

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Y/7/2016/7008 : St. Augustine's Catholic Primary School, West End, Costessey, Norwich NR8 5AG</b>
<b>Date of meeting:</b>	<b>6 January 2017</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant</b> Retrospective application for new class block comprising 3No. classrooms, activity area and associated WC facilities (East Anglia Roman Catholic Diocese Trustee & Norfolk County Council)	

## Executive summary

Retrospective planning permission is sought for provision of a new classroom block on part of the school playing field, within the settlement boundary. Conditional permission for the development under consideration was originally approved in 2014. Development has been undertaken without discharge of the pre-commencement conditions and, the actual design of the class block is not fully in accordance with the approved drawings.

No objections have been received from statutory or non-statutory consultees, subject to condition, however, objections and concerns have been raised by eight residents. The concerns raised relate primarily to highway and amenity issues.

The key issues relate to impact on local amenity arising from potential increased vehicle movements on the local highway network, partial loss of the school playing field and, the retrospective nature of the application.

The highways impacts of the proposal were considered acceptable when permission was originally granted in 2014. Whilst the proposal will potentially result in additional vehicle traffic and pedestrian activity at drop-off and pick-up times it is considered that, subject to review of the existing travel plan, the additional movements can be safely accommodated on the highway network, and without unacceptable impacts on residential amenity.

In relation to partial loss of the playing field, this is balanced against the fact that the proposal affects only land incapable of forming a playing pitch and, the fact that no objection has been raised by statutory consultees.

Whilst intentional unauthorised development is a material consideration, in this instance it is not considered that the retrospective nature of the application would represent a ground for refusal of permission and very little weight is given to this in the planning balance.

On balance, the proposed development is considered acceptable, subject to conditions, and there are no issues of sufficient weight to justify a refusal.

### **Recommendation:**

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 13.**
- II. Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) 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 (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

## **1. The Proposal**

- 1.1 The proposal relates to St. Augustine's Catholic Primary School, in the form of a new, single-storey class block comprising three classrooms, activity area and associated WC facilities, to allow for expansion to a 315 place Primary School. The development is substantially complete.
- 1.2 Planning Permission reference Y/7/2014/7010 for, Proposed classroom block comprising three no. classrooms, activity area and associated WC facilities was approved in 2014, subject to a number of pre-commencement conditions.
- 1.3 Application reference Y/7/2015/7010 for discharge of conditions 3 (materials), 4 (noise and dust management), 5 (construction traffic management) and 7 (wheel washing) of permission reference Y/7/2014/7010 was submitted in August 2015. During an inspection of the site by this authority's Monitoring and Control Officer in September 2015 it was found that development had commenced in advance of the conditions being discharged; as such, conditions 3, 4, 5 and 7 cannot be discharged.
- 1.4 During a subsequent inspection by this authority's Monitoring and Control Officer in January 2016 it was found that the development has not been undertaken fully in accordance with the approved drawings.
- 1.5 In an attempt to regularise these matters, application reference Y/7/2016/7002 was submitted in February this year for: Variation of condition 2 for amendments to the approved design; and variation of timescales for submission of required details and, submission of details required by conditions 3, 4, 5 and 7 of PP Y/7/2014/7010.
- 1.6 Following consideration of application reference Y/7/2016/7002, the applicant was informed, inter alia, that the proposed variations to the wording of conditions 3, 4, 5 and 7 do not meet the tests of the National Planning Policy Framework in relation to 'reasonableness' and 'enforceability' of conditions and, that the application should be refused. The applicant was further advised that they may wish to seek to regularise the development through submission of a full planning application under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) to seek retrospective permission for what has been built.
- 1.7 Application reference Y/7/2016/7002 was subsequently withdrawn and retrospective planning permission is sought to regularise the development that has been built.

