its eastern elevation. The design and detailing closely follows, and is consistent with, the existing main school building, that was completed following the grant of Planning Permission in 2012, providing a consistent design theme that is carried through from the main building into the new teaching block. As noted above, fenestration has been reduced on sections of the west facing elevation to limit overlooking of the residential properties to the west, although substantial screening will also be provided by the line of mature trees along the western boundary.
- 2.18. The design incorporates low carbon and energy efficiency measures to address sustainability considerations (which are detailed in paragraph 2.26 below).

### Open space, Landscape and Ecological Considerations

- 2.19. The existing trees including those on the western boundary are a key feature of the existing school site. The aim has been to minimise any impact on adjacent mature trees. The additional car parking adjacent to the eastern and western boundaries have been located and designed to ensure that there is no intrusion into the root protection areas (RPA) of the trees. The scheme will require the removal of three Category C trees, to accommodate new parking and there will be a new security fence along the western and northern boundaries. Four replacement trees are being planted to mitigate for this loss, that will be located adjacent the new parking spaces on the west side of the site and additional works are proposed to ensure net biodiversity and environmental gains including through the implementation of planting beds, wildlife improvement areas and integrated swift boxes.

### Access

- 2.20. The vehicular access to the site will be via the current main access from Middleton Crescent. The site has good existing pedestrian links from the east, north-east and west, with the latter being situated adjacent where the new teaching block will be located. These will all be retained.

### Car Parking and Cycle Storage

- 2.21. The construction of the new teaching block will result in a net increase of 11 classrooms at the school (providing a total of 23 teaching rooms). There will be an increase in staff employed with 42 new Full-Time Equivalent (FTE) staff. At present, the school has approximately 160 parking spaces and 130 FTE staff.
- 2.22. The application states that in pre-application discussions with NCC Highways, they have confirmed that an additional one car parking space per additional FTE staff member would be acceptable.
- 2.23. Consequently 42 car parking spaces are proposed, to be located in the two locations along the eastern and western boundaries of the school. NCC standards for cycle parking require 58 spaces, so that the proposed provision of 60 spaces will exceed the requirement.

### Lighting

- 2.24. The proposal includes external lighting. This, the application states, has been designed to limit artificial light pollution, thereby protecting residential amenity. As detailed in the accompanying lighting assessment, the lighting will be controlled by existing photocells and be operated on a timer for use only during school hours.

### Drainage

- 2.25. Surface water drainage will be handled through the installation a three-crate soakaway system These will serve the new building, the relocated modular classrooms and the access road. Foul drainage would be to the mains sewer.

### Sustainability

- 2.26. Heating would be provided by natural gas fired gas condensing boilers and a gas water heater but would be supplemented with solar photovoltaic (PV) panels that would be located on the flat roof to generate electricity for use within the building and/or to supply electricity back to the grid. An approximate PV panel array of 103m<sup>2</sup> generating a yearly yield of approximately 18,185 kWh is proposed to meet Building Regulations Part L, and the County Council's planning requirement for 10% of the building's energy demand being delivered from a low zero carbon or renewable source.

### Construction and Construction Traffic

- 2.27. During the construction phase, construction traffic will access the site from Middleton Crescent. Details of the management of construction traffic is outlined in a Construction Considerations Statement submitted with the application and would seek to ensure that the amenity impacts during construction phase are minimised. Construction traffic movements and parking will be managed to ensure that there is no impact on staff and pupil movements at the beginning and end of the school day.

### **3. Impact of the Proposal**

#### **3.1. DEVELOPMENT PLAN POLICIES**

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

**Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk - Adopted March 2011, with amendments adopted January 2014**

- Policy 1 - Addressing climate change and protecting environmental assets
- Policy 2 - Promoting good design
- Policy 3 - Energy and water
- Policy 6 - Access and Transportation
- Policy 7 - Supporting Communities
- Policy 9 - Strategy for growth in the Norwich Policy Area
- Policy 10 - Location for new or expanded communities in the Norwich Policy Area

**South Norfolk Local Plan Development Management Policies Document (DMPD) Adoption Version October 2015**

- Policy DM 1.1 - Sustainable development;
- Policy DM 1.3 - Sustainable location of development;
- Policy DM 1.4 - Environmental quality and local distinctiveness
- Policy DM3.8 - Design Principles applying to all development
- Policy DM3.10 - Promotion of sustainable transport
- Policy DM3.11 - Road Safety and the free flow of traffic
- Policy DM3.12 - Provision of vehicle parking
- Policy DM3.13 - Amenity, noise and quality of life
- Policy DM 3.16 - Improving the level of local community facilities;
- Policy DM 4.2 - Sustainable drainage and water management;
- Policy DM4.4 - Natural environmental assets - designated and locally important open space;
- Policy DM 4.8 - Protection of trees and hedgerows;
- Policy DM 4.9 - Incorporating landscape into design.

**South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) Adoption Version October 2015**

The Site Specific Allocations & Policies Document (SSAPD) does not include any directly relevant policy, although Map 002c which covers New Costessey and Bawburgh shows the Ormiston Victory Academy as being located within the Development Boundary for the area and the supporting text identifies the Easton/Costessey area as providing 1000 new homes between 1 April 2008 and 31 March 2026 in accordance with the Policy 10 of the Joint Core Strategy. The Map shows 500 of these dwellings would be provided on the main allocated housing site under Policy COS1: Land West of Lodge Farm, Dereham Road to the south west of the Ormiston Victory Academy.

## **Neighbourhood Plan**

The site is located in the Costessey Town Council area, which does not currently have an adopted Neighbourhood Plan.

### **3.3. OTHER MATERIAL CONSIDERATIONS**

#### **3.4. National Planning Policy Framework (NPPF) (2019)**

- Chapter 2. Achieving Sustainable Development;
- Chapter 6. Building a strong, competitive economy;
- 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; and

#### **3.5. Emerging Development Plan Policy**

- 3.6. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant emerging policies in certain circumstances. Currently emerging Local Plan policy includes the following:

#### **Greater Norwich Local Plan (GNLP)**

Work has started on a new Greater Norwich Local Plan (GNLP) which is being jointly prepared by South Norfolk District Council, Broadland District Council, Norwich City Council and Norfolk County Council. A consultation was held on Growth Options and Site Proposals for the emerging GNLP between January and March 2019, and the Draft Plan Consultation (Regulation 19 Publication), setting out draft policies, is currently as the time of writing on-going, and due to end on 22<sup>nd</sup> March 2021 There are as such no currently relevant emerging development plan policies to which any weight can be attached.

#### **3.7. Constraints**

- 3.8. There are a number of constraints affecting the site including the following:

- The site falls within an Impact Risk Zone (IRZ) for the River Wensum Site of Special Scientific Interest (SSSI) which lies approximately 1.23km north west of the Ormiston Victory Academy. The River Wensum is also designated as a Special Area of Conservation (SAC). The IRZ does not however require consultation with Natural England on applications for new school buildings;
- The is large area of woodland adjoining the northern boundary of the school, Costessey Woods, which are designated as a County Wildlife Site (CWS);
- The site lies in Flood Zone 1 on the Environment Agency's (EA) Flood Map for Planning; and



- The Site lies within the Norwich Airport Safeguarding Zone for developments exceeding 45m.

3.9. There are no nearby or adjacent Listed Buildings or Scheduled Monuments that would be affected.

### 3.10. **CONSULTATIONS**

SOUTH NORFOLK DISTRICT COUNCIL PLANNING – Have not returned any comments.

BROADLAND DISTRICT COUNCIL ENVIRONMENTAL QUALITY TEAM – Advise that they have no objection to the proposal in relation to the impacts on groundwater, noise and emissions to air, including dust and PM10 particulates. They advise that they also have no objection in relation to the control of construction impacts, noise, lighting and contamination, subject to the inclusion of a precautionary condition requiring the submission of an investigation report, risk assessment and details of any remediation to be undertaken, in the event that any previously unidentified contamination is discovered on the site during the construction phase.

HIGHWAY AUTHORITY – Comments that the Ormiston Victory Academy is located within an existing residential area, which benefits from a good level of walking and cycling links and that in the immediate vicinity of the school, Middleton Crescent and Richmond Road are the subject of a 20 mph zone (with associated speed cushions), and that the remaining roads within the vicinity are subject to a 20 mph limit.

It comments that the proposal would result in an increase in the number of on-site staff and visitor parking provision to provide 1 space per additional (FTE) member of staff as well as the on-site cycle parking. It advises that the proposed provision and layout accord with NCC standards, although the effectiveness of tandem parking, which is proposed, will rely on the school itself to manage the parking arrangements.

It refers to the off-site highway improvements requested by Costessey Town Council and the local member (see below) and advises that the following should be provided:

- To help manage the increased vehicular activity during drop off and pick up, further lengths of double yellow lines should be provided (primarily around the existing junctions on Richmond Road). The exact extent of any restrictions would need to be subject to a separate Traffic Regulation Order (TRO), which will require the support of the Local County Councillor and further consultation with local stakeholders, a process that the applicant will be required to fund; and
- To aid both the existing and additional pedestrian movements on Richmond Road, an enhanced crossing facility will be required. It advises, at this stage, whilst no detailed assessment or design has yet been carried out, that this should be in the form of a raised table crossing in the vicinity of the Stone Breck junction (to the south). This can be secured by condition, with the exact details agreed through the required s.278 process.

In addition, it comments that the application is accompanied by a Construction Consideration Statement and Construction Site Plan, which outlines that the main vehicular access from Middleton Road will be used and that all construction parking will be contained within the site, and that this arrangement is considered to be acceptable.

It acknowledges that the application will result in further activity within the immediate vicinity of the school and could potentially cause a further nuisance to local residents, although this is an amenity issue, rather than being a highway safety concern.

It also comments that the public nuisance issues raised by third parties, can be addressed in part via a new school Travel Plan, part of which would involve the promotion of alternative methods of travel (other than the car) to access the school, and will require engagement with parents to ensure that access issues are managed. The school would be required to monitor and update the travel plan at agreed intervals.

Overall, it advises that whilst the expansion of the school as proposed will give rise to increased activity at the site, this would not substantiate a highway objection and that whilst further on-street parking may be a nuisance to local residents, this would not result in a significant highway safety concern. Accordingly, the Highway Authority recommends approval subject to the highways and travel plan related conditions set out in Section 11 below.

LEAD LOCAL FLOOD AUTHORITY – Advise that they have no objection subject to the inclusion of a condition requiring the submission for approval of detailed designs for the surface water drainage scheme, and its subsequent implementation.

COUNTY COUNCIL'S ARBORICULTURIST – Advises that they have no objection. They comment that three trees will be removed but that these will be replaced with four new trees, and that they are otherwise satisfied that the development is acceptable provided that the recommendations of the submitted Arboricultural Impact Assessment (including the Tree Protection Plan and Arboricultural Method Statement) are implemented.

COUNTY COUNCIL'S ECOLOGIST – Advises that an ecology report has been submitted with the application which is based on Phase 1 survey undertaken in June 2020. They further advise that they have no objection to the development subject to the inclusion of conditions to ensure the works on the site are undertaken in accordance with the biodiversity method statement included in the submitted ecology report and, requiring the submission for approval of a biodiversity enhancement plan detailing the enhancement measures for biodiversity on site. This should include the numbers and locations of bird boxes and insect bricks, and hedgehog gaps and its subsequent implementation.

They advise that the River Wensum SAC and SSSI is located within 2km of the site (WFE, 2020), but comment that Natural England have no objection to the proposal.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – Advises that although the new teaching block would be substantial in size, and

therefore could have an adverse impact on the surrounding landscape and amenity of the area, due its location, the impact will be minimal. They comment that the site is well contained by mature vegetation to the north and west which will prevent both short and long-distance views. The land also drops way sharply to the rear of the school, which normally would increase views, but in this case results in the screening vegetation being more effective.

They advise that views of the building are likely to be possible from the rear of properties along East Hills Road, and White Gates, but that there appears to be substantial vegetation along both boundaries which will result in much more filtered views. Glimpsed views would be possible from the T-junction of White Gates where there was once access to the school grounds, but these views will be very minimal in nature. Taking this into consideration, they advise that they have no objection to the proposals from a landscape perspective. They advise the inclusion of a landscaping condition to ensure that all proposed planting is carried out in accordance with the submitted plans, maintained and where required, replaced for a period of 3-5 years following completion.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – Advises that they have no objection.

NORFOLK FIRE AND RESCUE – Advise that they have no objection provided the proposal meets the requirements of the current Building Regulations and incorporates the use of sprinklers.

NORFOLK CONSTABULARY – Advise that they have no objection subject to the new building being constructed in accordance with Secured by Design (SBD) guidance.

NORWICH AIRPORT – Advises that it has no aerodrome safeguarding objections to the development but requests the inclusion of an informative relating to the use of tall equipment and/or cranes during the demolition and/or construction phases.

ANGLIAN WATER - Advises that the foul drainage proposed lies within the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for the flows that would arise.

They advise that they have no objection to the proposal subject to the inclusion of a condition requiring the submission for approval and implementation of details of the foul water drainage including the connection point and discharge rate.

NATURAL ENGLAND - Advises that it has no objection to the development. It confirms that it considers that it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes but advises that to meet the requirements of the Habitats Regulations, the Council should record its decision that a likely significant effect can be ruled out.

The County Council must in determining the application must also be mindful of the of the legal obligation under s.40 of the NERC Act 2006 (the biodiversity duty).

SPORT ENGLAND – Comments that the application seeks planning permission for a new three storey educational block on land to the west of the main school block, but that the building will be sited on an area of amenity grassland which has a limited width of 35m and is therefore too restricted to site any pitches that would meet FA requirements for secondary school age pupils. It also comments that the proposal includes additional car parking and the relocation of the existing on-site temporary modular accommodation and new cycle storage, none of which will affect playing field land or other sports facilities.

It further comments that the northern playing field will be marked out with an u11/12 football pitch (73mx46m with run-off) and the southern playing field will be marked out with an u13/14 football pitch (8mx50m), an u15/16 football pitch (91mx55m) and a rugby pitch (104mx55m) and that there would be training grids to the south of the new educational block.

It advises that it is therefore satisfied that the proposed development meets exception 3 of its playing fields policy, in that:

“The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site”.

Consequently, it advises that Sport England has no objection to the development, subject to the inclusion of a condition that the playing fields be marked out as indicated on the submitted site plans.

COSTESSEY TOWN COUNCIL – Comments that they have concerns about the loss and future loss of grassed areas used for the provision of sports and exercise. It also advises that it has major concerns about the extra traffic that would be generated in what is already a congested area, and requests the implementation of mitigation measures, secured through if necessary either through a s.106 agreement or conditions. It suggests a formal crossing on Richmond Road near Stone Breck to allow safe crossing of the road and the installation of speed ramps on Richmond Road to slow the traffic in what is supposed to be a 20mph area; remodelling and improvement of the junction of Richmond Road and Dereham Road A1074 to enable safer passage of pedestrians and to enable traffic from Richmond Road to turn right onto Dereham Road, towards Queen’s Hills, the Lodge Farm development, Easton, and Dereham; the upgrade and/or relocation of pedestrian crossing on William Frost Way to enable pedestrians to cross safely; better walkways across the A47 to enable pedestrians from Easton and Bawburgh to access Dereham Road north side paths;

and provision of double yellow lines on some parts of Richmond Road to discourage school pick up parking.

It also expresses concern about the loss of light to some dwellings on Longdale Hills by overshadowing from the three-storey building and requests that further consideration be given to provision of further opportunities for pick-up and set-down of pupils within the school grounds.

LOCAL MEMBER (COUNTY ELECTORAL DIVISION - COSTESSEY) (COUNTY COUNCILLOR TIM EAST) – Advises that he has the same concerns to those expressed by Costessey Town Council, as set out above.

