

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road in Gayton</b>
<b>Date of meeting:</b>	<b>23 March 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe - Executive Director, Community and Environmental Services</b>
<b>Proposal and applicant: Change of use of agricultural land to school / nursery use. Erection of new 210 place pupil (1FE) primary school, hard play area, sports pitch provision and erection of 52 place nursery with associated car parking area and associated works. (Director of Children's Services)</b>	

## Executive summary

Full planning permission is sought for the change of use of agricultural land and the erection of a new school and nursery to replace the existing school currently located on Lynn Road, Gayton. The application site, relates to an unallocated greenfield site, outside but on the edge of the development boundary identified for Gayton.

To date 44 letters of objections have been received raising concerns relating to site selection, design, flood risk, sewerage, highway safety and amenity issues. 43 representations in support of the proposal have also been received. An objection has been received from the Environment Agency (EA) and the applicant is working to resolve the issue raised. All other statutory consultees expect the planning issues to be resolved and, if granted suitably worded conditions imposed, where necessary.

In accordance with the Council's Constitution, the application will be reported to a future Planning (Regulatory) Committee because of the level of objection received, and as a departure cannot be dealt with under delegated powers.

The key issues are the impacts of the development of this greenfield site outside the development boundary, in an area of flood risk. The siting and design of the proposed development; the impacts of the development on the highway network, amenity, natural and historic environment, playing pitch provision, loss of agricultural land and sustainability.

In accordance with the Local Government Association advice, and given the nature of the application it is considered a planned site visit would be beneficial to view the site and its surroundings and obtain information relevant to the determination of the application, (as set out in Section 7 of this report).

### **Recommendation:**

**It is recommended that Members of the Planning (Regulatory) Committee note the content of the report and agree to undertake a site visit (to be arranged) before determination of the submitted planning application.**

## **1. The Proposal**

- 1.1 Full planning permission is sought for the change of use of agricultural land and the erection of a new 210 place (1 form entry) pupil school and the erection of a 52 place nursery, car parking and associated works. This is to replace the existing school currently located on Lynn Road, Gayton, which built in the early 20<sup>th</sup> century currently accommodates 152 pupils (on roll as at October 2016) and due to the age, condition and cost of maintenance is no longer fit for purpose.
- 1.2 In summary, the proposed scheme consists of:
- The change of use of agricultural land to educational use
  - Erection of a new single storey school building with pedestrian access off Back Street
  - Provision of 7 classrooms, group rooms, school hall, staff room, main office, library, kitchen, plant room and stores
  - Single storey standalone nursery building to accommodate 2 classes for pre-school children
  - Car parking provision with vehicular access off Winch Road
  - Cycle parking
  - External hard and soft play
  - External lighting to the buildings and car park
  - Hard and soft landscaping
  - Off-site highway improvements
- 1.3 The main pedestrian access to the school would be taken from Back Street, with vehicular access to the car park and nursery building to the west of the site off Winch Road. In terms of boundary treatments, trees and fencing would bound the school site.

## **2. Site**

- 2.1 The site is located outside the development boundary for Gayton, but on the southern edge of the boundary. The application site relates to a rectangular shaped piece of agricultural land owned by the Gayton Estate, approximately 1.6ha in size, located at the junction of Back Street and Winch Road in the village of Gayton. Drains bound the site to the north, south and west.
- 2.2 The site is approximately 0.7miles from the existing school, situated to the north-east of the development boundary.
- 2.3 Residential properties are situated opposite the application site to the north and west; the dwellings consist of a mix of single and 2-storey, red brick, or render external walling with pitched tile roofs and are within the defined development boundary. Open fields lie immediately to the east and south, outside of the defined boundary.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:
- The application site lies outside the development boundary for Gayton
  - Identified within flood zone 2/3 – medium/high risk of fluvial flooding and at high risk of surface water flooding according to the Environment Agency flood map

- Located within the Internal Drainage Board (IDB) Area and adjacent to IDB drains
- Adjacent to public right of way (PROW) Gayton FP6
- Grade 3 agricultural land

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

- 4.1 The planning history for the application site held by the County Council is as follows:
- 4.2 Y/2/2016/2005: Change of use of agricultural land for school use. Erection of new 210 pupil place (1FE) primary school, Multi Use Games Area (MUGA), sports pitch provision, car park and associated works. Application withdrawn on 5 July 2017