## **2. Site**

- 2.1 The application relates to St. Augustine's Catholic Primary School, an established school site, situated at the junction of Longwater Lane and West End, Old Costessey. The original school building constructed of red facing brick walls with clay pantile clad roof has been extended over the years.
- 2.2 The application site is on part of the northern edge of the school playing field close to the south east corner of the main school building, with a multi-use games area (MUGA), approved under a separate permission determined by South Norfolk Council, to the south. The school boundaries are defined by walling, fencing, hedging and trees. The surrounding area is predominantly residential. Vehicular and pedestrian access is proposed to be via the existing accesses from West End.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:

The site is located some 0.2km east of Old Costessey Conservation Area.

The site is located within the Safeguarding Area for Norwich International Airport

The site is located some 0.17km south of the River Wensum SSSI and Special Area of Conservation (SAC).

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

- 4.1 **Y/7/2016/7002** – Variation of condition 2 to allow changes to windows, dormers, and roof seating areas and addition of balustrade and variation of conditions 3, 4, 5 and 7 to vary the timescale for submission of the required details and submission of the details required by conditions 3 materials, 4 noise and dust management, 5 construction traffic management and 7 wheel washing of Y/7/2014/7010 for classroom block, activity area and WC facilities – Withdrawn 2016
- 4.2 **Y/7/2015/7010** - Discharge of conditions 3, 4, 5 & 7 of permission Y/7/2014/7010 – Conditions not discharged 2015
- 4.3 **Y/7/2014/7010** - Proposed classroom block comprising 3 no. classrooms, activity area and associated WC facilities – Approved 2014
- 4.4 **Y/7/2008/7032** - Extension to school building to form improved access lobby and office area; new integrated step/ramp access; relocation of existing vehicular access and service road; provision of additional footway – Approved 2009
- 4.5 **7/2002/0019** - Construction of Nursery plus additional hard play area – Approved 2002.

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

- 5.1 Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014) :
- Policy 1: Addressing Climate Change and Protecting Environmental Assets
  - Policy 2: Promoting good design
  - Policy 7: Supporting communities
  - Policy 9: Strategy for growth in the Norwich Policy Area
  - Policy 12: Remainder of the Norwich urban area, including the fringe parishes
- 5.2 South Norfolk Local Plan Development Management Policies Document (2015) :
- DM 1.3 Sustainable location of new development
  - DM 1.4 Environmental quality and local distinctiveness
  - DM 3.8 Design Principles
  - DM 3.11 Road safety and free flow of traffic
  - DM 3.12 Provision of vehicle parking
  - DM 3.13 Amenity, noise and quality of life
  - DM 3.14 Pollution, health and safety
  - DM 3.15 Outdoor play facilities and recreational space
  - DM 3.16 Improving the level of local community facilities
  - DM 4.2 Sustainable drainage and water management
  - DM 4.5 Landscape Character and River Valleys
  - DM 4.8 Protection of Trees and Hedgerows
  - DM 4.10 Heritage Assets

5.3	Adopted Neighbourhood Plan	:	The area in which the planning application is located does not have an adopted Neighbourhood Development Plan
5.4	The National Planning Policy Framework (2012)	:	<p>4. Promoting Sustainable Transport</p> <p>7. Requiring good design</p> <p>8. Promoting healthy communities</p> <p>10. Meeting the challenge of climate change, flooding and coastal change</p> <p>11. Conserving and enhancing the natural environment</p> <p>12. Conserving and enhancing the historic environment</p>
<b>6.</b>	<b>Consultations</b>		
6.1	South Norfolk Council	:	No objections
6.2	Costessey Town Council	:	<p>Recommend approval</p> <p>Express confusion as to why this is a retrospective application</p>
6.3	Environmental Health Officer (South Norfolk District)	:	No response received
6.4	Natural England	:	No comments to make
6.5	Anglian Water	:	No response received
6.6	Lead Local Flood Authority (NCC)	:	<p>Comment that this development is below the LLFA consultation threshold for providing detailed comment. Advise that the CPA should satisfy itself that the application is compliant with:</p> <ul style="list-style-type: none"> <li>• paragraph 103 of the NPPF (flood risk);</li> <li>• Written ministerial statement - HCWS161 – Sustainable drainage systems</li> </ul> <p>Further advise that the application should demonstrate how the proposal accords with national standards and relevant guidance.</p>
6.7	Highway Authority (NCC)	:	No objection. Request condition in relation to review of school travel plan.
6.8	Sport England	:	No objection
6.9	Senior Green Infrastructure Officer (NCC)	:	Recommends approval
6.10	Ecologist (NCC)	:	<p>No objection.</p> <p>Recommends implementation of the</p>