### 3.11. REPRESENTATIONS

3.12. The application has been advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. In response, there has been 13 third-party representation all of which offer objection and or comment, and which in summary make the following points:

- That traffic associated with school as it is already causes congestion on Richmond Road, Middleton Crescent, East Hill Road and, Longdell Hills between 8am and 9am and 2:30pm and 3:30pm;
- That the current lack of double yellow lines results in widespread parking causing obstruction to residents, forcing them to park elsewhere (away from their homes) causing difficulties for buses and emergency access and damage to verges and grassed areas;
- That the road that leads up to the school is already busy and dangerous at school opening and closing times, with no speed bumps so that the 20mph speed limit is not adhered to and children and pupils not paying adequate attention to vehicular traffic;
- That additional speed bumps need to be provided before the school's capacity is increased;
- That additional speed bumps should not be provided;
- That the number and times of vehicle movements has not been identified or whether there would be any weekend activities causing traffic;
- That more effective traffic management and drop-off points are required;
- That the size of the new building and proximity to adjacent properties will cause overshadowing and reduce light to resident's property and gardens;
- That the size of the new building and its proximity the neighbour properties will result in a loss of privacy due to the large number of high-level overlooking windows;
- That the trees on the school's boundary will not provide any screening for a significant part of the year;
- That the new building will negatively impact the visually amenity of the local area which currently only has one building of this size and all other buildings are one or two storeys;
- That the new teaching block will be much closer to nearby domestic dwellings than the current high-rise school building;

- That the new teaching block will be built in close proximity to Costessey Woods and will have a negative effect on the biodiversity this supports including disruption to the flightpaths of bats;
- That the development will adversely affect property values;
- That there is plenty space within the school grounds to locate the new building where it would not have same adverse impacts;
- That there are already security concerns with people climbing over fences and holes in, and damage, to fences,
- That there has been damage and graffiti to local properties which may increase as result of the visual shielding effect of the new build blocking from the main building;
- That an additional entrance into the school is proposed from White Gates which is only small road that will not be able to cope with the increase in traffic and pedestrians;
- That there will be increase in litter in and around the neighbouring properties, particular around the access points into the school; and
- That there has been inadequate consultation with local residents on details of the scheme.

### 3.13. **APPRAISAL**

3.14. The key issues for consideration are:

- A. Principle of the Development
- B. Locational and Transport Related Sustainability Considerations;
- C. Design, Landscaping and Ecology;
- D. Traffic, Pedestrian Safety and Parking;
- E. Amenity Impacts (including disturbance from traffic and pedestrians, overlooking and overshadowing)
- F. Impact on Playing Field Provision
- G. Surface Water Drainage and Flood Risk
- H. Contamination;
- I. Sustainability; and
- J. Cumulative Impacts.

### 3.15. A. PRINCIPLE OF THE DEVELOPMENT

3.16. The 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”.*

3.17. Relevant development plan policy is, as detailed above, is set out in the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk, the South Norfolk Local Plan Development Management Policies Document (DMDP) and the South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD).

- 3.18. In terms of the principle of the development, the key policies are supportive of the principle of the development. The JCS Policies 6 and 7 aim to deliver thriving communities by ensuring that facilities and services are available as locally as possible and are located to take account of the potential for co-location, and of being accessible on foot, by cycle and by public transport. They include specific reference to education provision including a commitment to the provision of sufficient, appropriate and accessible education opportunities, including new or expanded secondary schools to serve the major growth locations. Policies 9 and 10 set out the Strategy for growth in the Norwich Policy Area (NPA) and identify key major growth locations, and key service centres. These include Easton/Costessey, as a location for at least 1000 new houses, as part of an overall strategy to deliver a minimum of 21,000 new houses in the NPA over the plan period to 2026.
- 3.19. In addition, to support this level of growth, Policy 10 identifies the need for new or expanded education provision for addressing the needs of the 0-19 age range.
- 3.20. As set out in paragraph 3.2. above the SSAPD does not include any directly relevant policy, although Map 002c which covers New Costessey and Bawburgh shows the Ormiston Victory Academy as being located with the Development Boundary for the area and the supporting text confirms the Easton/Costessey area as providing 1000 new homes between 1 April 2008 and 31 March 2026 in accordance with the Policy 10 of the Joint Core Strategy.
- 3.21. In support of the Policy 10, explicit assessment of the need for additional secondary school capacity has been undertaken by NCC Children Services which has identified the need to expand teaching provision at Ormiston Victory Academy to accommodate the increase in residential growth in Costessey and the resulting demand for more school places. This identifies that the existing capacity of 1050 pupils, needs to be expanded by an initial 300 pupils in the 11-16 age range.
- 3.22. In terms of the principle of the development there is therefore an identified need for the additional secondary capacity proposed. This is in accordance with and supports relevant development plan policy and underpins its strategic objectives. 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.
- 3.23. As such the application can be considered to be acceptable in principle in terms of both development plan policy and national planning policy set out in the NPPF.
- 3.24. B. LOCATIONAL AND TRANSPORT RELATED SUSTAINABILITY CONSIDERATIONS
- 3.25. The key sustainability consideration is as set out in JCS Policy 7, not only to deliver thriving communities but to do so in a way that ensures that facilities and services are available as locally as possible and located to take account of the potential for co-location, and so that they are accessible on foot, by cycle and public transport. Policy 10 similarly is concerned to ensure that there is a high level of self-containment through the provision of services to support new development while integrating well with neighbouring communities. In addition DMPD; Policy 1.3 is

concerned with ensuring that new development should be located so that it positively contributes to the sustainable development, is located on Allocated Sites or within the development boundaries of the settlements defined on the Policies Map, and is of a scale proportionate to the level of growth planned in that location; Policy 3.10 seeks to ensure that new development should support sustainable transport and development objectives, and be designed to reduce the need to travel and to maximise the use of sustainable forms of transport; and Policy 3.16 seeks to ensure that community facilities exist within a reasonable distance to meet local needs and are located within development boundaries.

- 3.26. Again, in relation to location and transport sustainability objectives, the increased secondary capacity included in this application, is predicated on, and consistent with, the overall policy objectives of the development strategy and the detailed policy considerations set out in the JCS, the DMPD and SSAPD. The school is located within the development boundary on the north west side of Norwich within the site forming part of the existing Ormiston Victory Academy and is close to and within easy walking distance (within 0.9km/0.5mile) of the main allocated housing site at West of Lodge Farm on the Dereham Road, which has been allocated for the development of approximately 500 dwellings. Expansion of the existing school will facilitate walking and cycling to school, rather than the use of the car with greater priority or pedestrian access and enhanced provision for cycle storage.
- 3.27. The measures proposed will be incorporated into an updated School Travel Plan, which will be reviewed and regularly updated. As set out above the Highways Officer has advised the inclusion of a condition to require and ensure the review, updating and monitoring of the School Travel Plan.
- 3.28. On this basis, if the application is approved subject to a condition requiring the submission of an updated School Travel Plan and the other conditions recommended by the Highway Authority, it can be considered to be acceptable in terms of locational and transport related sustainability considerations, and therefore compliant with relevant development plan policy and the NPPF.
- 3.29. C. DESIGN, LANDSCAPING AND ECOLOGY
- 3.30. Relevant policy relating to design includes JCS Policy 2 and the DMDP Policy DM 1.4 which seek promote good design and ensure that all development proposals demonstrate an understanding and evaluation of the important environmental assets, including locally distinctive characteristics and justify the design approach. In addition, JCS Policy 1 and South Norfolk Local Plan (DMPD) Policies DM 4.8 and DM 4.9 seek to ensure the environmental assets, including trees and protected species are protected and that landscaping is incorporated into the design of new development.
- 3.31. In relation to design, landscaping and ecology, there have not been significant issues raised either by consultees or in any the third-party representations. The design of the new teaching block as set out in paragraphs 2.16-2.18 above follows and is consistent with the existing main school building. The application includes a detailed Design and Access Statement which provides details on the design concept and



approach to the design and layout of the site. It explains that the new building's form and scale is designed to effectively be an extension of the school's existing main building, sharing the same design principles, being similarly constructed as a three-storey building with a parapet roof and similar detailed design features and material finishes. As such it can, in terms of its design, be considered to be compliant with JCS Policy 2 and the DMPD Policy DM 1.4.

- 3.32. In relation to landscaping, a landscaping plan shows four landscaping works areas comprising the areas around the new teaching block on the west side of the school, the two new car parking areas on the eastern and western side of the school and, the site of the new cycle storage on the east side of the school. The works proposed complement the hard landscaping works and include additional tree planting to mitigate for the tree loss that there would be. The Landscape and Arboricultural Officers have not offered any objections to this, subject to the recommendation that the submitted Arboricultural Impact Assessment (with Tree Protection Plan and Arboricultural Method Statement) be implemented (which can be secured by condition) and, the inclusion of a landscaping condition to ensure that all proposed planting is carried out in accordance with the submitted plans, maintained and where required, replaced for a period of 3-5 years following completion. With these conditions the development proposed can be considered to be acceptable in terms of development plan policy which includes DMDP Policies Document Policies DM 4.8 and 4.9 and the NPPF.
- 3.33. In relation to ecology the Ecology Officer has no objections to the development, subject to all ecological measures and/or works being carried out in accordance with the details contained in the ecology report submitted with the application and a condition requiring the submission for approval of a biodiversity enhancement plan and its subsequent implementation. With the inclusion of recommended conditions, the proposal can be considered to be compliant with relevant development plan policy and the NPPF as set out above.
- 3.34. D. TRAFFIC, PEDESTRIAN SAFETY AND PARKING
- 3.35. As detailed in paragraphs 3.9 to 3.11 above, by far the most significant issue raised by both Costessey Town Council and objectors concerns traffic and pedestrian safety and parking safety issues in the residential roads around the school and particularly in Middleton Crescent, Richmond Road, East Hill Road, and Longdell Hills.
- 3.36. Relevant development plan policy includes the JCS Policies 2 and 6 which seek to ensure provision of cycling and walking friendly neighbourhoods by applying highway design principles and not prioritising the movement function of streets at the expense of quality of place and, the concentration of development close to essential services and facilities to encourage walking and cycling as the primary means of travel. Also relevant are DMPD Policies DM3.8 and DM3.10 which seek to ensure that new development provides an attractive, accessible and safe environment and reducing the need to travel. Additional guidance is 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.

- 3.37. As set out above, the main concerns are with traffic at the beginning and end of the school day, parking in the surrounding roads by parents at drop-off and pick-up times, the speed of traffic, the blocking of private driveways, pedestrian safety and damaged to roadside verges. These concerns have been accompanied by requests for additional traffic management and parking measures.
- 3.38. In response to these concerns the Highway Authority, as detailed above advises that further lengths of double yellow lines should be provided (primarily around the existing junctions on Richmond Road), which will require a separate Traffic Regulation Order (TRO), and that an enhanced crossing facility should be provided on Richmond Road. This can be secured by condition, with the exact details agreed through the required s.278 process.
- 3.39. In addition, it advises that an updated school Travel Plan will be required, which would promote of alternative methods of transport (other than the car) to access the school, and require engagement with parents to ensure that access issues are managed. It advises that the school would be required to monitor and review the travel plan at agreed intervals.
- 3.40. Overall, whilst it advises that the expansion of the school will give rise to additional vehicular and pedestrian activity including nuisance to residents in the roads around the school, it advises that this can be managed, so as not to result in a significant highway safety concern. Accordingly, the Highway Authority recommends approval subject to the highways and travel plan related conditions set out in Section 11 below.
- 3.41. With these safeguards the proposed expansion of the school including the revised access and parking arrangements can be considered to be acceptable in terms of relevant development plan policy and the policy set out in the NPPF.
- 3.42. E. AMENITY IMPACTS (INCLUDING DISTURBANCE FROM TRAFFIC AND PEDESTRIANS, OVERLOOKING AND OVERSHADOWING)
- 3.43. Over and above the strategic considerations relating to the Principle of the Development and the Location and Transport Related Sustainability Considerations, the key issue that invariably arises in relation to the development of new schools and expansion of existing schools are the amenity impacts, particularly on adjacent and nearby residential properties, roads and areas. These generally comprise the impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes to the school in the short periods at the beginning and end of the school day. In some instances, other issues occur or can also be raised. In this case, two other related issues have been raised by objectors; overshadowing and overlooking from the new teaching block towards into the gardens and windows of the adjoining properties on the west side of the school at Longdell Hills.
- 3.44. Relevant policy includes the DMPD Policy DM 1.1 which at the most general level seeks to, secure development that improves the economic, social and environmental

conditions; Policy DM.14 which seeks to ensure proposals should avoid environmental harm or where this is not possible, adequately mitigate and compensate for the adverse environmental effects of development; and Policy DM3.13, which is the main development plan policy concerned with amenity, noise and the quality of life. This states that development should ensure a reasonable standard of amenity reflecting the character of the local area. In all cases particular regard should be paid to avoiding overlooking and loss of private residential amenity space, loss of day light, overshadowing and overbearing impacts, and the introduction of incompatible neighbouring uses in terms of noise, odour, vibration, air, dusts, insects, artificial light pollution and other nuisances. It makes clear development will not be permitted where it would generate noise or artificial light which would be significantly detrimental to the amenity of nearby residents or the occupants of other noise sensitive uses.

- 3.45. 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, impacts on health and the quality of life.
- 3.46. The impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes into the school has been raised by Costessey Town Council and by almost all of the objectors, who are residents in the surrounding roads. The concerns particularly relate to the potential disturbance and disruption in the main roads providing access to the school, i.e. Middleton Crescent Richmond Road, East Hills Road and Longdell Hills and also Stone Breck. The concerns expressed partly arise from and in association with the highway and pedestrian safety issues and include the disturbance to, and safety of, residents, as well pupils and parents on their way to and from the school. Particular frustrations are expressed by residents about the disturbance and levels of obstruction caused by the vehicles of parents at the drop-off and pick-up times at the beginning and end of the school day, damage to verges and litter.
- 3.47. The issue has also been identified in the comments from the Highway Authority, although primarily as a highway safety and highway management issue. The District Council Environmental Quality Team has not raised any objections in relation to the amenity impacts linked to traffic and access issues or noise disturbance. The Highway Authority (as set out above) have advised that the issues raised can be addressed provision of further lengths of double yellow lines, (an enhanced crossing facility on Richmond Road) and particularly the preparation and submission and implementation of a new school Travel Plan.
- 3.48. On a more general level, it has to be recognised that the location, particularly of large secondary schools in residential areas, does present difficulties for the occupiers of neighbouring and nearby residential properties on the access routes into them. There is always going to be an element of disturbance and amenity impact. Measures to address these are essentially a pragmatic response and require on-

going monitoring and review, but in practical terms, it is difficult to put in place any more specific requirements, although in this particular case the extension of double yellow lines would be likely to have the most immediate impact on the degree of disturbance to local residents caused by the volume of parked cars at drop-off and pick-up times.

- 3.49. Turning to the second issue of overshadowing and overlooking, which is relevant to the adjoining residential properties on the west side of the school in Longdell Hills, there is one property where the new teaching block building would be located directly opposite its rear east facing elevation. There would be approximately 35 between the two buildings. The new block would be substantially higher than the existing dwelling through a combination the higher ground level with the building being constructed in a raised bank and being a three-storey structure.
- 3.50. However, as detailed above the new building will be very substantially screened by the line of mature beech and lime trees along the western boundary so that for a large part of the year the new building will not be visible, and even in winter it will be substantially obscured. In addition to reduce the potential level of overlooking the fenestration has been omitted from the central section of the west facing elevation of the new block where this would be closest to the garden of the neighbouring property.
- 3.51. In relation to the potential for overshadowing, a shadow cast analysis has been submitted with the application. This shows the level of shadow cast throughout the year and that the new teaching block will be located sufficiently far north in relation to the position of the adjacent property that the impact will be very limited to casting a shadow over a very small area of the adjacent garden closest to the school boundary which is currently occupied by a garage rather than forming a significant part of the useable open space of the garden. As such this cannot be considered to be a significant adverse impact.
- 3.52. There are no other significant amenity considerations. Whilst the disturbance associated with the traffic and pedestrians has the potential to adversely impact on the neighbouring and nearby properties, with the measures proposed by the Highway Authority, it should be possible to ensure that the expansion of the school, including the development of the new teaching block does not give rise to any unacceptable impacts on the amenity and can be considered to be acceptable in terms of the relevant amenity related development plan policies and the NPPF.
- 3.53. F. IMPACT ON PLAYING FIELD PROVISION
- 3.54. The key issue in terms of playing field provision is whether the proposal will lead to some loss of use, of land being currently used as a playing field. For this reason, Sport England are a statutory consultee.
- 3.55. There is no explicit development plan policy relating the school playing fields, although DMPD Policy DM 3.15 states that new development must not result in a net quantitative or qualitative loss of existing open space unless it can be demonstrated that there is a surplus of amenity space. More explicitly is Paragraph 97 of the NPPF makes clear that existing open space, sports and recreational buildings and land,

including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or that the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 3.56. The application is not in this case accompanied by an Open Space/Playing Pitch Assessment, but pre-application consultation was undertaken with Sport England and as detailed above one of the key design has been to ensure no loss of formal sports pitch provision.
- 3.57. This has been achieved as and as set out above Sport England have offered detailed comment in response to the advice set out in the NPPF. They advise, as the new building will be sited on an area of amenity grassland and that the additional car parking and the relocation of the existing on-site temporary modular accommodation and new cycle storage, will not any affect playing field land or other sports facilities, that they have no objection to the development, subject to the inclusion of a condition requiring the playing fields to be marked out as indicated on the submitted site plans.
- 3.58. On this basis the development can be considered to be compliant with the requirements set out in Paragraph 97 of the NPPF.
- 3.59. G. SURFACE WATER AND FLOOD RISK;
- 3.60. As detailed above, surface water drainage will be handled through the installation a three-crate soakaway system, to serve the new building, the relocated modular classrooms and the access road and foul drainage would be to the mains sewer.
- 3.61. There are no objections from either Anglian Water or from the LLFA, subject to the inclusion of a condition requiring the development to be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy.
- 3.62. The development can therefore be considered to be compliant with relevant development plan policy and the NPPF in relation to surface water and flood risk.