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

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

- DM1: Presumption in Favour of Sustainable Development
- DM2: Development Boundaries
- DM9: Community Facilities
- DM15: Environment, Design and Amenity
- DM17: Parking Provision in New Development
- DM21: Sites in Areas of Flood Risk

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

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

##### **5.3 Gayton Neighbourhood Plan**

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

##### **5.4 The National Planning Policy Framework (2012)**

- 1: Building a strong competitive economy
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

5.5 **Draft Revised National Planning Policy Framework (2018) – Draft Consultation**

In response to consultations on the planning reform The Ministry of Housing, Communities and Local Government is currently consulting on a draft new National Planning Policy Framework (NPPF). Subject to consultation which concludes on 10 May 2018 the Government intends to publish a final policy framework before the summer. The emerging revised NPPF is a material consideration; given the early stages of the process, little weight is afforded.

5.6 • DCLG Ministerial Statement – Planning for schools development (2011)

**6. Consultations**

- 6.1 King's Lynn & West Norfolk Borough Council : Supports the community facilities subject to: a review of the design of the building; satisfactorily resolution of the flood risk issues; satisfactory resolution of issues in regards to transport and the need to take into account traffic movements in association with the recently permission 18 dwelling site on along Back Street; and the inclusion of suitable school drop-off points  
Re-consultation: No further comments to add. Refer to previous consultation response.
- 6.2 Gayton Parish Council : Does not object to the application, however the following issues should be addressed before the application is considered: flood risk; Anglian Water - sewerage issues; highways; location of development; number of school places; street lighting; vehicle access; building materials; design; and footpaths and footways  
Re-consultation: The consultation period has expired and no response was received at the time of writing this report.
- 6.3 District Emergency Planning Officer (Borough Council of King's Lynn & West Norfolk) : Because of its location in an area at risk of flooding and in line with best practice in business continuity, it is suggested that the occupiers: sign up to the Environment Agency flood warning system; install services at high levels to avoid the impact of flooding; and prepare a flood evacuation plan  
Re-consultation: The consultation period has expired and no response was received at the time of writing this report.
- 6.4 Environmental Health Officer (Borough Council of King's Lynn & West Norfolk) : **Environmental Quality:** No comment to make regarding contaminated land or air quality.  
**Community Safety and Neighbourhood Nuisance:** Whilst a construction management

scheme has been included within the submission, it lacks detail in a number of areas, and is rather brief in nature.

No objection to the proposal subject to the imposition of condition and formatives on any grant of planning permission to control the use of the site and afford protection to the residential amenity of occupiers of neighbouring dwellings.

Re-consultation: **Environmental Quality:** No comment to make regarding contaminated land or air quality

**Community Safety and Neighbourhood**

**Nuisance:** No objections raised subject to a condition relating to the hours of construction / deliveries, being imposed on any grant of planning permission.

6.5 Natural England

: No objections

Re-consultation: No objections.

6.6 Environment Agency (EA)

: No objection to the application. The modelling report accompanying the application has concluded that the site sits within Flood Zone 1. Until an 'evidence based review' is submitted, the site will remain in flood zone 3 on the EA flood map.

Re-consultation: Further to the LLFA consultation response the picture of the culvert contradicts what has been assumed in the flood model reviewed as part of the planning application. We have contacted our modelling team to find out what impact this reduced culvert capacity will have on our initial model review and will inform you. We would appreciate if you could hold off on your decision until we have been able to look at this.

Response received 4 January 2018: Having seen a photograph of a culvert on site more than 50% blocked, we consider that the model report we previously reviewed and accepted is no longer fit for purpose. The drawings and information we reviewed at the time did not indicate a permanent blockage and therefore it was not included in the model or allowed for in our review. We suggest that the applicant undertakes remodelling or the culvert is cleared out to allow for full capacity.

We consider the site to be in Flood Zone 3 (even if we supported the model, until our flood map is changed for the purposes of planning and application of the sequential test the site remains in Flood Zone 3). We would wish to object until either the applicant undertakes remodelling to show a revised model is fit for purpose and is supported by a revised FRA, or the culvert is cleared out to allow for full capacity and would therefore result in the current model being acceptable. Our response relates only to planning. Any submission with regard to a flood map review is entirely separate.