- 6.11 Senior Arboricultural Officer (NCC) : No objection
- 6.12 County Councillor (Mr Tim East) : No response received
- 6.13 Representations
- 6.14 The application was advertised by means of neighbour notification letters and site notice.
- 6.15 Objections and concerns are raised by eight residents (in the form of six representations) on the following grounds, which are summarised:
- 6.16 Traffic
- More classrooms means more cars;
- Increase in school parking issues over past 17 years;
- Congestion along West End;
- Inconsiderate parking by parents - Parents park across residents driveways in Cleves Way and Husenbeth Close - Parents park along both sides of Cleves Way and, block the junction of Cleves Way with Husenbeth Close and the top of Cleves Way, often making it impossible for residents to gain ingress / egress - Parents park on pavements and double yellow lines;
- Concern with access for emergency services vehicles to Cleves Way;
- Parents gather in groups on pavements and in the road creating an obstruction;
- Suggest changing the school's admission policy so as to allow local non-Catholic children over parents who travel miles;
- Suggest that alternative parking is available at St. Walstan's Roman Catholic Church , Town house Road (as referenced on the school's website) and the Parish Council car park;
- Request that residents are issued with resident car parking permits or double yellow lines be applied throughout the estate
- 6.17 Amenity
- Concern with increased noise from parents and children
- 6.18 Retrospective application
- Concern that the County Council was unaware of the development that was being carried out;
- The development should be refused and enforcement action should be taken, unless the parking (referenced on the school's website) is used;
- The CPA should show why the application is retrospective as the degree of unconformity with the original application could influence peoples' views.
- 6.19 Long-term strategy
- One local resident wishes to remind the CPA of a communication he received

pursuant to his representation made in respect of application reference Y/7/2016/7002. The resident expressed concern with additional traffic and parking in West End and requested details of the long-term strategy for the school. The representation was forwarded to NCC Children's Services for attention: in response, Children's Services commented that, 'The nature of the school site means that there is no further view to expand the school building or increase pupil numbers...', whilst the Assistant Director RC Diocese of East Anglia concurred with this statement and added that, '...there will be no further expansion of pupil numbers at the school, as the site does not have capacity to expand.'

6.20 Depreciation of property value

Concern about depreciation of property value due to extensions of the school.

**7. Assessment**

7.1 The issues to be assessed for this application are:

**7.2 Principle of development**

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

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

7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the, South Norfolk Local Plan Development Management Policies Document (2015) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.

7.4 The principle of development was found to be acceptable when permission was originally granted in 2014. However, as detailed elsewhere in this report, development has been undertaken without discharge of the pre-commencement conditions and, the actual design of the class block is not fully in accordance with the approved drawings. Retrospective planning permission is being sought to regularise the development that has been built. Planning Practice Guidance advises that whilst a local planning authority can invite a retrospective application, it cannot be assumed that permission will be granted – such an application must be considered in the normal way.

7.5 The Joint Core Strategy (JCS) Key Diagram identifies the site as being located within the Norwich Policy Area and, South Norfolk Local Plan Site Specific Allocations & Policies Document (2015) identifies the application site as situated inside that part of the school site located within the development boundary for Costessey. JCS Policy 9 states that the Norwich Policy Area is the focus for major growth and development, whilst Policy 12 supports improvements to local services within the urban fringe parish of Costessey. South Norfolk LPDM Policy DM 1.3 seeks to achieve proposals that are located within the development boundaries of Settlements defined on the Policies Map, and of a scale proportionate to the level of growth planned in that location, and the role and function of the Settlement within which it is located.