#### H. CONTAMINATION

- 3.63. As detailed in paragraph 3.10 above the District Council Environmental Health Officer has requested the inclusion of a precautionary condition requiring the submission of an investigation report, risk assessment and details of any remediation to be undertaken, in the event that any previously unidentified contamination is discovered on the site during the construction phase. Testing of the site has been undertaken and a supplementary ground investigation report submitted which confirms that no materials likely to give rise to contamination have been detected. Accordingly, the application can be considered to be in accordance with relevant development plan policy and the NPPF in relation to contamination.

3.64. **I. SUSTAINABILITY**

- 3.65. Sustainability: Policy 3 of the JCS requires new development to maximise energy efficiency in terms of design, layout and construction techniques and minimise water consumption. It also requires non-residential development of 1000sqm or more to provide 10% renewables or low carbon sources unless unviable or unfeasible.
- 3.66. The application states that a 'fabric-first' design philosophy has been adopted which works on the basis of securing low thermal transmittance and air permeability to reduce heat loss and the demand for energy and passive design techniques incorporating natural ventilation and daylighting principles would be incorporated to reduce the reliance on mechanically driven ventilation systems and artificial lighting. The application further identifies that the new teaching block will have to comply with the Building Regulations Part L to ensure a high standard of energy performance for buildings although the 'U' values (that are measure of thermal resistance) are generally expected to be between 20-30% better than the minimum required by Building Regulations Approved Document L2A. The intention is that a combination of high thermal insulation standards and air-tightness in terms of both design and quality of construction, will contribute to the building's 'passive' energy and thus to it's carbon footprint being minimised, irrespective of the energy source and fuel used. The latter will be a combination of the natural gas and solar PV (as detailed above).
- 3.67. The proposed sustainability measures incorporated within the design and layout of the scheme are accordingly consistent with the aims of Policy 3 of the JCS, DMPD Policy DM 3.8 and guidance in the NPPF which encourages sustainable development.

3.68. **J. CUMULATIVE IMPACTS**

- 3.69. No separate or discreet assessment of the cumulative impacts of the development has been submitted with the application. However, there currently no other development proposals in the immediate vicinity of the site that would give rise to any cumulative impacts. None the statutory consultees have raised any cumulative impact issues and as such there no obvious cumulative impacts that raise any significant issues in relation to compliance with development plan policy or the NPPF.

3.70. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3.71. 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.

3.72. **RESPONSES TO REPRESENTATIONS RECEIVED**

- 3.73. The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.74. The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 3.15 to 3.69 above.

#### 3.75. **LOCAL FINANCE CONSIDERATIONS**

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.

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

### **4. Conclusion & Reasons for Decision**

4.1. This is an application for the expansion of the existing 1200 pupil secondary school to a 1500 pupil school by construction of a new stand-alone three storey building, and refurbishment works to the existing school, improved secure fencing to the front of the school, an increase of 42 car parking spaces and 60 cycle storage spaces and relocation of the existing on-site temporary modular accommodation at the Ormiston Victory Academy, Middleton Crescent, Costessey.

4.2. There have been concerns expressed by Costessey Town Council and objections or concerns raised in thirteen third-party representation from nearby residents about the traffic and pedestrian safety and parking impacts on the residential roads around the school including Middleton Crescent, Richmond Road, East Hill Road, and Longdell Hills and the associated amenity impacts. The impact on privacy as result of overlooking and overshadowing has also been raised as an issue in relation to the residential properties to the west of the school in Longdell Hills.

4.3. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission. The application is therefore considered to be accordance with development plan and national planning policy.

4.4. The application accords with the development plan and can be considered to be a sustainable form of development in line with the advice set out in the NPPF, subject to conditions. There are no other material considerations that indicate that planning permission should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out in Section 11 below.

### **5. Alternative Options**

5.1. Members of the Planning (Regulatory) Committee can only resolve to decide on the planning application before them and whether this is to approve, refuse or defer the decision.

## **6. Financial Implications**

- 6.1. The development has no financial implications from the Planning Regulatory perspective.

## **7. Resource Implications**

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

## **8. Other Implications**

### **8.1. Legal Implications**

There are no legal implications from the Planning Regulatory perspective.

### **8.2. Human Rights implications**

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.

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 considered 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.

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

### **8.3. Equality Impact Assessment (EqIA)**

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



#### **8.4. Health and Safety implications**

There are no health and safety implications from a planning perspective.

#### **8.5. Sustainability implications**

There are no sustainability implications from a planning perspective.

#### **8.6. Any other implications**

There are no other implications from a planning perspective.

### **9. Risk Implications/Assessment**

9.1. There are no risk issues from a planning perspective.

### **10. Select Committee comments**

10.1. Not applicable.

### **11. Recommendations**

11.1. That the Executive Director of Community and Environmental Services be authorised to:

**I. Grant planning permission subject to the conditions set out below.**

**II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**

**III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

#### **Conditions**

1. The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact start date.

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.

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

- Drawing No. NPS-Z1-00-DR-A-030 Rev Code P2 - New Build Proposed Ground Floor Plan dated 9<sup>th</sup> December 2020;
- Drawing No. NPS-Z1-01-DR-A-031 Rev Code P2 - New Build Proposed First Floor Plan dated 9<sup>th</sup> December 2020;

- Drawing No. NPS-Z1-02-DR-A-032 Rev Code P2 - New Build Proposed Second Floor Plan dated 9th December 2020;
- Drawing No. NPS-Z1-03-DR-A-033 Rev Code P2 - New Build Proposed Roof Plan dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-110 Rev Code P2 - New Build Proposed Elevations dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-140 Rev Code P1 - New Build Proposed Site Sections dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-145 Rev Code P1 - Shadow Casting Analysis dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-146 Rev Code P1 - Shadow Casting Analysis, Overshadowing of the Garden at 43 Longdell Hills dated 17<sup>th</sup> February 2021;
- Drawing No. NPS-Z1-ZZ-DR-A-150 Rev Code P2 - New Build Proposed Section A & B dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-151 Rev Code P2 - New Build Proposed Section C & D dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-152 Rev Code P2 - New Build Proposed Section E,F,G & H dated 9th December 2020;
- Drawing No. NPS-Z1-ZZ-DR-A-153 Rev Code P2 - New Build Proposed Section J & K dated 9th December 2020;
- Drawing No. NPS-Z2-00-DR-A-020 Rev Code P2 - Existing Ground Floor Plan Main School dated 9th December 2020;
- Drawing No. NPS-Z2-00-DR-A-023 Rev Code P2 - Ground Floor Refurbishment Plan Main School dated 9th December 2020;
- Drawing No. NPS-Z2-01-DR-A-021 Rev Code P2 - Existing First Floor Plan Main School dated 9th December 2020;
- Drawing No. NPS-Z2-01-DR-A-024 Rev Code P2 - First Floor Refurbishment Plan Main School dated 9th December 2020;
- Drawing No. NPS-Z2-02-DR-A-022 Rev Code P2 - Existing Second Floor Plan Main School dated 9th December 2020;
- Drawing No. NPS-Z2-02-DR-A-025 Rev Code P2 - Second Floor Refurbishment Plan Main School dated 9th December 2020;
- Drawing No. NPS-ZA-ZZ-DR-A-011 Rev Code P2 - Existing Site Plan 1 of 2 dated 9th December 2020;
- Drawing No. NPS-ZB-ZZ-DR-A-012 Rev Code P2 - Existing Site Plan 2 of 2 dated 9th December 2020;
- Drawing No. NPS-ZA-ZZ-DR-A-014 Rev Code P2 - Proposed Site Plan 1 of 2 dated 9th December 2020;
- Drawing No. NPS-ZB-ZZ-DR-A-015 Rev Code P2 - Proposed Site Plan 2 of 2 dated 9th December 2020;
- Drawing No. NPS-ZA-ZZ-DR-A-016 Rev Code P4 - Proposed Contractor's Compound & Access Plan dated 11<sup>th</sup> March 2021;
- Drawing No. NPS-ZZ-ZZ-DR-A-001 Rev Code P1 - Site Location Plan dated 9th December 2020;
- Drawing No. NPS-ZZ-ZZ-DR-A-010 Rev Code P2 - Existing Site Plan dated 9th December 2020;
- Drawing No. NPS-ZZ-ZZ-DR-A-013 Rev Code P2 - Proposed Site dated 9th December 2020;

- Drawing No. NPS-ZZ-ZZ-DR-A-017 Rev Code P1 - Existing Pitch Markings dated 9th December 2020;
- Drawing No. NPS-ZZ-ZZ-DR-A-018 Rev Code P1 - Proposed Pitch Markings dated 9th December 2020;
- Drawing No. HBS-DR-L-800 Rev Code P1 – Proposed Landscape General Arrangement dated 11<sup>th</sup> November 2020;
- Drawing No. HBS-DR-L-810 Rev Code P1 - Typical Boundary Treatments Typical Tree Pit Detail dated 11<sup>th</sup> November 2020;
- Drawing No. NPS-00-XX-DR-C-601 Rev Code P5 - Drainage Strategy (Main Building) dated 31<sup>st</sup> March 2021;
- Drawing No. NPS-00-XX-DR-C-601 Rev Code P2 - Drainage Strategy (Mobile Relocation) dated 16<sup>th</sup> November 2020;
- Drawing No. NPS-00-00DR-E-001 Rev Code P1 - Electrical Services - Site plan external services routes 1 of 2;
- Drawing No. NPS-00-00DR-E-002 Rev Code P1 - Electrical Services - Site plan external services routes 2 of 2;
- Drawing No. NPS-00-XX-DR-C-200 Rev Code P1 - Proposed Levels Layout Sheet 1/2 dated 4<sup>th</sup> November 2020;
- Drawing No. NPS-00-XX-DR-C-201 Rev Code P1 - Proposed Levels Layout Sheet 2/2 dated 4<sup>th</sup> November 2020;
- Drawing No. NPS-00-00-DR-M-001 Rev Code P1 - Stage 3 Proposed Mechanical Services – Proposed site plan dated 11th November 2020;
- Drawing No. VES1736\_TOPO – Topographic Survey dated May 2020;
- Costessey - Ormiston Victory Academy, Middleton Crescent Supporting Statement - Statement in support of a full planning application for new three-storey standalone teaching block and refurbishment and remodelling of existing building (v3), NPS Group, dated December 2020;
- Design & Access Statement - Ormiston Victory Academy, Middleton Crescent, Costessey, Norwich, NR5 0PX for Norfolk County Council Children's Services, NPS Group, Issued: 9th December 2020
- Proposed Temporary Building at Ormiston Victory Academy - Ecology Report, Wild Frontier Ecology, dated November 2020;
- Arboricultural Impact Assessment at Ormiston Victory Academy, Middleton Crescent, Costessey, AT Coombes Associates Ltd, dated 24<sup>th</sup> November 2020
- Transport Statement - Extension to Ormiston Victory Academy Costessey, BHA Consulting dated 16<sup>th</sup> December 2020;
- Ormiston Victory Academy, Costessey, Drainage Strategy, Report No. 01-09-105082-NPS-DS v1, NPS Group, dated November 2020;
- Ormiston Victory Academy, Costessey, Drainage Strategy, MicroDrainage Calculations, Report No.: 01-09-105082-NPS-DS v1, NPS Group, dated November 2020;
- Flood Risk Assessment - Standalone up to three storey extension to provide new classrooms, Ormiston Victory Academy Costessey, BHA Consulting dated 18th September 2020;
- Ormiston Victory Academy New Block for Norfolk County Council Project No. 105082 - Noise Statement for Mechanical Plant, NPS Property Consultants, dated 3<sup>rd</sup> November 2020;

- Ormiston Victory Academy Costessey, Norwich - Ground Investigation Report on behalf of NPS Property Consultants Report 01-01-105082/GIRI Rev 1, Hamson Barron Smith, dated 9<sup>th</sup> December 2020;
- Ormiston Victory Academy New Block for Norfolk County Council project No. 105082 - Sustainability Statement V1.0, NPS Property Consultants, dated 9<sup>th</sup> November 2020;
- Construction Consideration Statement - Project: - 105082 - Ormiston Victory Academy, Costessey, Norfolk. Project Proposal: Construction of new stand-alone three-storey mixed teaching block and refurbishment works to the existing school. External works to include increasing the existing staff car parking, new secure fence line and relocating the existing modular accommodation, NPS Group, dated 9<sup>th</sup> December 2020;
- 105082 Ormiston Victory Academy - Electrical Services Planning Assessment - Lighting Assessment, NPS Group, dated 7<sup>th</sup> November 2020;
- Costessey Ormiston Main Build Pipe Network & Soakaway Critical Storm 1in100 + 40% CC, NPS Group, dated 4<sup>th</sup> November 2020;
- 105082 Ormiston Victory Academy - Electrical Services Planning Assessment - Photovoltaic Micro generation, NPS Group, dated 28<sup>th</sup> October 2020;
- Costessey Ormiston Mobile Pipe Network & Soakaway Critical Storm 1in100+40%CC, NPS Group, dated 16<sup>th</sup> November 2020;
- Costessey: Ormiston Victory Academy, Middleton Crescent - Drainage Maintenance Plan, NPS Group, Version 1, undated;
- Luminaire Data Sheet2 (25 pages), Dialux dated 18<sup>th</sup> November 2020;
- JA Solar 340W PERC Half-Cell Module JAM60S10 320-340/PR datasheet, undated;
- Solar Calculations for 340W Panel – Panel Size 996mm x 1689mm = area 1.682m<sup>2</sup>, undated;
- Costessey Ormiston Main Build Pipe Network & Soakaway 1in30 + 40% CC, NPS Group, dated 30<sup>th</sup> March 2021;
- Letter from Hanson Barron Smith - Ormiston Victory Academy - Supplemental Ground Investigation, dated 31<sup>st</sup> March 2021.

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

3. The external materials and finishes used in the construction of the development hereby permitted shall be as detailed on Drawing No. NPS-Z1-ZZ-DR-A-110 Rev Code P2 - New Build Proposed Elevations dated 9<sup>th</sup> December 2020 and in Section 5 Materials Palette of the Design & Access Statement - Ormiston Victory Academy, Middleton Crescent, Costessey, Norwich, NR5 0PX for Norfolk County Council Children's Services, NPS Group, Issued: 9<sup>th</sup> December 2020.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 1.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 12 of the NPPF (2019).

4. The landscaping scheme shown on Drawing No. HBS-DR-L-800 Rev Code P1 Proposed Landscape General Arrangement included in Section 3 of the Design &

Access Statement - Ormiston Victory Academy, Middleton Crescent, Costessey, Norwich, NR5 0PX, 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 Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policies DM 4.8 and DM 4.9 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 12 of the NPPF (2019).

5. Prior to the commencement of the use hereby permitted the proposed access / on-site car and cycle parking (covered) / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

6. The scheme for the on-site parking for construction workers as outlined on Drawing Ref. NPS-ZA-ZZ-DR-A-(00)-016 P2 shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

7. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Consideration Statement. 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.

8. Notwithstanding the details indicated on the submitted drawings, within 3 months of the date of the permission, a detailed scheme for the off-site highway improvement works for pedestrian crossing arrangements on Richmond Road shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway 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.