6.7 Water Management Alliance - Internal Drainage Board (IDB)

- : The IDB has put the following concerns to the applicant:
- Is it not feasible to have a lower discharge rate than 5l/s? That looks to be broadly equivalent to a 30-year greenfield event for the proposed developed area, and may well be higher than the Board is prepared to accept (this will not be established until a formal “consent to discharge” application is submitted and considered).
  - Having the system outfall at the same invert level as the existing pipe under the highway is likely to mean that the outfall is submerged most of the time (probably almost all the time).
  - Confirmation of what areas form the 0.631ha of total proposed impermeable surface, for clarity.

Consent from the Board for the culverting of the water course, access over the watercourse and discharges into the water course will be required.

Re-consultation: The IDB make the following comments:

- There are two Board-maintained watercourses adjacent to this site – Middleton Stop Drain, to the south of the site, and Pilkingtons Drain, which runs along the western side of the site.
- The board agrees in principle to accepting flows from the development that have been attenuated to 1.7l/s.
- We are also unaware of the riparian owned culvert that directs Pilkington’s Drain under the highway to the north having received any maintenance in the last 25 years (other than the removal of debris from the culvert inlet by ourselves). As such we are unable

to state whether this culvert is structurally sound and/or capable of receiving and conveying all flows to the Board's downstream network and therefore requests that if the applicant maintains the need to utilise this asset that they undertake an appropriate camera survey of the structure to determine its suitability for conveying a formalised surface water discharge from the site.

- A number of consents are required from the IDB.
- Some works and assets are currently proposed within 9 metres of the edge of a Board maintained drain. We note that the implementation of the current layout is dependent upon the Board approving these features. Currently no application has been submitted to the Board for consideration. The principle of the approach is acceptable to the Board however certain technical details will be required through the consenting process.
- The proposed culverts within the IDB area would need consent from the Board. No application has currently been made however, we have previously stated that the IDB would be willing to adopt the culverts subject to the construction details being approved by the IDB before construction commences, and the payment of the commuted sum – which would be invoiced 50% on approval of the culverts and 50% on completion of construction.

6.8 Lead Local Flood Authority (NCC)

: Given the reliance of the drainage strategy on the acceptance by the IDB of the connection to their network, the LLFA strongly recommend that the application should not be determined until this information has been submitted and therefore object to this planning application.

Re-consultation: The LLFA make the following comments:

- Request the EA be formally consulted to ensure the culvert has been appropriately represented in the fluvial flood risk modelling.
- Welcome the discharge rate of 1.7l/s.

- Remove previous objection subject to the imposition of appropriate drainage conditions being imposed on any grant of planning permission.
- 6.9 Highway Authority (NCC) : The Highway Authority is satisfied that the proposals satisfactorily deals with highway network and safety issues. It is recommended that conditions and informatives relating to the access, parking provision, construction traffic, off-site highway works and travel plan be imposed on any grant of planning permission.
- 6.10 Anglian Water : Re-consultation: No further comments to make.  
The consultation period has expired and no response was received at the time of writing this report.  
Re-consultation: The sewerage system at present has the available capacity for the flows from this development. Kings Lynn and West Norfolk Borough Council are currently considering a number of planning applications for residential development in Gayton, therefore it is important to note that Anglian Water is unable to reserve capacity within the foul sewerage network to accommodate a specific development. It is recommended that a foul drainage condition be imposed on any grant of planning permission.
- 6.11 Norfolk Historic Environment Service (NCC) : There are not likely to be any significant archaeological remains on the site, therefore does not recommend that any archaeological conditions are placed on the application.  
Re-consultation: The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.
- 6.12 Ecologist (NCC) : No objections or concerns with the application with regard to ecology.  
Re-consultation: The amendments to the proposed development will not raise any additional issues relating to ecology.
- 6.13 Senior Arboricultural and Woodland Officer (NCC) : Concerns raised relating to the no-dig specification; planting within the root protection zones and insufficient planting aftercare plan.



Re-consultation: Holding objection. Planting within the Root Protection Areas (RPA) is not appropriate.

Re-consultation: Satisfied the amendments made address the majority of the concerns raised. In the absence of an updated AIA, should planning permission be granted it is recommended that a landscape (including tree maintenance) condition be imposed and the applicant's attention is drawn to the arboricultural watching brief in the AIA.