7.6 The application states that the new class block will accommodate 90 additional children. The application, in justifying the need for the expanded school states that, because of rising numbers of children in the Costessey area, predominantly from significant new housing provision, with effect from September 2014 the pupil admission number (PAN) was increased from 30 to 45 places in each year group

with the agreement of Norfolk County Council and the school. If this application is granted it will increase the capacity of the school to 315 pupils.

- 7.7 As at September 2013 the school roll was 214. The applicant indicates that from September 2014, pupil numbers will continue to increase year on year until 2020, when the full complement of 315 pupils will be reached. The year by year breakdown is as follows:

2014 - 225  
2015 – 240  
2016 - 255  
2017 - 273  
2018 - 286  
2019 - 300  
2020 - 315

- 7.8 The principle of the use of the existing school complex is already established. Paragraph 72 of the NPPF requires planning authorities to give great weight to the need to create, expand or alter schools. The application states that the proposal would provide three additional class bases at the school required as a result of a rise in actual and projected pupil numbers so, in accordance with the NPPF, great weight is given to this. This is consistent with JCS policy 7 which promotes the provision of sufficient, appropriate and accessible education opportunities and, South Norfolk LP Policy DM 3.16 which supports provision of new or replacement community facilities and services within development boundaries.
- 7.9 Similar principles are also set out in the Department for Communities and Local Government (DCLG) Ministerial Policy Statement - *planning for schools development* (2011), which emphasises the commitment to increasing the number of school places and, choice and opportunity in the state-funded sector and makes it clear that there should be a presumption in favour of the development of state-funded schools.
- 7.10 Notwithstanding all other material considerations, it is considered that the principle of this development could be acceptable at this location and would not be out of character for the immediate area.
- 7.11 **Amenity (noise, dust, light pollution etc)**
- 7.12 South Norfolk LP Policies DM 3.13 and DM 3.14, and Section 11 of the NPPF apply.
- 7.13 The school site is situated within a predominantly residential area and is largely bounded to the east and west by residential development and to the north by a public highway (West End). The impact of the development on neighbouring occupiers was considered acceptable, when permission was originally granted in 2014, subject to condition in relation to management of noise and dust during excavation and construction works, as recommended by the EHO.
- 7.14 The proposed building would be sited no closer to the boundary with any residential property than the original approved scheme; the proposal would be located approximately 7 metres from the nearest residential property boundary.
- 7.15 Whilst the proposal offers windows facing the east and west boundaries, the high level nature of this glazing in the form of glazed dormer 'cheeks' would restrict overlooking of adjacent dwellings and partial screening for the development is provided by existing boundary treatments.