9. Prior to the commencement of the use hereby permitted the off-site highway improvement works for pedestrian crossing arrangements on Richmond Road referred to in Part A of this condition shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

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

10. Prior to the commencement of the use hereby permitted a Traffic Regulation Order for the provision of yellow line markings (junction protection) along Richmond Road (exact extents to be agreed)) shall be promoted by the Highway Authority.

Reason: In the interests of highway safety.

11. 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.

12. Prior to the coming into use of the new teaching block the school playing fields shall be marked out in accordance with the Drawing No. NPS-ZZ-ZZ-DR-A-018 Rev Code P1 - Proposed Pitch Markings dated 9th December 2020;

Reason: To ensure the on-going provision of school sports pitches and to accord Policy DM 3.15 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 8 of the NPPF (2019).

13. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the County Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

14. All ecological measures and/or works shall be carried out in accordance with the details contained in section 7.5 and section 8 of the Ecology Report, Wild Frontier Ecology, dated November 2020.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 4.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 15 of the NPPF (2019).

15. Within three months of the date of this permission, a Biodiversity Enhancement Plan shall be submitted and approved in writing by the County Planning Authority, detailing the enhancement measures for biodiversity on site. The Biodiversity Enhancement Plan should include the numbers and locations of bird boxes and insect bricks, and hedgehog gaps. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 4.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 15 of the NPPF (2019).

16. The development shall be undertaken in full accordance with the Arboricultural Impact Assessment at Ormiston Victory Academy, Middleton Crescent, Costessey, AT Coombes Associates Ltd, dated 24th November 2020, including Appendix 4 the Tree Protection Plan and Appendix 5 the Arboricultural Method Statement.

Reason: To ensure protection of the trees on the site in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 4.8 of the South Norfolk Local Plan Development Management Policies Document (2015) and Paragraph 170 of the NPPF (2019).

17. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Drawing (Drawing No. NPS-00-XX-DR-C-601 Rev Code P5 - Drainage Strategy (Main Building) dated 31st March 2021) The approved scheme shall be implemented prior to the first use of the development and permanently maintained in that form.

Reason: To manage surface water and prevent flooding in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 4.2 of the South Norfolk Local Plan Development Management Policies Document (2015) and National Planning Policy Framework paragraph 163, 165 and 170, by ensuring the satisfactory management of local flood risk, 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.

18. 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:
- (a) A report shall be submitted and agreed in writing by the County Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified; and
  - (b) The agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the County Planning Authority.

Reason: To ensure proper remediation of any contamination on the site in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 3.14 of the South Norfolk Local Plan Development Management Policies Document (2015) and Paragraph 178 of the NPPF (2019).

19. Prior to the coming into use of the new teaching block the photovoltaic array detailed in the 105082 Ormiston Victory Academy - Electrical Services Planning Assessment - Photovoltaic Micro generation, NPS Group, dated 28th October 2020, shall be fully installed and in operating and thereafter operationally maintained.

Reason: To ensure the development minimise reliance on non-renewable high-carbon energy sources and maximises the use of decentralised and renewable or low-carbon energy sources in accordance with Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) and Policy DM 1.4 of the South Norfolk Local Plan Development Management Policies Document (2015).

## **12. Background Papers**

- 12.1. Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014)

[https://www.broadland.gov.uk/downloads/file/1310/joint\\_core\\_strategy\\_adopted\\_document\\_2014](https://www.broadland.gov.uk/downloads/file/1310/joint_core_strategy_adopted_document_2014)

- 12.2. Broadland District Council Development Management Development Plan Document (Adopted August 2015)

[https://www.broadland.gov.uk/downloads/file/1118/development\\_management\\_dpd\\_adopted](https://www.broadland.gov.uk/downloads/file/1118/development_management_dpd_adopted)

- 12.3. South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) (Adoption Version October 2015)

<https://www.south-norfolk.gov.uk/residents/planning/planning-policy/adopted-south-norfolk-local-plan/site-specific-allocations-and>



12.4. 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=2.81687703.1498971390.166921834-1965140127.1559835065](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.166921834-1965140127.1559835065)

12.5. 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, 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)

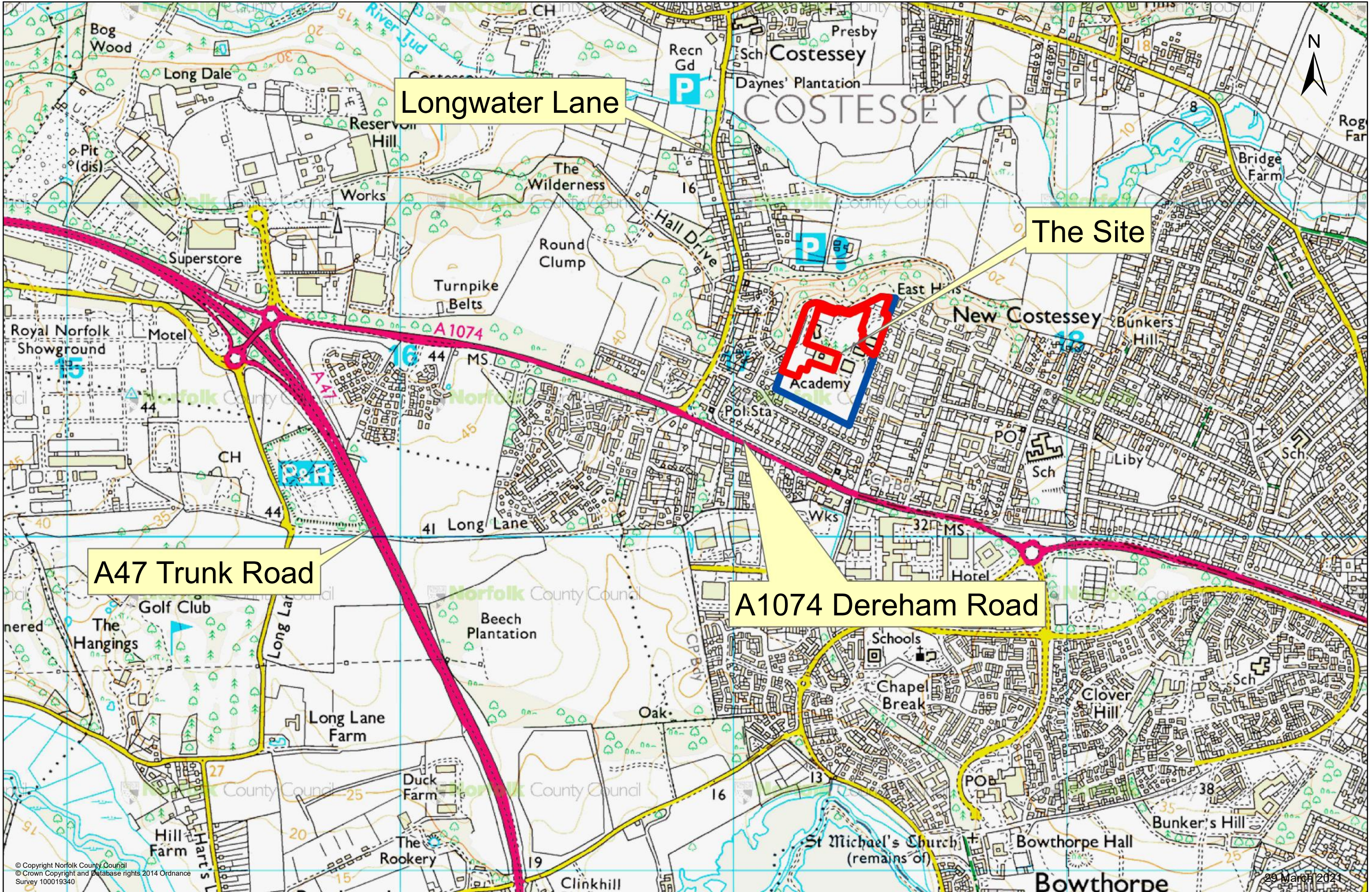


If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.











# Planning (Regulatory) Committee

Item No: 6

<b>Decision making report title:</b>	<b>FUL/2020/0088</b> <b>Bridge End, Foulsham Road, Hindolveston, Norfolk, NR20 5BZ</b>
<b>Date of meeting:</b>	<b>23 April 2021</b>
<b>Responsible Cabinet Member:</b>	<b>N/A</b>
<b>Responsible Director:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>Proposal &amp; Applicant:</b>	<b>Change of use from dwellinghouse (C3) use to children's home (C2) use</b> <b>(Norfolk County Council, Children's Services)</b>

## Executive Summary

Planning permission is sought for the change of use of a residential property (C3 dwellinghouse use) known as Bridge End which is situated on Foulsham Road, Hindolveston, to a residential children's home (C2 use). The property would offer a home for up to two children aged between 12-16, although it is anticipated only a single child would be accommodated at the property for the majority of the time. No external changes are proposed and a gravelled area within the site would provide parking spaces for staff/visitors. No members of staff would live permanently on site, instead staff would operate on a shift system providing 24/7 presence and care at the site. The applicant is Norfolk County Council Children's Services.

In accordance with the Council's Constitution, the application is being reported because it has received six third party objections, and therefore cannot be dealt with under delegated powers. The key issues raised by neighbour representations which have brought the application to committee relate to the principle of the development, impacts upon amenity, potential increase in crime and anti-social behaviour, safe and secure environment could be compromised, increase in traffic, remote location and lack of amenities in the area.

It is considered that the proposal would be in accordance with the policies contained within the North Norfolk Core Strategy DPD (2008) and the policy aims of the NPPF. There are no other material considerations that would outweigh the development plan.

## Recommendation:

That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined in section 11.**
- II. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

## **1. Background**

The property subject to this application has an established use as a dwellinghouse (C3 use). There is no planning history held by the County Council, however the district council planning records show that the property was originally granted permission as holiday accommodation in 1995, this was subject to a further permission in 1999 which varied the occupancy condition to allow the property to be occupied by a person employed or last employed locally in agriculture. Subsequently a further application was approved in 2018 which removed the occupancy condition to allow the property an unrestricted residential occupancy use (C3 dwellinghouse).

- 1.1 Immediately adjacent to the site are former agricultural buildings, which were granted permission for conversion to 5 holiday units in 1994, a subsequent application was approved in 2018 permitting their change of use to 3 dwellings. The conversion to dwellings has now been completed and the properties are occupied.

## **2. Proposals**

### **2.1. SITE**

- 2.2. The application site comprises a 4 bedroomed detached bungalow with an unrestricted use as a dwellinghouse (C3), together with associated garden and parking. The property is enclosed to the front by a timber fence, the south by a relatively low wall, the west by mature hedging and to the north which adjoins the recent barn conversion by a combination of a brick built boundary wall and fencing approximately 1.8m in height.
- 2.3. Access to the site is taken from Foulsham Road (C227). The access is shared with the recent barn conversions to the north and the agricultural buildings/operations to the east.
- 2.4. The nearest residential properties are the 3 barn conversions (Ashcroft Barns) to the north, which share the northern boundary of the application site. In addition to the barn conversions there is a single residential property Ashcroft Farm on the opposite side of the road to the application site. The site is in a rural location outside of any settlement boundaries and classified as being 'Countryside Area' (not a principal, secondary or service village) within the North Norfolk Core Strategy. The nearest village is Hindolveston which is approximately 1.3km to

the north, and the nearest service village is Briston and Melton Constable approximately 5km to the north. The nearest principal settlement would be Fakenham which is approximately 10km to the west. The site lies within Hindolveston parish.

**2.5. PROPOSAL**

- 2.6. The application seeks planning permission for the change of use of the existing dwellinghouse to a children's home, which would provide care predominantly for one child, but on occasions up to 2 children for short periods. The children would be aged between 12-16, and would have the capacity to accommodate some of the County's most vulnerable children who have complex needs. It is anticipated that children would be cared for at the property for around 1 year. Care at the home would be administered by non-resident care staff, operating on a shift basis to provide round the clock care. Staff for the home is expected to comprise of registered assistant team manager, a senior residential worker and a team of 8 residential child practitioners. The staff would operate on a shift system, with 2 staff arriving daily at 9.30am, and then remaining at the property overnight until changing over with staff the following morning. In addition to the on-site staff there would always be an 'on call' manager available. It is also anticipated that additional professionals such as clinical psychologists, and speech and language therapists would attend the home at times to support the children in care. No external changes are proposed to the dwelling and existing parking areas provide parking within the curtilage of the property.
- 2.7. Children would where possible continue to attend school externally, but depending upon the child's needs there may be a requirement for home schooling. The home would be funded and maintained by Norfolk County Council Children's Services who would be the registered provider. The home would be registered with Ofsted who would be responsible for regulating the service. NCC Children's Services have developed a 'solo stabilisation model' which seeks to provide homes for the County's most vulnerable children. The model requires that the homes are located whereby the risk to contextual safeguarding can be as low as possible, in order to achieve this a rural location is required whereby children in care are not able to quickly access public transport to travel to urban areas.

**3. Impact of the Proposal**

**3.1. DEVELOPMENT PLAN POLICIES**

The following policies of the North Norfolk Local Development Core Strategy (adopted 2008) provide the development plan framework for this planning application. The following policies are of relevance to this application:

North Norfolk Core Strategy incorporating Development Management Policies (2008)

SS1: Spatial strategy for North Norfolk

SS2: Development in the Countryside  
 SS4: Environment  
 SS5: Economy  
 SS6: Access and Infrastructure  
 EN2: Protection and Enhancement of Landscape and Settlement Character  
 EN4: Design  
 EN10: Development and Floodrisk  
 CT3: Provision and Retention of Local Facilities and Services  
 CT5: The Transport Impact of New Development  
 CT6: Parking Provision

3.2. **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF

3.4. The emerging North Norfolk Local Plan 2016-2036, is at an early stage with the first draft currently at the consultation stage. However, this plan incorporates the following policy which is relevant to this application.

SD4: Development in the Countryside

3.5. **CONSULTATIONS**

NORTH NORFOLK DISTRICT COUNCIL – Insufficient information has been submitted to justify the rural location, loss of a market dwelling and compliance with Policy SS2, the application would currently be considered as a departure. Alternative more suitable sites may exist in more sustainable locations. Insufficient information has been submitted to determine whether or not residential amenity would be impacted. Based on the information submitted and the proximity of the building to residential properties it is likely neighbouring occupiers would experience unacceptable noise and disturbance caused by emotional needs and/or behavioural difficulties faced by the proposed resident(s).

No further comments have been received to the re-consultations.

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – No response received to the initial consultation or the re-consultations.

HIGHWAY AUTHORITY – No objection, condition recommended requiring details of the parking area to be submitted prior to the first use of the development.

HINDOLVESTON PARISH COUNCIL – No objection.

LOCAL MEMBER (MELTON CONSTABLE) (MR STEFFAN AQUARONE) – I am in full support.

#### NORFOLK CONSTABULARY

Beat Manager -

Overall this application does not raise any objections from a Police point of view. ASB and crime in Hindolveston is very low and the change of use of this building to a one-person residential children's home with 24-hour care is not thought to impact on that. It is believed that any minor issues arising could be efficiently dealt with by local Officers, and hope this may lessen any perception that a children's home may involve an increase/fear of crime at the location.

There is a concern enough parking considerations being given to the location, as the road the property is on wouldn't be suitable for street parking.

Designing Out Crime Officer –

I would encourage security measures & specifications found within Secured by Design Homes 2019 guidance are adopted; These principles and products have a proven track record in defeating known criminal methods of committing crime.

The parking area should be lit to the relevant levels as recommended by BS 5489-1:2013. 'Dusk to dawn' sensor security lighting is recommended to cover external entrance doorways and dark voids between and around buildings e.g. courtyard & routeways and also to protect the car park area.

Any Boundary planting and landscaping should not introduce areas where criminals or other persons could easily hide from view. Generally, trees should be columnar in habit and ground cover/hedges trimmed to not exceed 1m in height or thinned so that natural surveillance and/or formal surveillance can readily keep view on persons and external property e.g. car park area. NB/ landscaping, tree planting and lighting schemes should not be in conflict with each other.

Appropriate boundary treatments are recommended to protect users of the facility – this is normally 1.8m closed boarded fencing to the rear and sides, with lower vegetation, boundary features to the front (approx 1m).