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| 6.14   | Green Infrastructure Officer (NCC)    | : | The principle of the development in terms of landscape is considered acceptable. However, clarity is required on the following: details of existing / proposed underground services and utilities; design of pedestrian entrance; detailed landscape scheme and colour and finish of boundary treatments. |
| <u>Re-consultation</u> : Comments have been addressed except for the watering and positioning of trees within the RPAs of trees. |                                       |   |   |
| 6.15   | Sport England                         | : | Wish to advice that new sports facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.  |
| <u>Re-consultation</u> : Refer to previous consultation response.  |                                       |   |   |
| 6.16   | Norfolk Fire and rescue Service (NCC) | : | The consultation period has expired and no response was received at the time of writing this report.  |
| <u>Re-consultation</u> : The consultation period has expired and no response was received at the time of writing this report.    |                                       |   |   |
| 6.17   | UK Power Networks                     | : | No comments to make with respect to this application.   |
| <u>Re-consultation</u> : The consultation period has expired and no response was received at the time of writing this report.    |                                       |   |   |
| 6.18   | Crime Prevention Design Officer       | : | The consultation period has expired and no response was received at the time of writing this report.  |

Re-consultation: The consultation period has

expired and no response was received at the time of writing this report.

6.19 County Councillor (Mr Graham Middleton)

: The consultation period has expired and no response was received at the time of writing this report.

Re-consultation: The consultation period has expired and no response was received at the time of writing this report.

6.20 Representations

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

6.21 44 letters of concerns / objections were received, raising the following issues:

- Safety of children, parents teachers and the general public
- Vehicles parking on pavements and grass verges causing obstruction
- Increase in traffic – on both Back Street and Winch Road
- Increase in flooding - the site is in flood zone 3
- Issues with access
- Issues with sewerage – properties regularly backs up with sewerage causing problems
- This latest proposal does nothing to mitigate the concerns of flooding, access and sewerage and to amplify the problems extra facilities have been included
- This site is not suitable for the location of a new school - an alternative more suitable site should be proposed and needs further investigation
- Back street is a very narrow road that is not suitable for such an increase in traffic and the parking of cars of parents dropping children off at the school and nursery
- The field is also prone to being waterlogged at times of heavy rain and the drains in East Winch Road also cannot cope now when there is a lot of water
- Don't understand why the field at the back of the current school could not have been used, the school could have been built on the current school field and the playing field could have been put on the field behind the school
- This current application has clearly not taken into account previous objections regarding, already ongoing, water and sewage facilities being inadequate, nor the suitability of the site from a traffic safety point of view
- Health and safety of all children to attend the school is always a priority and this proposal will put all of them in great danger from fast moving traffic as Back Street is already used as a Rat Run at both ends of the day and is Winch Road
- What is at present a quiet place to live with stretching views across farmland will turn into a noise polluted neighbourhood
- Wildlife will be disturbed and move on elsewhere
- The school is a Church of England school so should it not be located near to the church where there is a large plot of unused land

- Parts of Back Street do not have any pedestrian paths so this will be a safety issue for some children
- The design of the proposed school is not in keeping with any of the surrounding buildings
- Gayton needs a new school especially with an influx of children expected in the future, but not built on this soggy, dangerous corner plot of agricultural land
- Cars bringing children to school will increase dramatically traffic flow in Winch Rd and Back St.
- Where the new primary school is planned is a village lane unsuitable for the increased traffic that would be generated there
- This application shouldn't be pushed through as quickly as possible
- The present school is in, what I feel, a dangerous location for the children
- Although the village needs a new school the capacity of 210 children will not be enough for the development already agreed for the village
- I cannot see how it will be safe for children attending school to safely use their bikes
- Back Street and Winch Road with other traffic as well will be badly congested
- Additional demands for the provision of utility services, such as water, electricity and sewerage disposal
- Agricultural vehicles – large tractors with trailers use both roads. A track runs along the eastern boundary of the site chosen for the school
- The despoiling of the rural aspect in the area
- Back Street, Winch Road and The Willows will become waiting and parking areas at drop off time and collection from the school
- A further 57 houses approved in Back Street will add extra traffic and should be considered in decision making
- Cycling to school would be hazardous
- Back Street is used as a rat run
- There has been 3 unrecorded incidents at the junction in the last few years
- Sequential test to land adjoining current school re comments used for justification recent refusal for 50 houses, ref 16/000647/M were not relevant when site was originally deemed unavailable. A new school would not have the same visual impact near the church as 50 houses
- The land would be more expensive to CPO compared to the nominal cost of the land chosen that has many constraints and the long term may have higher maintenance costs
- The new school site might not be large enough with 9 metres lost around the perimeter and will always be surrounded by deep ditches and open water
- Property will be overlooked
- Light pollution on a naturally dark landscape / open agricultural land
- Loss of privacy
- The width of the carriageway in certain places and lack of footpath means children and parents must walk on the road
- With the numerous developments under proposed planning and construction for the village the school will not be large enough for the growing population