- 7.16 As regards proposed external lighting, submitted drawings indicate that wall mounted luminaires would be sited on the north, east and west elevations of the building.
- 7.17 Submitted drawings indicate that an air conditioning plant would be sited adjacent the west elevation, facing towards residential properties. The proposal is supported by a Planning Statement including noise data in relation to the air conditioning plant.
- 7.18 Whilst close to neighbouring property, given the boundary treatments, proposed scale, siting, orientation and part-subterranean nature of the scheme, it is not considered that the proposal would cause any significant impact on the residential amenities of the neighbouring properties with regard to overlooking, overshadowing or any overbearing impact. No representation has been received from local residents in relation to the aforementioned impacts.
- 7.19 In terms of impacts beyond the immediate vicinity, the application site is located to the rear of the existing school buildings and would not impose on the street scene or landscape. Given the contained nature of the site, it is not considered that the proposal will have an unacceptable impact on any public views, being largely hidden from public views.
- 7.20 Concern has been raised by a local resident in relation to the potential impact on residential amenity arising from increased noise from parents and children. In this instance, given that the existing use of the site as a school has existed for many years, then some noise from that use will have been experienced during those years as part of the local noise environment. Although this proposal would introduce three additional class bases to the school and would probably intensify its use, the degree of intensification as a result of this proposal is not considered to be such as to justify a recommendation of refusal on the grounds of an unduly adverse impact on residential amenity. Furthermore, given that the site is an established school, it is difficult to envisage that the introduction of the additional class bases would give rise to levels of anti-social behaviour, or other land-use conflict during unsociable hours that would result in a material degree of land-use conflict sufficient to prejudice the residential amenity of the established dwelling houses in the locality.
- 7.21 No response has been received from the consultation with the South Norfolk Council Environmental Health Officer.
- 7.22 Overall, it is not considered that the proposal will have a materially adverse impact on the residential amenity of adjacent properties, in accordance with the relevant planning policies and requirements of the NPPF.
- 7.23 **Design**
- 7.24 JCS policy 2, South Norfolk Policies DM 1.4, DM 3.8 and DM 4.5, and part 7 of the NPPF apply.
- 7.25 The design of the development was considered acceptable when permission was originally granted in 2014. The development consists of a stand-alone, part subterranean, single-storey class block set into the northern embankment of the playing field close to the existing school buildings, with one subterranean and three partially exposed external walls and, three dormer roof lights and mono-pitch, green roof protruding above the sloping ground level. The partially exposed front (north) elevation and partially exposed gable (east and west) elevations will be clad with stained timber boards and will include aluminium windows and doors. Entry will be via the entrance in the north elevation accessed from the adjacent main school complex.
- 7.26 The development subject of the application under consideration is substantially complete. Whilst the general arrangement, size and location of the as-built class

block within the school site remain unchanged from the scheme approved pursuant to permission reference Y/7/2014/7010, the actual design of the class block is not fully in accordance with the approved drawings. The following amendments have been made:

- Increase in length of dormer roof lights and addition of glazing units to dormer 'cheeks';
- Reduction in area of glazing in front elevation;
- Removal of glazing from both gable ends;
- Reduction in volume of subterranean element of both gable ends;
- Substitution of safety fencing around edges of green roof with glazed balustrades to lower part of roof and glazed barrier panels between dormer roof lights;
- Minor internal remodelling.

7.27 It is considered that in terms of siting, scale and design, the proposed scheme is acceptable in the context of the existing school complex. The development is therefore unlikely to have any detrimental impact upon the established characteristics of the existing school buildings and, there will be no material harm caused to the character of the local area.

7.28 Taking into account its appropriateness in its context, it is considered that the development accords with the relevant design planning policies.

7.29 **Landscape / Trees**

7.30 Policy 2 of the JCS, South Norfolk LP DM Policies DM4.5 and DM 4.8, and Section 11 of the NPPF apply.

7.31 The application site comprises of amenity grassland in the form of school playing field and, area of shrub planting and hardstanding. The application site does not lie within a Conservation Area.

7.32 The accompanying Arboricultural Report concludes that it is not necessary to fell any trees to facilitate the development. The report also proposes the protection of retained trees at risk from construction activities. No additional planting is proposed.

7.33 Given the subterranean nature of the development and existing boundary treatment including established planting, which allow for the successful integration of the development into the locality, it is not considered necessary to require additional landscaping through this application.

7.34 The NETI team have been consulted on the application and have not raised objection. It is therefore considered that the proposal will not have a detrimental effect upon the trees/landscaping or the character of the site and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.

7.35 **Biodiversity**

7.36 JCS Policy 1, SNLP DM Policy DM 1.4 and Section 11 of the NPPF apply. In particular, paragraph 109 of the NPPF requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity.

7.37 The habitats present within the application site comprise of amenity grassland, shrub planting and hardstanding

7.38 The application is supported by a Phase 1 Habitat Survey Report. The site has very low ecological value and there are no ecological constraints. The report recommends a number of biodiversity enhancement measures, including installation of an insect box and swift box. The proposed green roof includes wild flowers which will have ecological benefits.