### 3.6. REPRESENTATIONS



The application was advertised by means of neighbour notification letters and a site notice. Objections were received from six third parties with multiple representations from some of the objectors, and one representation in support. In addition, Leathes Prior Solicitors have made representation on behalf of some of the neighbouring occupiers/objectors. Some of the objections raised, queried the notification procedure for the application. It can be confirmed that some of the addresses were not on the council's mapping system as they are relatively new. Some of the letters notifying neighbours were therefore hand delivered during the officer site visit. It is confirmed that all neighbouring properties have received notification of the application either by hand or in the post and have been given the statutory time period of 21 days in which to make any comments. In addition three further (14 day) re-consultations have also been undertaken to allow for further comments/objections on additional information which the applicant has provided during the course of the application. The grounds of objection and concerns raised are summarised as follows:

- Quiet rural lifestyle to bring up children in a safe and secure environment could be compromised.
- Establishing a Children's Home here would destroy the very environment that makes it attractive to you.
- Increased traffic – Road is single track with few passing points for cars and farm vehicles.
- Light pollution if the home is lit at night, as there are no streetlights.
- Noise from service vehicles and staff changeovers.
- Fundamentally change the character of the area which makes it attractive for a Children's Home.
- Is there any guarantee that the Children's Home would stay the same size?
- Conflict of interest the County Council dealing with its own applications.
- A rural location on the very outer edge of the village, with no street lights, pavements or amenities.
- Remote from all emergency services.
- No amenities for the children in their free time. How will they be integrated with no other children of their own age living nearby.
- Never know who our neighbour is.
- Bad influences to the children are only ever a text or phonecall away, despite the rural location.
- The usage of the property or number of occupants could be changed.
- The property could be handed to a third party managing agent.
- Not an ideal location to stimulate an adolescent.
- Children's Rights Director for England in 2007 produced a report of children's views of the national minimum standards for the care of children, and listed 'being a long way from family and friends' and 'nothing to do' as things that made a bad home to live in.
- Unsuitable location as the property adjoins 3 other properties, the application threatens to take away the peaceful and tranquil rural location.
- Norfolk County Council's Fostering Handbook advises that adolescent children may try and ruin the safe environment that is nurturing them. And also describes that they may begin to use alcohol or drugs to block out

intrusive thoughts, get involved in petty crime and that they may indulge in reckless behaviour to find excitement.

- It is clearly recommended that these children should not be around children under 16, yet the council are willing to place them in a small community where there are young children.
- Additional traffic may be over what is stated in the application as the individual needs of the children is not yet known.
- The scheme would take away our right to peaceful enjoyment of our garden and surrounding areas as cited in Human Rights Act Protocol, Article 1: Protection of Property.
- If an isolated property is needed why can an isolated property that is not surrounded by other nearby residences be found?
- It is clear NCC have always intended to approve its own application by the fact an offer has already been put in on the property long before consulting anyone, and getting NPS who are effectively part of NCC to apply to yourselves on their behalf.
- Adverse impact on property values.
- Increase in risk and constant anxiety.
- Loss of Privacy.
- Noise disturbance, pollution and dust.
- Dusk till dawn lighting, 1.8m boundary fencing and formalised parking will destroy the very environment that makes this place an attractive proposition for a children's home.
- By proceeding with these plans Norfolk County Council are willing to add an additional risk to the area we call home.
- The application fails to provide an analysis of vehicle movements.
- No detail of security measures to be installed at the site.
- No assessment of alternative sites outside of the Countryside policy area.
- Lack of justification for need and rural location.
- No detail of parking location or provision of cycle parking contrary to policy CT6.
- Does not meet with criteria of policy SS1 – benefit rural economy, supply affordable housing and renewable energy.
- Children's homes not listed in policy SS2.
- Not considered as 'community services and facilities with a proven local need' as supported under Policy SS2.
- No legitimate justification for the remote and unsustainable location.
- Appeal Dr Dharmana v Sefton Metropolitan Borough Council (APP/M4320/W/19/3231962) demonstrates amenity impact would be unacceptable and cannot be adequately mitigated against.
- Crime prevention and community safety not addressed sufficiently as required by policy EN4.
- Existing NCC homes at Frettenham and Stratton Strawless are not being used to capacity.
- Not comparable to a normal family home, as staff on shift basis, more like a commercial operation.
- What safety measures/risk assessments have been carried out to protect the teenagers and simultaneously protect nearby residents.
- No children of similar age nearby.

- Introduce a radical and dynamic change within this tiny community, too big an impact in such a small populace.
- Proposed change of usage is totally inappropriate in this setting and could be a disaster waiting to happen.
- Different teenagers will be accommodated throughout the year, as the residents vary so will the threat levels.
- No engagement with residents prior to the application being submitted.
- No reassurances given on what safety measures will be in place for residents/neighbours.
- Remote from emergency services.

One representation in support has been received from the current owner of the property and is summarised as follows:

- Central area in easy reach of surrounding towns and cities.
- On a school bus route.
- Four adults previously lived at the property accommodating 5 cars, 1 motorbike, 3 push bikes and a coach. All parked within the curtilage of the property.
- Former occupants all worked shifts with vehicles leaving/arriving throughout the day and night.
- Quiet location ideal for helping deal with health issues.
- Flexible accommodation.
- An exceptional safe environment for children to develop and grow up in, and a tranquil area to assist in dealing with mental health issues.

### 3.7. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development (& Need)
- B. Landscape & Visual Impact / Design
- C. Amenity (including Crime)
- D. Highways
- E. Sustainability

### 3.8. **A - PRINCIPLE OF DEVELOPMENT**

3.9. 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”.*

3.10. Bridge End is a detached 4 bedroomed bungalow approximately 1.3km to the South of the village of Hindolveston. The property is outside of any defined development settlement limits and is considered as being within a ‘Countryside’

location and defined within the North Norfolk District Council Local Development Framework (2008).

- 3.11. The proposed use would result in the occupation of the property by 2 staff members and between 1 and 2 children. This number of occupants is reasonably comparable to that which could take place as a regular family home. However, where carers are non-residents it is considered that the use of the property as a Children's Home would fall within Class C2, and permission is therefore required for the proposed change of use from a dwellinghouse (C3) to a Children's Home (C2).
- 3.12. The proposals would involve the reuse of an existing residential property as a Children's Home. The property would have had associated vehicle movements with its current use as a residential property. Similarly those challenges faced in terms of the need to travel for amenities or recreation are similar to those that would be faced by anyone living at the property.
- 3.13. The site itself is situated outside of any defined settlement limits, and Policy SS1 of the North Norfolk Core Strategy defines the site as being Countryside, where development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. The North Norfolk Core Strategy does not contain a policy specifically related to children's homes. It does however contain Policy SS2: Development in the Countryside, which states that development within the countryside will be limited to that which requires a rural location. The policy then goes on to list the types of development which may be permitted which includes 'the re-use and adaptation of buildings for appropriate uses; and community services and facilities meeting a proven local need'.
- 3.14. Norfolk County Council Children's Services have advised that they have developed a solo stabilisation model which seeks to 'to provide intensive wrap around care and support in a safe environment where the risk to child criminal exploitation is at the lowest it can be'. The model requires the children to be placed in an environment where their risk to contextual safeguarding found in urban areas can be at its lowest, and that a rural location is therefore key to this as it limits the opportunity for the children to access public transport and quickly access urban areas. Children's Services have also advised that 'Extensive research has also proved the value of a rural outdoor environment in providing a calming backdrop, with the natural world a key factor in trauma recovery'.
- 3.15. Norfolk County Council Children's Services have further advised that there are children and young people who are residents of Norfolk who have had to be placed, against their wishes, out of County provision due to the lack of suitable provision within Norfolk. Further clarification has been provided from the applicant advising that NCC Children's Services are currently commissioning 50 residential placements for children and young people. It is estimated that there are 10 children or young people requiring the type of solo placement this

application would offer, some of whom are having to be located out of the County and have expressed a strong desire to return to Norfolk. It is Children's Services aspiration to be able to provide suitable accommodation for all of Norfolk's children and young people within the County.

- 3.16. The location chosen for this home, has been done so to provide accommodation and care for the County's most vulnerable children who have complex needs, and the rural location is key to this. It is therefore considered that a rural location is justifiable for the reasons outlined above, and that the type of care and locational requirements for providing this cannot be offered in an urban setting.
- 3.17. Policy SS1 of the NNDC Core Strategy requires that development in the Countryside supports the rural economy. The applicant has advised that their experience has shown that typically staff employed within these homes are drawn from the nearby area, and in this respect the proposal would comply broadly with the aims of this policy. Policy SS1 is however an overarching policy and development specifically within the countryside is dealt with in more detail in Policy SS2.
- 3.18. In terms of policy SS2 of the NNDC Core Strategy it is considered that the proposals would constitute the re-use of a building within the countryside for an appropriate use. The applicant has demonstrated that there is a need for this type of facility within Norfolk, and given the nature of the provision requiring a rural location the principle of re-using this residential property as a care home for children is considered acceptable. The need for the facility is a countywide one, with the alternative being that children are placed outside of the county if NCC does not have suitable accommodation/facilities available. The property would continue to be used for residential purposes, albeit as a children's home and those residing at the property would face the same issues as any other family living in this location in terms of accessing amenities. It is considered that the applicant has submitted sufficient justification for a children's home within this countryside location and the principle is therefore considered to be acceptable and in accordance with the requirements of Policy SS2.
- 3.19. NNDC has an emerging plan which is currently in its early stages having undergone consultation on the first draft. This plan contains Policy SS4 which deals with development in the countryside. The emerging policy for development in the countryside allows for 'specialist accommodation for the elderly or others requiring care where there is a demonstrable need and where other sites within adopted development limits are shown not be available or suitable'. The policy can however only be afforded little weight given the plan is at an early stage. However, it is noted that the emerging policy allows this form of development in the countryside where it has been demonstrated that other sites within development limits are not available or suitable. The applicant has provided justification for the use not being within development limits, and has also provided details of the property search which has been undertaken. In this

instance it is considered that the development would meet with the criteria set out in the emerging policy.

- 3.20. The NPPF does not contain any specific policies which relate to Children's Homes, paragraph 38 of the NPPF advises that 'decision makers at every level should seek to approve applications for sustainable development where possible'. Paragraph 83 further advises that 'planning policies should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings'. It is clear that the NPPF puts an emphasis on sustainable development, however there is an acknowledgement that this may not always be possible where a rural location is required for the development. It is considered that given the alternative would be to house some of these children and young people outside of the County as is the case now, then the benefit of bringing their care within Norfolk, in suitable accommodation would outweigh any shortcoming in terms of sustainability.
- 3.21. North Norfolk District Council have provided comment on the application advising that insufficient information has been submitted to justify the rural location and the loss of a market dwelling. It has also been suggested that more appropriate and sustainable properties may be available. During the course of the application the applicant has provided further justification and details of their property search. NNDC have been re-consulted on the additional information but no further comments have been received. It is considered for the reasons outlined in this part of the report that the development would not constitute a departure from the local plan, in that sufficient justification has been received to justify the rural location and the need for the development.
- 3.22. B - LANDSCAPE & VISUAL IMPACT
- 3.23. No external alterations are proposed as part of this application. The property has a large gravelled area within its curtilage which would continue to be used for parking. There are existing boundary treatments around the perimeter and it is not proposed to alter these. In terms of visual impact, the property would remain unchanged from its current appearance. In this respect the proposals would comply with Policy EN2 and EN4 of the NNDC Core Strategy, which seek to ensure development does not detract from the local distinctiveness of the area and be suitably designed for the context in which they are set.
- 3.24. C – AMENITY
- 3.25. Policy EN4 (Design) of the NNDC Core Strategy, advises that proposals should 'not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity'. Policy EN13 (Pollution and Hazard Prevention and Minimisation) of the NNDC

Core Strategy further advises that proposals should minimise, and where possible reduce all emissions and other forms of pollution including noise and light. The policy allows for development where there would be no unacceptable impacts on general amenity, health and safety of the public. It also allows exceptions to the policy where it can be demonstrated that the environmental benefits of the development and the wider social and economic need for the development outweigh the adverse impact.

- 3.26. A number of objections have been received in relation to the potential increased noise nuisance, disturbance, harm to residential amenity and loss of privacy.
- 3.27. It is considered that the proposed use of the property would not be significantly different from that of a dwellinghouse in terms of amenity impacts. The property would continue to be used for residential purposes and the garden around the property would continue to be used in the same way as it has done previously. It cannot be guaranteed that there would be no noise generated by those children being cared for at this property, similarly it could not be guaranteed that no noise could be generated from any occupier of this property. The relationship between this property and the adjacent barns which share a common boundary would have been considered when permission was granted for their conversion to ensure that adequate amenity was afforded to both the existing occupiers of this property and the new occupiers of the barn conversions.
- 3.28. In assessing amenity impact one of the key elements would be the vehicle movements associated with the proposed development. The applicant has advised that there would be 2no. members of staff on site, who would work on a shift pattern arriving at 9.30am, staying overnight and then leaving at 9.30am the following day when the replacement staff arrive. In addition there would be the school run, visits by additional professionals such as clinical psychologists, and speech and language therapists to support the children in care and possibly visits from friends and family dependent on the individual plan for the child. The applicant has advised that it is anticipated there would be on average a similar number of vehicle movements to that of a four bedroom family home approximately 8-10 vehicle movements a day. At staff change over there would be 4 cars parked at the property (2 in, 2 out), however the property has adequate space within the curtilage to accommodate the vehicles. It should also be noted that whilst the access to the property is shared with the adjacent barn conversions, this property is accessed first along the access track so it would not result in vehicles needing to travel past the neighbouring properties. In terms of vehicle movements and likely impact upon amenity, the proposals would likely generate movements similar to that of a 4 bedroomed residential property. Whilst it would not be practical or reasonable to condition the number of vehicle movements, it is recommended that a condition be attached to the permission which restricts the use to the number of children detailed in the application and to only this specific use within use class C2, as other institutional uses may have

differing levels of impact/vehicle movements which would require further planning assessment.

- 3.29. Objections have also been made in respect of the fear of increased crime and security/safety of nearby residents. Increased crime is capable of being a material consideration in determining a planning application. In addition paragraph 58 of the NPPF states that *“planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”*. It should be noted that this proposal is not to provide a home for criminals or for those with alcohol/drug problems which are a separate sub category 2a (secure institutions) of the Use Classes Order. Norfolk Constabulary have provided comments on the application and raise no objection advising that ‘from a Police point of view. ASB and crime in Hindolveston is very low.....It is believed that any minor issues arising could be efficiently dealt with by local Officers, and hope this may lessen any perception that a children’s home may involve an increase/fear of crime at the location’.
- 3.30. The applicant has further advised that an assessment would be made on each individual around the suitability of the placement before they were moved into a property. There would be staff on site at all times, who would be highly trained and proactively manage any behaviours likely to occur. The home would be regulated by OFSTED and would need to comply with all the necessary legislative requirements. The applicant has advised that ‘all of NCC’s’ in-house residential facilities are rated good by OFSTED and we have not generally experienced complaints from members of the local communities residing in close proximity to our other residential facilities’.
- 3.31. The objector’s concerns and fears are acknowledged, however there is no solid evidence on which these are based. It should not be assumed that children living in care would be likely to behave anti-socially or create more noise over children living within a traditional family unit. There would be 2 members of staff on site at all times, which would mean that there is at least a 1:1 ratio of staff to children. Staff at the home would need the relevant qualifications required by OFSTED and would be trained to deal with situations which may arise. It is not however within the planning systems remit to seek to regulate the day to day running of these homes or security measures, as this would be done by OFSTED.
- 3.32. NNDC have commented that the application does not contain sufficient information to assess amenity impact on neighbouring occupiers, and that based on the information submitted the proposals would likely result in an unacceptable impact upon neighbouring amenity. The Environmental Health Officer from the district has however made no representations to the application. The applicant has, during the course of the application, provided additional information in respect of potential amenity impacts and the district council has been consulted on this but no further comments have been received.