- Parking, congestion, speed and traffic flows
- Why is it that this site still seems to be the favourite location when other sites have better foot access from all directions for the children to access therefore reducing the cars coming too close to the actual school, also the other sites have no deep water filled dykes around the site
- Noise and disturbance resulting from the site
- Layout, density / adverse impact / over bearing / form and character
- Over-looking / loss of privacy
- Light pollution
- Incorrect calculation of pupil concentration
- Public health – kitchen and bin beside a dyke are a great attraction for vermin
- Materials of construction not in keeping with area and excessive use of slate

6.22 43 letters of support were received, comments summarised below:

- We badly need a new school and therefore fully support this application
- This development is a great opportunity for improvement of the wonderful primary school in Gayton
- Norfolk County Council treat Gayton primary school as a real priority in the next few months and our children and the teachers are given the facilities they deserve
- The school has outgrown its present building and with Gayton being a growing village a new school is a priority
- The proposed location for the new school and nursery is perfect
- Its a great school but more space is very much needed for the kids already attending not just the children that are going to attend in the future
- Gayton is a popular and lovely village and I believe it deserves the investment
- The village is getting bigger. More children and babies born and bigger families we need a updated and more equipped school for our kids
- The current site footprint is simply too small for a 7-class school. The current 6 classrooms are at capacity in terms of space and whilst continuing to grow the schools number on role has not reached the maximum allowable, the current site does not have the space to accommodate 210 pupils without further reduction in the outdoor space for play and activities which will impact severely on the 'school experience' for the children of Gayton
- The school design and proposed site which now formally includes the Gayton Goslings preschool will be an amazing development for the Gayton community
- Detailed consultation and extension of the re-submitted plans beyond simply the school building will also ensure a safer route to school for children, onsite parking will minimise inconvenience to those living locally. The carefully considered design of the building will match the village character and provide the much-needed class room and outdoor space the current school site so desperately needs
- Support this application to give an amazing school the facilities it needs

- and deserves to help this and future generations of school children
- It will make a great school even greater and give so many more children the chance to experience a truly lovely and brilliant school
  - I believe the current proposal is the only viable option within a sensible timescale and hence has my full support for the sake of the current and future children of our village school
  - We are bursting at the seams & need our new school as soon as possible
  - I feel strongly that the school's current site is becoming less able to accommodate the increasing numbers of pupils on roll. The village is fast expanding and it's time a decision is made to build another school that is fit for purpose now and for the future
  - The buildings and site it occupies are not fit for purpose for 21st century education
  - The positives of this application and of having a new school far outweigh the negatives... a new school with great facilities will be an asset to the village as a whole, not just parents
  - Having a new school is such a great opportunity for the Children of Gayton to thrive and progress well in their future
  - Our present school is excellent with fantastic staff who deserve up to date facilities in which to continue their excellent level of teaching. We are lucky to live in such a thriving village which will benefit from a school located within safe walking distance of a large amount of the housing in the village
  - In favour of the new school...we have a thriving village and need to accommodate its growth. I am just sad that it cannot remain in the centre of the village
  - We desperately need a new school and new infrastructure in the village to cope with this growth
  - An acceptable location for a school; the proposed new school would be a quantum leap in terms of space and facility and is much needed to accommodate the number of pupils already at Gayton Primary and future demand for school places within this growing community
  - A building that will greatly improve the lives and learning capabilities of the children attending

6.23 In response to the representation received, the applicant makes the following comments:

Public representation: Concerns and responses

- This is a response to representations from private individuals, in respect of objections to the planning application. It does not respond to corporate representations, all of which were largely in support of the application.
- There were approximately 40 representations from members of the public, with a 50/50 split for/against - with some objections being objections to specific details of the proposal, rather than objections to the project as a whole.
- A letter from the Gayton Parish Council effectively collates the full range of concerns made by individuals.