7.39 Natural England has been consulted on the application and has no comments to make. Whilst not raising objection, the Council's Ecologist recommends

implementation of the enhancement measures listed in the Habitat Survey Report. Should planning permission be granted, it is considered reasonable to impose a condition on the decision notice in relation to the enhancement measures forming part of the Habitat Survey Report.

- 7.40 Subject to the aforementioned condition, it is concluded that no unacceptable ecological impacts would arise from the proposal and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.

7.41 Appropriate Assessment

The application site is within 5km of the River Wensum Special Area of Conservation (SAC), which is a European protected site. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. It is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

7.42 **Access and Highways**

- 7.43 SNLP DM Policies DM 3.11 and DM 3.12, and Section 4 of the NPPF apply.

- 7.44 The school is situated in a largely residential area and benefits from good pedestrian footway links.

- 7.45 The proposed development is for the school to be expanded to accommodate 315 pupils on roll. No additional staff are proposed as part of this application.

- 7.46 The highways/traffic impacts of the development under consideration were considered acceptable when permission was originally granted in 2014, subject to condition in relation to review of the existing school travel plan.

- 7.47 The representations from local residents indicate that there is a perceived high level of impact on residential amenity arising from the potential increased vehicle traffic. Two local residents opine that permission for the development should be refused and enforcement action be taken, unless use is made of the parking facilities referenced on the school's website.

- 7.48 With regard to proposed vehicular access to the school and parking provision on the school site, the application details indicate that the site will continue to use the existing vehicular access from West End and the development will not lead to any change to the existing number of on-site parking spaces. The Council's Highway Engineer has considered the application and visited the site; whilst the Engineer has not requested that current access arrangements be altered or that any further parking be provided, the Engineer acknowledges that when compared with the adopted NCC parking strategy there is an existing theoretical parking shortfall on site to cater for staff/visitor parking. As regards this issue, the Engineer concludes that, it is evident however that this does not lead to long stay parking being displaced onto the highway network as the remaining staff make use of St. Walstan's RC Church car park. Therefore, in respect of staff parking the development is considered acceptable.

- 7.49 The application is supported by a School Travel Plan (STP) for the period 2014-2016 (to encourage alternative modes of transport). As regards measures taken so far to reduce parking by parents outside the school and on neighbouring estate roads, the supporting STP reveals that as at 2014, 62% of pupils walk to school (excluding those who walk from nearby 'Park and Stride' facilities at St. Walstans Church, Town house Road, to the east and the Costessey Centre, Longwater Lane, to the southwest), 35% arrive at school by car/car share, 2% cycle, and 1% arrive by public transport. The STP acknowledges that there are ongoing issues with parents parking outside the school at drop-off and pick-up

times, and states that a newsletter has responded to neighbours parking concerns. The STP sets out the schools ambitions to: encourage more walking (5% increase) and cycling to school, over a three year period; reduce car use by 5% over a three year period; and reduce the use of car parking space by support staff and office staff over a three year period. The STP sets out a range of measures to achieve these objectives.