- 3.33. Therefore, for the reasons discussed within this section of the report, the proposal is considered compliant with policies EN4 and EN13 of the NNDC Core Strategy and the objectives of para 58 of the NPPF (2019).
- 3.34. **D – HIGHWAYS**
- 3.35. As set out in the preceding ‘Amenity’ section vehicle movements are expected to be comparable to that which could be generated by a four bedroomed residential property, equating to approximately 8-10 vehicle movements per day. There is a gravelled area within the curtilage of the property which is used for parking. Access to the site is taken from Foulsham Road via a track which is shared with the adjacent barn conversions and the agricultural use associated with the land and building to the west.
- 3.36. The Highway Authority have raised no objection to the application, but have suggested a standard condition in respect of new development be attached to the grant of a permission that details of the access and on-site car parking are provided as per the submitted drawing and retained for that use thereafter. As the parking area already exists the highways officer has confirmed that this condition can be amended so that the existing parking area is retained as shown on the submitted plan and retained thereafter to ensure that there is a permanent area available for parking/manoeuvring, in the interests of satisfactory development and highway safety.
- 3.37. Therefore, the proposal is considered compliant with policies CT5 and CT6 of the NNDC Core Strategy, which seek to ensure developments are served by a safe access, adequate parking provision and without detriment to the amenity or character of the locality. It is however noted that Policy CT5 also seeks to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location. Given that a rural location is required, and the use would continue to be for residential purposes, albeit a children’s home it is considered that in this instance there are few appropriate sustainable transport options which could be used to access the site.
- 3.38. **E – SUSTAINABILITY**
- 3.39. The proposed development does not include any sustainability enhancing features and it is acknowledged that one of the key elements of this proposal is that the property is in a rural location, remote from easy access to public transport for safeguarding reasons. Any shortcoming in terms of sustainability are considered to be outweighed by the benefit of providing a home for children who are residents of Norfolk, and may otherwise need to be placed outside of the County.
- 3.40. **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.

3.41.     **RESPONSES TO REPRESENTATIONS RECEIVED**

The application was advertised by means of neighbour notification letters and site notice in accordance with statutory requirements.

3.42.     The third-party representations received have been taken into consideration when coming to a decision as discussed within the report. Objections relating to property prices are not material planning considerations. In response to objections asking if any guarantee can be provided that the property would stay the same size and also raising concern that the use of the property or number of occupants could change. In terms of physically increasing the size of the property in the future this would likely require planning permission as the property would no longer benefit from 'householder' permitted development rights. In terms of the use and number of occupants it is recommended that the use is restricted by condition to that set out within the application, similarly a condition limiting the maximum number of children/young people to be cared for at the property is recommended.

3.43.     An objection also queries why no cycle parking had been provided within the site. In response to this it is expected that cycle parking would be provided in the same informal manner in which bicycles are kept at any residential property.

3.44.     An appeal case (Dr Dharmana v Sefton Metropolitan Borough Council (APP/M4320/W/19/3231962)) has been referenced in one of the objections advising that it is largely analogous with this application. This appeal case relates to a change of use of a dwelling to a children's home to accommodate up to 4no children between the ages of 11-18. The property is an end of terrace house in an urban area with limited external amenity space. The appeal considers proposed sound insulation to the party wall and the likely disturbance, particularly to the adjoining neighbouring property. In this case the development was considered to be unacceptable on amenity grounds. However, in terms of this application at Bridge End, the property is detached so there are no party wall issues to mitigate. Also, there is a larger outdoor amenity space and the neighbouring properties share only an external garden boundary. It is therefore considered that this appeal case is only comparable in that potential amenity impact needs to be fully assessed and, in some instances, has formed grounds for refusal for similar change of use applications. The amenity impacts from this development have been discussed within the report and are in this instance considered to be acceptable.

3.45.     **LOCAL FINANCE CONSIDERATIONS**

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.

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

#### **4. Conclusion & Reasons for Decision**

- 4.1. The proposed children's home would provide a residential type use within an existing residential property. The applicant has provided justification in terms of developing a solo stabilisation model which requires a rural location, without easy access to public transport whereby the risk to contextual safeguarding can be as low as possible. The principle of the use of the property as a children's care home is therefore considered to be acceptable in this rural location. No external changes to the property are proposed as part of the application.
- 4.2. From the information submitted by the applicant, and with consideration to the relatively small scale of the home (1-2 children), vehicle movements associated with the change of use are considered to be similar to that which could be generated by a 4 bedroomed property. Staff change over times would be in the morning at approximately 9.30am and in this respect, would not therefore result in disturbance during evening or early morning hours. It is acknowledged that there would be other vehicle movements at other times of the day and possibly night to offer support to the residents, similarly the current use of the property could generate vehicle movements at any time of the day or night. The level of anticipated vehicle movements set out within the application (8-10 movements per day) are not considered to be of a level which would cause any unacceptable impact upon neighbouring amenity. The highways authority raise no objection to the proposals and are satisfied adequate parking is available at the property.
- 4.3. It is not within the planning remit to seek to regulate the operation of the children's home. The regulation and functioning of the home would be managed by OFSTED. The home would be required to be registered with OFSTED and would need to be comply with all of the relevant legislative requirements. It would therefore be the responsibility of OFSTED to ensure that the home was being managed to the appropriate standard.
- 4.4. It is accepted that crime and fear of crime are capable of being material planning considerations. However, this is only where this is based on sound evidence. In terms of this application no tangible evidence has been submitted to

demonstrate that the provision of a children's home in this locality would result in an increase in anti-social behaviour or criminal activity and no objections have been received from Norfolk Constabulary.

## **5. Alternative Options**

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

## **6. Financial Implications**

- 6.1. The development has no financial implications from the Planning Regulatory perspective.

## **7. Resource Implications**

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

## **8. Other Implications**

### **8.1. Legal Implications**

There are no legal implications from the Planning Regulatory perspective.

### **8.2. Human Rights implications**

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.

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. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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 with conditions may infringe that right but the

right is a qualified right and may, as here, be balanced against the need to protect the environment and the amenity of adjoining residents.

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

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

**8.4. Health and Safety implications**

There are no health and safety implications from a planning perspective.

**8.5. Sustainability implications**

This has been addressed in the sustainability section of the report above.

**8.6. Any other implications**

**9. Risk Implications/Assessment**

9.1. There are no risk issues from a planning perspective.

**10. Select Committee comments**

10.1. Not applicable.

**11. Recommendations**

11.1. That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined below.**
- II. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

**CONDITIONS:**

11.2. 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.

- 11.3. The development must be carried out in strict accordance with the application form, plans and documents detailed below:
- a) Location Plan, Bridge End, Project No. 01-21-106476, unique NR 1, dated Oct 2020.
  - b) Site Plan, Bridge End, Project No. 01-21-106476, unique NR 2, dated Oct 2020.
  - c) Planning Statement, NPS, dated October 2020, Version 1.

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

- 11.4. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) the use hereby approved shall be restricted to that of a children's care home for children between the age of 12 and 16 and no other purpose within Use Class C2.

Reason: In the interests of residential amenity in accordance with policies EN4 and EN13 of the North Norfolk Core Strategy (2008).

- 11.5. The maximum number of children living within the site at any one time shall not exceed 2.

Reason: In the interests of residential amenity in accordance with policies EN4 and EN13 of the North Norfolk Core Strategy (2008).

- 11.6. Prior to the first use of the development hereby permitted the proposed access and on-site car parking area shall be provided in accordance with the approved plan ( Site Plan, Bridge End, Project No. 01-21-106476, unique NR 2, dated Oct 2020) 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 Policy CT5 and CT6 of the North Norfolk Core Strategy (2008).

## **12. Background Papers**

- 12.1. Planning Application Reference FUL/2020/0088 here:

[Planning Record \(norfolk.gov.uk\)](https://www.norfolk.gov.uk/planning-record)

### **North Norfolk Local Development Framework (2008)**

[Core Strategy \(incorporating Development Control Policies\) Adopted 2008 \(north-norfolk.gov.uk\)](https://www.norfolk.gov.uk/core-strategy)

### **North Norfolk First Draft Local Plan 2016-2036**

<https://www.norfolk.gov.uk/media/5033/first-draft-local-plan-may-2019.pdf>

### **The National Planning Policy Framework (NPPF) (2019)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

### **Planning Practice Guidance (2014)**

## **Officer Contact**

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

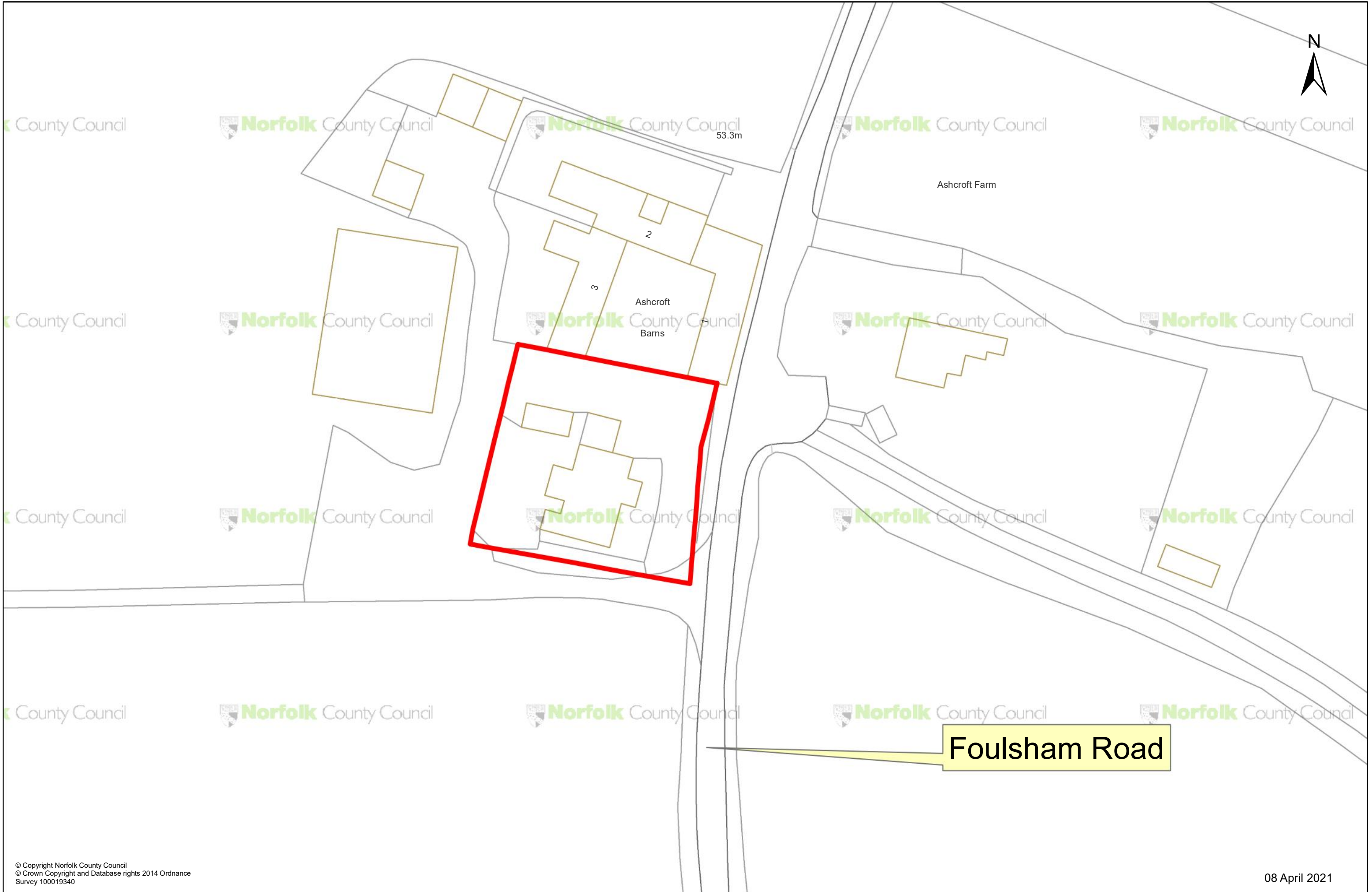
**Officer name:** Charles Colling

**Tel No.:** 01603 222708

**Email address:** Charles.colling3@norfolk.gov.uk



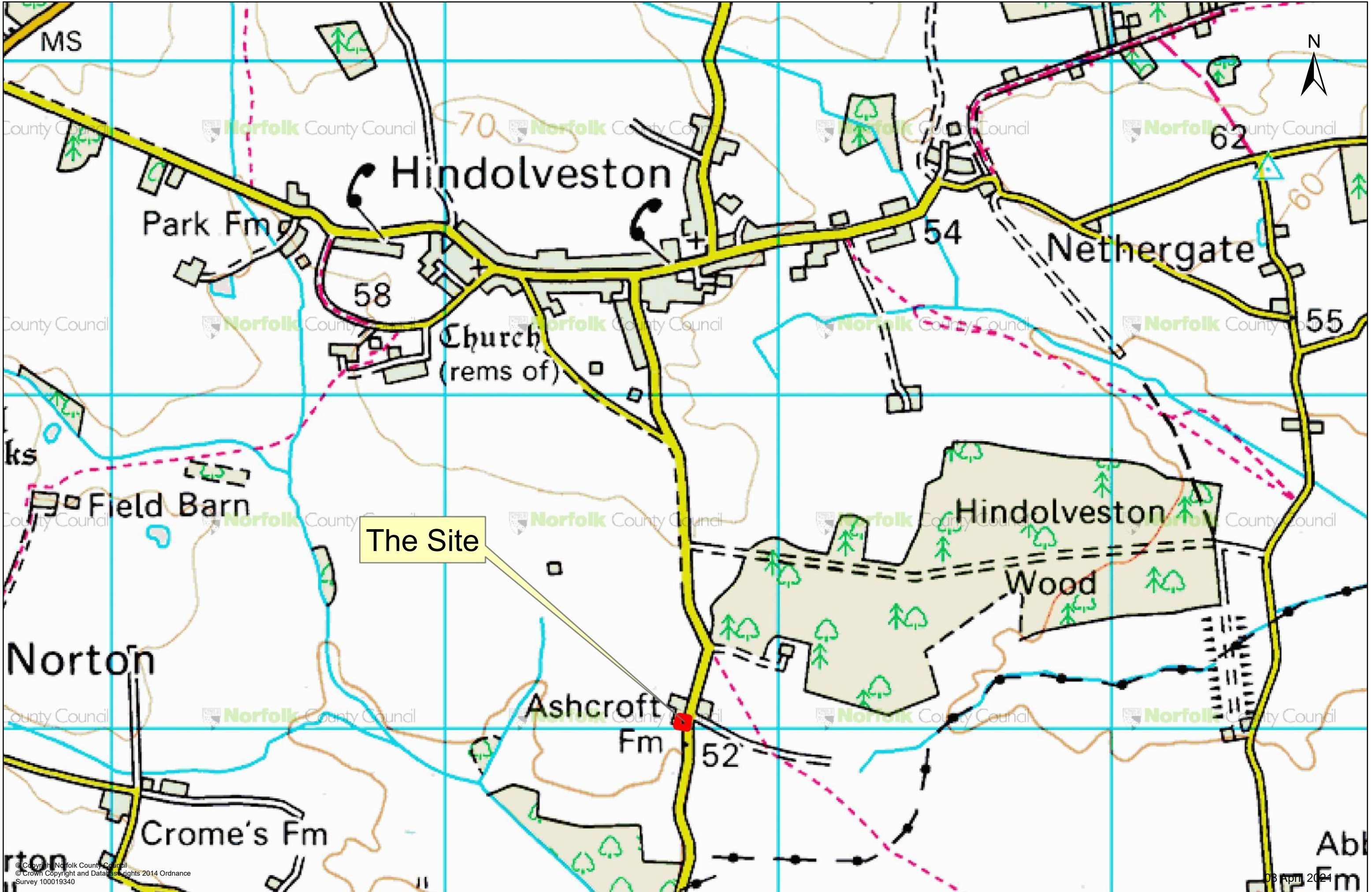
If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.



# Hindolveston Children's Home Location Plan







Hindolveston Children's Home  
Location Plan



08 April 2024



## Planning (Regulatory) Committee

Item No: 7

<b>Decision making report title:</b>	<b>FUL/2020/0099</b> <b>Harford Manor School, Ipswich Road, Norwich, NR2 2LN</b>
<b>Date of meeting:</b>	<b>23 April 2021</b>
<b>Responsible Cabinet Member:</b>	<b>N/A</b>
<b>Responsible Director:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>Proposal &amp; Applicant:</b>	<b>Provision of a replacement 2 class base modular building for a temporary period of 5 years. Associated works include external lighting and provision of 6no car parking spaces.</b> <b>(Norfolk County Council, Children's Services)</b>

### **Executive Summary**

Planning permission is sought for the provision of a replacement 2 class base modular building for a temporary period of 5 years. Associated works include external lighting and provision of 6no car parking spaces. The applicant is Norfolk County Council, Children's Services.

In accordance with the Council's Constitution, the application is required to be determined by Members of the Planning (Regulatory) Committee due to the objection received from Norwich City Council, as statutory consultee. The City Council are of the view that the maximum parking standards would be exceeded, and that the loss of the landscaped area is unjustified in planning terms.