### Location / Amenity & Environment

As detailed within the Design & Access Statement this site was chosen after consideration of fourteen local sites and numerous environmental criteria, not least of which was “sequential testing”. In our opinion the current site represents the best compromise between numerous vying priorities.

The availability of this current site represents close collaboration with the Gayton Estate, thus avoiding a much more protracted compulsory purchase route for other sites.

The main building volumes form an effective sound and vision buffer between houses on Back Street and the main outdoor play areas to the south of the proposed school.

Public concerns with respect to light pollution from evening community use of the school hall (and other areas) will always constitute a delicate balance between competing community benefits. However, external lighting has been minimised to a relatively small number of wall mounted down-lighters, and five 5m column lamps around the car park. This column lighting will be largely shielded from houses on Back Street by the main body of the school hall.

Furthermore, all external lighting will be timer-controlled by the school. In the context of the existing street lighting on Back Street this additional lighting will be relatively unobtrusive.

A few concerns have been raised regarding the surrounding dykes and watercourse in so far as they are a danger to children. However, the proposal allows for a continuous perimeter fence.

### Flood Risk

A thorough technical re-assessment of the site, corroborated by the Environment Agency, shows the site to be at considerably lower risk of fluvial flooding (from adjacent watercourses) than previously anticipated. The site has now been re-categorised by the EA as a Flood Zone 1, rather than a Flood Zone 3. As such the Environment Agency has no objection to the development of the new school.

With respect to surface water flooding (as a consequence of potentially prolonged rainfall) the risk of flood for this site has been calculated as being 3% in any given year – or 1 in 30 years. To further alleviate this risk the ground floor of the building has been raised to a height where this risk becomes 1 in every 100 years (1%).

The proposed scheme allows for a new network of land-drainage pipework, servicing permeable areas of the site. The land-drainage was designed by Create Consulting Engineers.

Non-permeable areas of the site (the building itself, the car park and hard-play areas) will drain into a large underground attenuation tank with sufficient capacity to release outflow into dykes and drains at a pumped rate of 1.7 litres per second. This outflow rate has been set by the Internal Drainage Board.

### Pupil Numbers

The physical size of the school, providing 210 places (1FE) has been carefully calculated using the Education Funding Agency's Schedule of Accommodation spreadsheet.

Furthermore the school has been designed on the site so that it is suitable for longitudinal expansion - in the event that a strategic decision is taken by NCC that this is necessary for the long-term future of Gayton. The landowner is fully aware of this situation and is willing, in principle, to make further agricultural land available

### Design / Materials

It is conceded that the majority of recent development on Back Street uses red/brown/grey clay and concrete tiles. However, the existing school is exclusively slate roofed. Grey slate roofing is consistently used throughout Norfolk, with school buildings in particular, and often used in higher-end period buildings.

The size of the proposed roofs naturally coincides with a larger new school building. The pitch of the roof (40 degrees) is also consistent the general local roof style.

The intention of the design as a whole, with its brick walls, slate roof and metal windows, is to provide a fairly contemporary interpretation of the same educational ethos of the original school. Within the constraints of an education budget the building details will allude to a self-consciously high standard of design, creating a very high quality learning environment.

### Sewerage

The sewers of Gayton have been historically problematic. Until recently they were cracked and leaky, becoming quickly inundated, and therefore backing-up in bad weather.

However, in recent years these problems have been largely resolved by Anglian Water - by lining the sewers with a plastic coating.

Nonetheless, the Gayton system is close to full capacity. In response to three recent major planning applications AW have explained that there is only sufficient mains capacity for one of these developments to be connected to the mains system.

However, in respect of this last point, it needs to be remembered that the school is being relocated, and therefore that the net increase in capacity will be for 58 school places, rather than 210. Furthermore it is unlikely that any of the three above applications will be implemented in advance of the new school. Anglian Water concludes:

*"Anglian Water has subsequently completed their hydraulic modelling exercise, and has confirmed that the proposed development, based on the study undertaken will not cause any significant detriment to the capacity of the sewer*

system.”