- 7.50 As detailed above, as part of his consideration of the application the Council's Highway Engineer has visited the site. The Engineer comments that, as is typical with schools, the site experiences high volumes of parents dropping off / picking up children at the beginning and end of the school day. The Engineer noted that a significant number of parents park in the Costessey Centre Car Park and then walk to school. In addition, a number of parents park 'on street' on Cleves Way and Husenbeth Close and some parking occurs on West End. The Engineer observed that whilst there were a large number of parents and children accessing the site, this activity was well managed, confined to a relatively short period of time and did not result in significant delays or safety implications on the highway network.
- 7.51 Whilst the Engineer accepts that further parking on Cleves Way and Husenbeth Close may cause nuisance to local residents this would not result in a significant highway safety concern. With regard to parking on West End, the opportunity to park is managed via the existing 'on street' traffic management measures comprising of School Keep Clear (SKC) markings, double yellow lines, bus stop and H bar markings.
- 7.52 Whilst the Engineer accepts that the application will result in additional vehicular activity within the vicinity of the school it is not considered that this would substantiate a highway objection to the proposal, subject to imposition of a condition regarding review of the existing school travel plan, on any grant of planning permission. Given that the proposal is for an expansion of facilities at the school, this would seem to be a reasonable request.
- 7.53 As regards the request by local residents that, double yellow lines be applied throughout the estate (Cleves Way and Husenbeth Close) or that residents be issued with car parking permits, these matters have been referred to the Highway Authority. As regards double yellow lines, the local highway engineer has confirmed that double yellow line junction protection and bollards have been provided to address concerns of residents whilst, as regards the parking permit option, such schemes are restricted only to the Norwich City area.
- 7.54 Whilst it is acknowledged that the proposal will potentially give rise to local impacts in relation to additional traffic and pedestrian activity, at drop-off and pick-up times, given the above, it is considered that the additional movements can be safely accommodated on the highway network, without unacceptable impacts on residential amenity. Subject to compliance with a condition concerning review of the existing school travel plan (to encourage alternative sustainable modes of transport), it is considered that a case for refusal on grounds of conflict with the relevant Development Plan Policies and requirements of the NPPF would be difficult to substantiate.
- 7.55 **Sustainability**
- 7.56 Policies 1, 2 and 3 of the JCS and section 10 of the NPPF apply.
- 7.57 The proposed building incorporates a number of sustainability features including: high thermal efficiency construction; provision of a green roof which would assist in slowing surface water run-off rates; cladding of the exposed external walls with larch timber, (a renewable resource); use of natural light and ventilation; and low

flush/flow sanitary provision.

- 7.58 Given the nature, scale and orientation of the proposal, the proposed measures are considered sufficient to ensure compliance with the intent of the relevant planning policy and section 10 of the NPPF.
- 7.59 **Impact on Heritage Assets**
- 7.60 The Planning (Listed Buildings and Conservations Areas) Act 1990, JCS policy 2, South Norfolk Policies DM 1.4 and DM 4.10, and part 12 of the NPPF apply.
- 7.61 The application site is not located within or adjacent to any identified heritage asset. Old Costessey Conservation Area is located some 0.2km west of the application site, separated by residential development.
- 7.62 It is considered that the siting, scale, design and appearance of the proposed building are acceptable in the context of the existing school complex. The partial subterranean nature of the development and existing boundary treatment including established planting, allow for the successful integration of the development into the locality.
- 7.63 In terms of impacts beyond the immediate vicinity, being located to the rear of the existing school buildings results in the application site being largely concealed from wider public views.
- 7.64 Given the above, it is therefore considered that the proposed development would not have a detrimental impact on the character, appearance, setting or views into or out of the Conservation Area. It is therefore concluded, taking into account the above, that the impact on heritage assets would not be such as to be unacceptable in the context of the Planning (Listed Buildings and Conservations Areas) Act 1990, relevant planning policies and NPPF.
- 7.65 **Flood Risk / Surface and Foul water drainage**
- 7.66 JCS Policy 1, South Norfolk LP Policies DM 3.14 and DM 4.2, and Section 10 of the NPPF apply.
- 7.67 According to the Environment Agency flood map, the application site and wider school site are located within Flood Zone 1; therefore there is a low risk of tidal and fluvial flooding.
- 7.68 Non-residential educational establishments are identified as 'more vulnerable' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'more vulnerable' uses are appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.
- 7.69 The Lead Local Flood Authority (LLFA) have been consulted on the application and comment that, the CPA should satisfy itself that the application is compliant with: paragraph 103 of the NPPF, which requires that, when determining planning applications, LPAs should ensure flood risk is not increased elsewhere; and Written ministerial statement - HCWS161, which expects that decisions on planning applications relating to major development ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
- 7.70 The LLFA further advises that the applicant should also demonstrate how the proposal accords with national standards and relevant guidance. Planning Practice Guidance (Flood Risk and Coastal Change – what sort of sustainable drainage system should be considered?, paragraph 080), sets out that, the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable, with 'into the ground (infiltration)' at the top of the hierarchy.