With the exception of Norwich City Council, no other objections have been received from statutory consultees, subject to suitably worded conditions being imposed on any grant of planning permission. No third-party representations have been received from the public.

Key issues to be considered when determining the application are the principle of development, landscape and trees, design, the impact on amenity, ecology, transport (including sustainable modes of travel and parking provision), sustainability, flood risk (including surface water flooding) and loss of playing pitch provision.

Whilst it is acknowledged that the proposal provides for an over provision of parking when assessed against Policy DM31 of the Norwich City Council Development Management Policies Plan (2014), when assessing the proposal against the Norfolk County Council parking standards, the parking provision being proposed accords with the maximum parking standards. In this particular case, given the specialist education provision, the on-site parking pressures, and the distances staff are travelling to attend the school for work purposes, these are considered to be other materials considerations for requiring the additional parking provision that outweigh the objection raised and potential harm caused from the over provision of parking. In fact, it can be argued that an under provision of parking spaces at the school is likely to exacerbate on-street parking.

On balance, it is considered that the proposal would be in accordance with the policies contained within the Development Plan and overall principles of the National Planning Policy Framework (NPPF).

### **Recommendation:**

That the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.**
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

## **1. Background**

1.1. Norfolk County Council Children's Services has identified that the condition of the existing Containex modular accommodation to the eastern boundary of the Harford Manor Special Education Needs School site is of poor quality and no longer fit for purpose and therefore proposes to replace it with slightly larger upgraded modular accommodation.

1.2. Relevant planning history held by the County Council includes:

<b>Application Reference</b>	<b>Description of Development</b>	<b>Decision</b>	<b>Date of Decision</b>
Y/4/2011/4011	Proposed infill extensions to current internal courtyard and recess to front elevation.	Permitted	05/07/2011
Y/4/2007/4001	To Replace 1No Condemned 3-bay Mobile Unit with 1No 5-bay Mobile Unit; for a Period of Five Years	Permitted	21/03/2007

## **2. Proposals**

2.1. **SITE**

2.2. The application site relates to Harford Manor Special Education Needs School, which provides education for children and young people, with complex needs aged from 3 - 19 years old. Located on the Ipswich Road (A1056), Norwich, the school is approximately 1 mile south of Norwich City centre.

2.3. There are residential properties located to the north, south and west of the school site. Bounding the site to the east is the playing fields / playing pitch provision for the adjacent Hewitt Academy.

2.4. **PROPOSAL**

2.5. The application seeks planning permission for the removal of the existing mobile classroom and the provision of replacement 6-bay modular accommodation comprising 2 classbases, facilities, store, cloak / lobby area, to the eastern boundary of the school site, for a temporary 5-year period. It is intended to site the replacement accommodation in a similar position to the existing one, albeit on a slightly larger footprint.

2.6. To the western area of the site, adjacent to the existing parking provision, it is proposed to remove an existing landscaped area for the provision of 6no. parking spaces. The parking provision is associated with the proposal and to address an existing shortfall within the school site.

2.7. In addition, other works proposed include, wall mounted external lighting to the modular accommodation and a 6m high column light adjacent to the additional parking provision.

2.8. The proposed development would support replacement modular accommodation (by increasing the number of classbases from 9 to 10) and an increase of 2 full time equivalent (FTE) staff (from 50 FTE to 52 FTE).

**3. Impact of the Proposal**

3.1. **DEVELOPMENT PLAN POLICIES**

The following policies of the Joint Core Strategy for Broadland Norwich and South Norfolk (adopted 2014) (JCS) and Norwich City Council Development Management Policies Plan (2014) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)

Policy 1: Addressing climate change and protecting environmental assets.

Policy 2: Promoting Good Design

Policy 7: Supporting Communities

Norwich City Council Development Management Policies Plan (2014)

DM1 Achieving and delivering sustainable development

DM2 Amenity

DM3 Delivering high quality design  
DM5 Planning effectively for flood resilience  
DM6 Protecting and enhancing the natural environment  
DM7 Trees and development  
DM8 Planning effectively for open space and recreation  
DM11 Protecting against environmental hazards  
DM31 Car parking and servicing

3.2. **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

- 3.4. Greater Norwich Local Plan (GNLP)  
Norfolk County council are working with Norwich City Council, Broadland District Council and South Norfolk Council to prepare the GNLP. Public consultation on the draft GNLP ended on the 22 March 2021 and the representation received during the consultation period is currently being considered. Given the stage of the plan process, limited weight is given to the GNLP in the consideration of the application.

- 3.5. The Communities and Local Government Policy Statement – planning for school development (2011)  
The Ministerial Policy Statement supports the creation, expansion and alteration of state funded schools through the planning system and is a material consideration when determining the application.

- 3.6. Furthermore, because this is a planning application for the County Council's own development, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the decision.

3.7. **CONSULTATIONS**

NORWICH CITY COUNCIL – Norwich City council raises no objection to the provision of a new modular building. However, the loss of the landscaped area

to provide 6no. new parking spaces appears contrary to the provisions of Policies DM7 and DM31 of the Norwich Local Plan Development Management Policies document and the Council's associated maximum parking standards.

DISTRCT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – No comment to make regarding the proposed application.

SPORT ENGLAND – Sport England does not wish to raise an objection.

HIGHWAY AUTHORITY – No objections to the proposal. It is suggested that standard highway conditions regarding the off-site parking areas and adherence to the construction consideration statement be imposed on any grant of planning permission.

LEAD LOCAL FLOOD AUTHORITY – No comments to make on the application.

COUNTY COUNCIL'S ECOLOGIST – No objections. Should the application be approved works proceed in accordance with the mitigation measures and ecological enhancements outlined in the submitted Ecology Report.

COUNTY COUNCIL'S ARBORICULTURIST – No objections are raised on arboricultural grounds.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – No objection from a landscape perspective.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – The proposal will not have any significant impact on the historic environment, and we do not wish to make any recommendations for archaeological work.

LOCAL MEMBER (Town Close) (Cllr Emma Corlett) – No comment received at the time of writing this report.

### 3.8. **REPRESENTATIONS**

The application was advertised by means of neighbour notification letters and site notices. No third-party representation was received from the public.

### 3.9. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Transport
- F. Sustainability
- G. Flood Risk (including surface water)
- H. Loss of Playing Pitch

3.10. A - 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”.*

3.11. Whilst the education use (Use Class F1 (a), previously D1) of the school is well established, the proposed modular accommodation would be sited to the eastern boundary of the school site on the edge of an area of playing field also designated Open Space on the Norwich City Council proposals map.

3.12. Policy DM8 of the Norwich City Council Development Management Policies Plan (2014) restricts development that will lead to the loss of open space that is used for sport or recreation, subject to qualitative or quantitative improvements, and that the proposed development outweighs the loss of the open space. In addition, development leading to the loss of the open space should not cause amenity or biodiversity value of the open space. The policy goes on to advise that significant weight be given to development on existing school playing fields involving the extension, expansion of school buildings and facilities to meet an identified local need for school places.

3.13. The proposal is required to facilitate an alternative education provision to support pupils at the school and provides for biodiversity enhancements. It is not considered that the loss of open space would cause an unacceptable loss of environmental quality, nor cause harm to the amenity or biodiversity value of the open space.

3.14. Emphasis is placed on national planning policy, specifically paragraph 94 of Chapter 8 of the National Planning Policy Framework (NPPF) and the need to ensure the availability of a sufficient choice of school places to meet the needs of the community. This approach is also echoed in the Ministerial Planning Policy statement - planning for schools.

3.15. The principle of development is considered acceptable, subject to consideration of material planning considerations set out in this report.

3.16. B - LANDSCAPE & VISUAL IMPACT / DESIGN

3.17. Policy DM3 of the Norwich City Council Development Management Policies Plan (2014), Policies 1 and 2 of the Joint Core Strategy and Chapter 12 of the NPPF encourage high quality development, setting out design principles to be applied. Policy DM7 of the Norwich City Council Development Management Policies Plan (2014), aims to where possible preserve trees in Norwich, to ensure that development contributes to the maintenance or enhancement of the area. Development requiring the loss of trees, should ensure replacement planting, allowing for substantially improved overall landscaping of the proposed development.

- 3.18. It is intended to replace the existing modular accommodation with a single storey with shallow pitched roof 6-bay mobile from another school site. Submitted plans indicate the modular accommodation is to be constructed of Plastisol coated steel bonded plywood, colour Moorland Green with green coloured mineral felt roofing material. The door of composite steel in Merlin Grey. Windows to be double glazed uPVC with black coloured rainwater goods.
- 3.19. The proposed modular accommodation is considered to be of a standard utilitarian appearance, but functional for its purpose. It can argued the modular doesn't meet all the planning policy requirements for high quality standard of design, as it is intended for a temporary period it is not considered that an objection on design grounds would be justified in this case.
- 3.20. Whilst larger than the mobile it is to replace, the siting design, scale and materials of the proposed modular accommodation are considered acceptable.
- 3.21. The submitted Arboricultural Impact Assessment (AIA) states that to facilitate the additional parking provision requires the removal of 1no Plum tree. All remaining trees are to be adequately protected during construction. To facilitate the modular accommodation will require the removal of a 5m section of hedging. To compensate for the loss, it is proposed to plant 2no. trees (a Golden Alder and a Silver Birch) to the east of the parking area to the front of the school building.
- 3.22. It is noted that even though the modular accommodation would be partly visible from the adjacent school site, there is an element of enclosure of the Harford Manor school site provided by the existing boundary treatments and the main school buildings.
- 3.23. The proposal is considered to accord with relevant planning policies relating to design, trees and landscape.
- 3.24. C – AMENITY
- 3.25. Policies DM2 and DM11 of the Norwich City Council Development Management Policies Plan (2014) and Chapter 15 of the National Planning Policy Framework seek to mitigate and reduce to a minimum adverse impact on health and quality of life for existing and future occupants of land and buildings.
- 3.26. The nearest residential properties are located adjacent the north and west boundaries of the school site on Harford Manor Close and on Ipswich Rd.
- 3.27. 2.1m high wall mounted external lighting (hooded to prevent upward light pollution, with clock / photocell controls) is proposed on the modular accommodation and a 6m high lighting column adjacent to the proposed additional parking provision. The submitted plans and noise assessment indicate wall mounted external air conditioning units on the north and south elevations of the proposed modular accommodation. Extractor fans are proposed for the toilets.
- 3.28. Accompanying the application is a Construction Consideration Statement which sets out how construction would be managed to minimise disturbance and impacts on the environment.



- 3.29. Having been consulted, the Environmental Health Officer (EHO) does not have any comments to make on the application. No third-party representations have been received.
- 3.30. Whilst it is acknowledged there will be an element of disturbance during construction, adherence to the construction consideration statement seeks to minimise this. It is not considered that the proposed development would have an adverse impact on the amenity of occupiers of adjacent property by virtue of overlooking, overbearing impacts or pollution (noise and light), in accordance with Policies DM2 and DM3 of the development management policies plan and Chapter 15 of the NPPF.
- 3.31. D – ECOLOGY
- 3.32. Policy DM6 of the Norwich City Council Development Management Policies Plan (2014) seeks to ensure the protection, management and enhancements of the natural environment including biodiversity. Policy 1 of the Joint Core Strategy seeks to protect natural environmental assets, creating and enhancing habitats links to benefit biodiversity.
- 3.33. The school site is characterised by buildings, areas of hard standing, a pond, trees and grassed land.
- 3.34. The Ecology Report submitted with the application concludes the proposed development to have a potential negative minor impact on bats, hedgehogs and birds. All of which can be mitigated with a wildlife sensitive lighting scheme, good construction practices and the timing of vegetation / site clearance.
- 3.35. It is considered enhancements such as the installation of bird and bat boxes in the fabric of the modular accommodation and/or on trees within the school site would contribute towards biodiversity net gain and weigh against any potential ecological impacts of the removal of the landscaped area.
- 3.36. No objection has been raised by the County Ecologist. The proposed development is considered to accord with Policy DM6 development management policies plan and Policy 1 of the JCS.
- 3.37. Appropriate Assessment
- The site is situated within 10 kilometres of The Broads and the River Wensum Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA) and RAMSAR. 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 Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.38. E – TRANSPORT
- 3.39. In order to ensure that development is sustainable Policy DM31 of the Norwich City Council Development Management Policies Plan (2014) seeks to ensure that appropriate levels of parking and servicing are incorporated

into proposed developments. Policy 9 of the Joint Core Strategy requires parking restraints in areas of high accessibility, across Norwich.

- 3.40. The proposal seeks planning permission to remove part of an existing landscaped area to the western area of the site, adjacent to the existing parking provision, to create 6no. additional parking spaces, accessed off Ipswich Road. The parking spaces are to be surface with permeable paving. The additional parking is intended to serve the proposal and address a shortfall of parking provision at the school.
- 3.41. The submitted supporting statement states that the proposed development would result in an increase in classbases and staff (by increasing the number of classbases from 9 to 10) and an increase of 2 full time equivalent (FTE) staff (from 50 FTE to 52 FTE).
- 3.42. Norwich City Council acknowledge their maximum parking standards differ from that of the County Council parking standards and object to the proposal, in that the maximum parking standards would be exceeded (for urban development within the City boundary). In addition, the City Council consider the loss of the landscaped area to facilitate the additional parking provision unjustified and query the limited information in the application submission regarding level of cycle storage and measures to improve access by sustainable modes.
- 3.43. In correspondence from the planning agent acting on behalf of Children's Services it states that "Harford Manor School is an SEN school for children with complex special needs and as such additional cycle/scooter storage is not required. The Planning Statement submitted highlights that 'the school is committed to promoting sustainable travel choices for staff, pupils and parents wherever practical, and reduce car movements and the need for car parking'. This however is not inconsistent with the proposal for extra car parking to meet the specific needs of the school as specialised teaching and nurturing staff are inevitably drawn from further afield to serve this SEN school. In this case we are not seeking to over-provide car parking spaces but simply partly addressing an existing shortfall in spaces and the additional needs of the development. The school will still seek to encourage, where practical, sustainable travel choices, but mainly through the use of public transport and car sharing (rather than single occupant car journeys). As an SEN school, we think there is a strong argument for providing the extra car parking spaces proposed."
- 3.44. When assessing the proposal against the Norfolk County Council parking standards, the parking provision being proposed accords with the maximum parking standards. When considering the parking provision for the overall school site, the maximum parking provision for 10 classbases and 52 FTE staff would be 62 parking spaces. The proposal would increase overall parking at the school to 46 spaces, below the maximum standards. Having reviewed the application submission, the Highway Authority do not raise any objections, subject to conditions regarding off-site parking areas and

adherence to the construction consideration statement being imposed on any grant of planning permission.

- 3.45. It is acknowledged that the proposal provides for an over provision of parking when assessed against the parking standards set out in Policy DM31 of the development management policies plan, which differs from the County Council's parking standards. However, in this particular case, given the specialist education provision, the on-site parking pressures, and the distances staff are travelling to attend the school for work purposes, there are considered to be other materials considerations for requiring the additional parking provision that outweigh the objection raised and potential harm caused from the over provision of parking. In fact, it can be argued that an under provision of parking spaces at the school is likely to exacerbate on-street to the detriment of highway safety, which the proposed additional spaces would go some way to alleviate that occurring.
- 3.46. F – SUSTAINABILITY
- 3.47. Policy DM3 expected development to achieve energy efficiency measures and addresses the effects of climate change. Policy 1 and 2 of the Joint Core Strategy requires development, where possible to be energy efficient, to address climate change, promote sustainability, be designed to use resources efficiently and minimise greenhouse gas emissions.
- 3.48. In terms of sustainability and energy efficiency, it is understood the modular accommodation would meet Building Regulations requirements. Other sustainable and energy efficiency measures include high levels of insulation using zero Ozone Depleting Potential materials in the construction, use of natural light and natural ventilation within the building, low flush water fittings and low energy light fittings, building fabric insulated in accordance with Building Regulations (Approved Document L2), and the recyclability of the building which can be removed and recycled to another site.
- 3.49. Given the temporary nature of the proposed modular accommodation the sustainability and energy efficiency measures incorporated are considered acceptable, in accordance with the relevant planning policies.
- 3.50. G – FLOOD RISK (including surface water drainage)
- 3.51. Policy DM5 of the Norwich City Council Development Management Policies Plan (2014) requires proposals to be assessed and determined having regard to the need to manage and mitigate against flood risk from all sources. Policy 1 of the Joint Core Strategy requires new development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage.
- 3.52. According to the Environment Agency (EA) flood maps, the application site lies within Flood Zone 1, of low probability of fluvial flooding. Education establishments are defined as 'more vulnerable' in terms of the Flood Risk vulnerability classification table set out in the National Planning Policy Guidance (NPPG). Notwithstanding the vulnerability classification,

development in Flood Zone 1 is considered appropriate as set out in the Flood Risk vulnerability and Flood Zone compatibility table in the NPPG.