(AW: “Addendum to the Planning Statement to provide an update from Anglian Water & The Environment Agency” – October 2017)

### Vehicles

The Local Highway Authority (LHA) acknowledges that the new school presents several challenges in terms of traffic management. However, it also acknowledges that *“given the mitigation measures proposed, this is unlikely to generate a significant highway safety concern and reason for a highway related recommendation for refusal”*.

The new car park constitutes an off-highway one-way circulation route, offering very considerable safety advantages over the existing school.

The 37 space car park provides on-site parking for the entire anticipated parking need, for all staff.

The car park gyratory route has been designed (tracking-tested) by civil engineers - to allow its use by minibuses and coaches.

The gyratory route has been designed to allow on-site drop-off and pick-up for parents – i.e. without the need for parents to park in the 37 spaces.

The pavement along Back Street will be significantly enhanced and extended as part of the development, enhanced road markings and signage will be provided.

The LHA response to the planning application points out that *“the school will have a key role in addressing some of the public nuisance issues raised, which can be addressed in part via a new school travel plan”*. Indeed the LHA recommends that the travel plan be fully reviewed six months after the first occupation of the building – as a condition of planning approval.

## **7. Purpose of the site visit**

- 7.1 Members may recall that a planning application for a new school and nursery at Gayton (appendix 3), to replace the existing school, was included on the agenda for the Planning (Regulatory) Committee meeting scheduled for 5 January 2018.
- 7.2 A consultation response received from the Environment Agency (EA) on 4 January 2018, raising an objection to the application resulted in the applicant requesting the application be withdrawn from that agenda. The applicant has since been liaising with the Internal Drainage Board (IDB) at addressing the issues raised by the EA with a view to submitting additional and/or revised information for further consideration.
- 7.3 Given the nature of the application, it is considered that a planned site visit would be beneficial to enable Members of the Planning (Regulatory) Committee to understand: the details of the proposed development; the site and its surroundings; and issues raised by both consultees and local residents. This would also avoid any further delay to the project programme of deferring determination of the application to undertake a site visit when Members of the



Planning (Regulatory) Committee formally consider the application.

- 7.4 As set out in the Local Government Association (LGA) advice a site visit is only likely to be necessary if: the impact of the proposed development is difficult to visualise from the plans and any supporting materials, including photographs taken by officers; the comments of the applicant and objectors cannot be expressed adequately in writing or; the proposal is particularly contentious.
- 7.5 In accordance with the LGA advice the purpose of the site visit is not to debate the merits of the proposed development, but to obtain information relevant to the determination of the application. To point out features (including drainage features) of the site and its surroundings, and if necessary visit the alternative sites put forward by the applicant in the sequential test matrix (appendix 4) and other development in the vicinity that is relevant to the application. Members of the public are not normally invited to attend such site visits.
- 7.6 It is important that all Members of the Planning (Regulatory) Committee have access to the same amount of information to determine the application, therefore there is an expectation that only those Members that attend the planned site visit can take part in the debate and voting at the Planning (Regulatory) Committee meeting where the application will be presented for formal consideration.

## **8. Resource Implications**

- 8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **9. Other Implications**

### **9.1 Human rights**

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

- 9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 9.5 **Equality Impact Assessment (EqIA)**
- 9.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 10. Section 17 – Crime and Disorder Act**
- 10.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 11. Risk Implications/Assessment**
- 11.1 There are no risk issues from a planning perspective.

## **Background Papers**

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

[https://www.west-norfolk.gov.uk/info/20093/site\\_allocations\\_and\\_development\\_management\\_policies\\_plan/514/adopted\\_plan](https://www.west-norfolk.gov.uk/info/20093/site_allocations_and_development_management_policies_plan/514/adopted_plan)

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

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

The National Planning Policy Framework (NPPF) (2012)

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

National Planning Practice Guidance (2014)

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

Ministry of Housing, Communities and Local Government, Draft revised National Planning Policy Framework (2018)

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

DCLG Policy statement – planning for schools development (2011)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6316/1966097.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6316/1966097.pdf)

Local Government Association – Planning Committee Management Briefing Note

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

## **Officer Contact**

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

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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.