- 3.53. In light of the above, it is not considered that the proposal would increase fluvial flood risk on the site, in accordance with Policy DM5 of the development management policies plan.
- 3.54. With regards to surface water flooding the site lies within the Nelson Town Critical Drainage Catchment. The application is accompanied by a Drainage Statement which concludes that infiltration testing results show that the site is unsuitable for soakaways at this part of the site. It is therefore proposed to dispose of surface water into the new attenuation storage tank which will consist of crate systems, to accommodate the 1 in 100 rainfall event plus 40% allowance for climate change and discharge to a rate of 5l/s.
- 3.55. It is proposed to use permeable paving for the creation of the 6no. new car parking spaces, thereby reducing the run-off.
- 3.56. Having been consulted, the LLFA do not have any comments to make on the proposal. It is therefore considered that the proposal would not increase flood risk and incorporates SuDS features, in accordance with Policy DM5 of the development management policies plan and Policy 1 of the JCS.
- 3.57. H – LOSS OF PLAYING PITCH
- 3.58. As mentioned earlier in the report, Policy DM8 of the Norwich City Council Development Management Policies Plan (2014) restricts development that will lead to the loss of open space that is used for sport or recreation.
- 3.59. Policy DM22 promotes healthy communities and the provision of education facilities that would not undermine the objectives of sustainable development, would not give rise to significant impacts on the environment, would result in efficient / effective use of existing school site and / or accessible school places.
- 3.60. To promote healthy communities, similarly to DM8, Chapter 8 of the National Planning Policy Framework restricts development on areas of open space and seeks to ensure access to high quality open spaces and opportunities for sport and recreation, protect existing open space from development except where there is clear robust evidence based justification.
- 3.61. The proposed modular accommodation would be sited to the eastern boundary of the school site on the edge of an area of playing field also designated Open Space on the Norwich City Council proposals map.
- 3.62. Sport England do not raise any objections to the proposal and acknowledges that the siting of the mobile accommodation is on land incapable of forming part of a playing pitch and therefore would not prejudice the use of the remaining areas of playing field. Furthermore, the modular accommodation is only intended for a temporary 5 year period.

3.63. It is considered that the proposal complies with the relevant policies of the development plan and NPPF relating to relating to playing pitch provision.

3.64. **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

3.65. **LOCAL FINANCE CONSIDERATIONS**

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.

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

#### **4. Conclusion & Reasons for Decision**

4.1. Norfolk County Council Children's Services has identified that the condition of the existing Containex modular accommodation to the eastern boundary of the Harford Manor Special Education Needs School site is of poor quality and no longer fit for purpose and therefore proposes to replace it with slightly larger upgraded modular accommodation. In addition, 6no parking are proposed, associated with the proposal and to accommodate a shortfall of parking provision at the school.

4.2. Chapter 8, paragraph 94 of the NPPF and the Ministerial Policy Statement for Schools attaches great weight to the need to create, expand or alter schools.

4.3. With the exception of the Norwich City Council, no other objections have been raised from statutory consultees or members of the public. Whilst it can be argued that the proposal is contrary to Policy DM31 Norwich City Council Development Management Policies Plan (2014) and that the parking provision being proposed exceeds the maximum standards. It is to be noted that the parking provision meets the Norfolk County Council parking standards, and there are considered to be other material considerations that outweigh the potential harm caused by providing the additional parking provision.

4.4. On balance, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

#### **5. Alternative Options**

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

## **6. Financial Implications**

- 6.1. The development has no financial implications from the Planning Regulatory perspective.

## **7. Resource Implications**

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

## **8. Other Implications**

### **8.1. Legal Implications**

There are no legal implications from the Planning Regulatory perspective.

### **8.2. Human Rights implications**

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.

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.

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

### **8.3. Equality Impact Assessment (EqIA)**

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

8.4. **Health and Safety implications** (where appropriate)

There are no health and safety implications from a planning perspective.

8.5. **Sustainability implications**

This has been addressed in the sustainability section of the report above.

8.6. **Any other implications**

**9. Risk Implications/Assessment**

9.1. There are no risk issues from a planning perspective.

**10. Select Committee comments**

10.1. Not applicable.

**11. Recommendations**

11.1. That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined below.**
- II. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

**CONDITIONS:**

11.2. The development hereby permitted shall commence within three years of the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

11.3. The development must be carried out in strict accordance with the application form, plans and documents detailed below:

- a) Site Location Plan; NPS-DR-A-001 Rev P1; dated 7.12.2020
- b) Arboricultural Impact Assessment prepared by A T Coombes Associates Ltd; unreferenced; dated 21 September 2020
- c) Email from NPS titled Norwich, Harford Manor School – modular – FUL/2020/0099; dated 12 April 2021 11:11
- d) Proposed Site Plan; NPS-DR-A-003 Rev P1; dated 7.12.2020
- e) Construction Consideration Statement prepared by NPS; dated December 2020
- f) Drainage Strategy; NPS-00-DR-C-600 Rev P3; dated 02/12/2020
- g) Drainage Strategy prepared by NPS; Reference 01-09-106345-NPS-DS v1-1; dated November 2020

- h) Ecological Report prepared by Norfolk Wildlife Services; reference 2020/122; dated 01/09/2020
- i) Existing Site Plan; NPS-DR-A-002 Rev P2; dated 07/12/2020
- j) Electrical Services, proposed external lighting; NPS-00-00-DR-E-001 Rev P1; dated 02.12.2020
- k) Micro Drainage Calculations; dated 27/11/2020
- l) Noise Assessment prepared by NPS; dated December 2020
- m) Proposed floor plan, roof plan and elevations; NPS-DR-A-004 Rev P1; dated 7/12/2020
- n) Supporting Statement including Planning and D&A Statement) v4 prepared by NPS; dated December 2020
- o) Lighting Assessment prepared by NPS; project no – 106345; dated 30/11/2020

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

- 11.4. The landscaping scheme hereby approved shall be implemented within the first planting season (October to March), following the occupation of the development. 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: In the interest of the satisfactory appearance of the development, in accordance with Policy DM7 of the Norwich City Council Development Management Policies Plan (2014).

- 11.5. Prior to the development hereby permitted is occupied / brought into use, the ecology enhancement measurements set out in the Ecology Report shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of conserving and enhancing biodiversity, in accordance with Policy DM6 of the Norwich City Council Development Management Policies Plan (2014) and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014).

- 11.6. Prior to the first occupation of the development hereby permitted the proposed on-site car and parking 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, in accordance with Policy DM31 of the Norwich City Council Development Management Policies Plan (2014).

- 11.7. The scheme for onsite construction personnel parking and construction traffic management, as outlined in the construction consideration statement, shall be implemented throughout the construction period.



Reason: To ensure adequate off-street parking during construction and in the interests of maintaining highway efficiency and safety, in accordance with Policy DM31 of the Norwich City Council Development Management Policies Plan (2014).

- 11.8. With the exception of the proposed parking provision, the modular building and all associated development hereby permitted shall be removed and the land reinstated to its former use on or before the expiration of 5 years from the date of this permission.  
Reason: The temporary classroom by virtue of its temporary construction is considered inappropriate for permanent retention, and to ensure the satisfactory restoration of the site in accordance with Policies DM3 and DM8 of the Norwich City Council Development Management Policies Plan (2014).

## **12. Background Papers**

- 12.1. Planning Application reference: FUL/2020/0099 available here:  
<http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0099>
- Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)**  
<https://www.gnlp.org.uk/sites/gnlp/files/2021-01/JCS-adopted-doc-2014.pdf>
- Norwich City Council Development Management Policies Plan (2014)**  
[Development management policies | Norwich City Council](#)
- Greater Norwich Local Plan**  
[Growing stronger communities together | GNLP](#)
- The National Planning Policy Framework (NPPF) (2019)**  
[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)
- National Planning Practice Guidance**  
[Planning practice guidance - GOV.UK \(www.gov.uk\)](#)

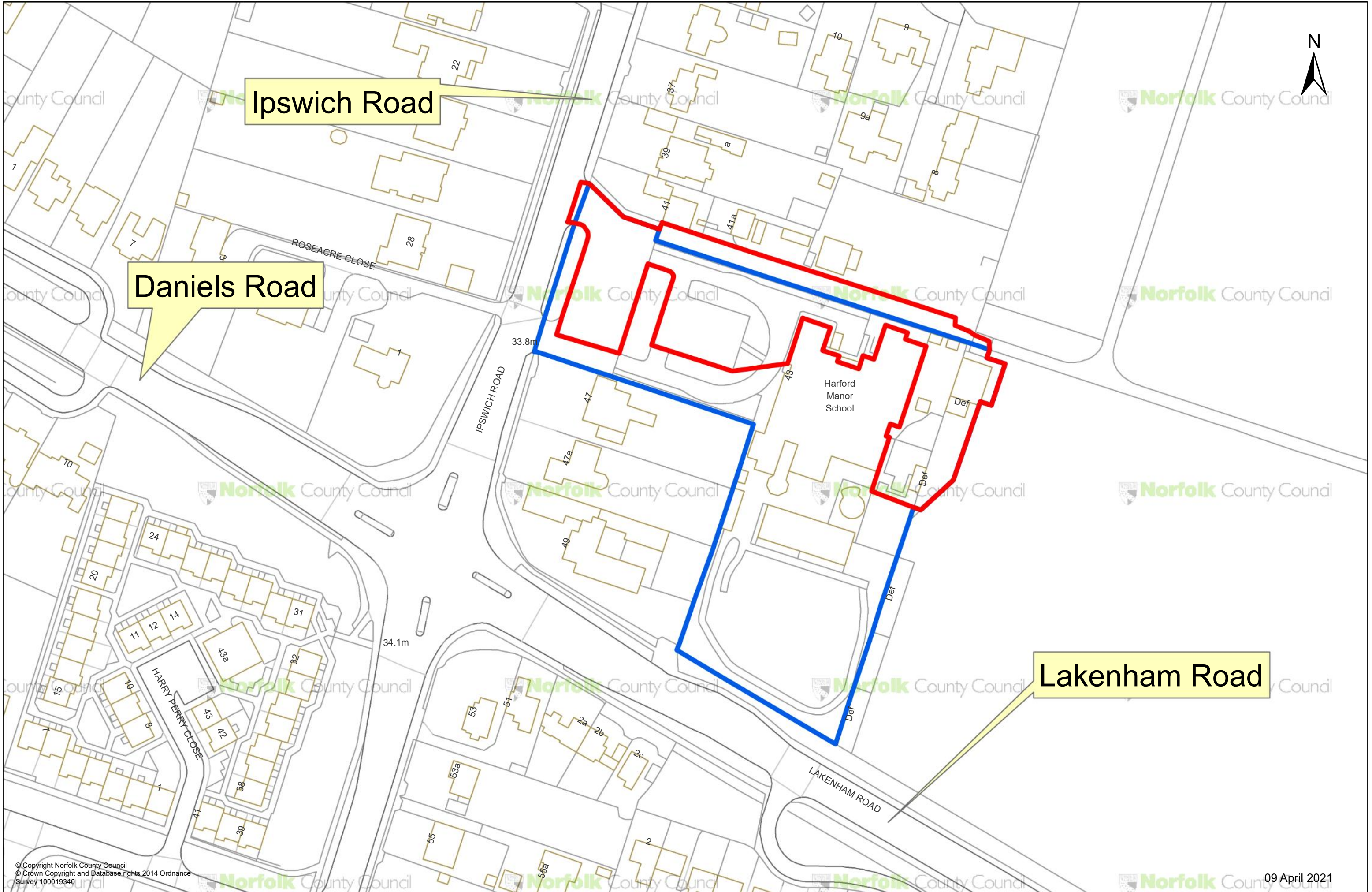
## **Officer Contact**

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

**Officer name:** Angelina Lambert                      **Tel No.:** 01603 223806  
**Email address:** [angelina.lambert@norfolk.gov.uk](mailto:angelina.lambert@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.



Ipswich Road

Daniels Road

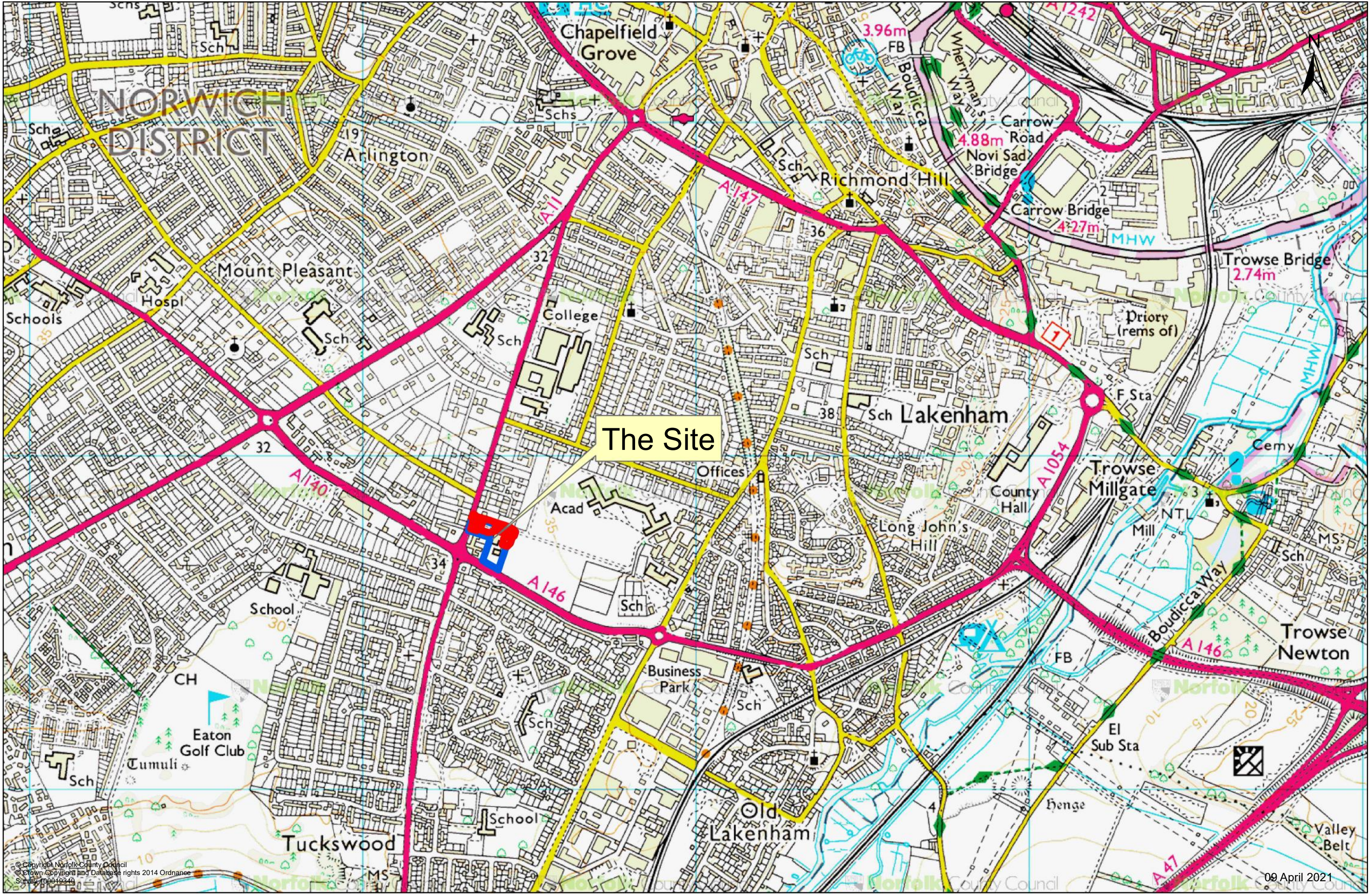
Lakenham Road

© Copyright Norfolk County Council  
© Crown Copyright and Database rights 2014 Ordnance  
Survey 100019340

# Harford Manor School Location Plan







09 April 2021