- 7.71 As regards surface water run-off, the application proposes sustainable drainage systems in the form of natural infiltration into the green roof and direction from new hard paving to a new soakaway. Foul water would be directed to the existing mains sewer.
- 7.72 No response has been received from the consultation with Anglian Water.
- 7.73 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 7.74 **Airport Safeguarding**
- 7.75 The site is situated within the consultation area for Norwich International Airport (NIA). The proposal is not considered to be of a height or nature to impact upon NIA.
- 7.76 **Playing pitch provision**
- 7.77 South Norfolk LP DM Policy DM 3.15 relates to the provision of suitable open space and requires that, 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.
- 7.78 Section 8, paragraph 74 of the NPPF seeks to resist loss of existing playing fields, unless: it is demonstrated that there is surplus provision; the loss resulting from the proposal would be replaced by equivalent or better provision; or the development is for alternative sports/recreation provision, which outweighs the loss.
- 7.79 As detailed elsewhere in this report, Section 8, Paragraph 72 of the NPPF places great weight on the need to create, expand or alter schools, whilst similar principles are also set out in the DCLG Ministerial Policy Statement - planning for schools development (2011).
- 7.80 The impacts of the development on playing pitch provision were considered acceptable when permission was originally granted in 2014.
- 7.81 The application under consideration is accompanied by an Open Space Statement. The proposed development to the rear (south) of the existing school building partially extends onto the playing field to the south, and will affect a strip of sloping land lying between the playing field boundary and the recently approved multi-use games area (MUGA) to the south. The Statement concludes that, overall the proposal will have no detrimental impact on the amount of usable outdoor space.
- 7.82 Sport England has been consulted on the application under consideration and considers that, the proposal affects only land incapable of forming, or forming part of, a playing pitch, and does not result in loss of, or inability to make use of any playing pitch, a reduction in size of the playing area of any playing pitch or loss of, any other sporting facility on the site. As such, Sport England raises no objection.
- 7.83 The application site is capable of being a community facility by virtue of its use class: D1 *Non-residential institutions*. Whilst it is acknowledged that the proposal would result in loss of part of the school playing field/amenity grassland, this is balanced against the facts that the proposal affects only land incapable of forming a playing pitch and does not result in the loss of any sporting facility on the site and, the fact that no objection has been raised by statutory consultees. On balance, it is considered these are material considerations that outweigh the issue with South Norfolk LP DM Policy DM 3.15 and the proposal would not result in any substantial harm to provision of open space.

#### 7.84 **Environmental Impact Assessment**

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

#### 7.85 **Responses to the representations received**

7.86 The application was advertised by means of neighbour notification letters and site notice.

7.87 A number of objections/concerns were raised, which are summarised in the 'Consultations' section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.

#### 7.88 Long-term Strategy

As regards a local resident's reference to comments made by NCC Children's Services and the Assistant Director RC Diocese of East Anglia in relation to the long-term strategy for the school, given that this issue is outside the remit of the application under consideration, this issue does not constitute a material planning consideration. Every planning decision must be reached on the merits of the case. Were an application for additional expansion of the school to be submitted it would be considered in the context of the relevant development plan policies and material planning considerations, including highway issues: traffic generation, vehicular access and highway safety and, layout and density of building: design, visual appearance and finished materials etc.

#### 7.89 Property value

Concern has been expressed by a local resident in relation to depreciation of property value, however, devaluation of property is not a material planning consideration.

#### 7.90 School Admissions Policy

As regards a local resident's suggestion that the school's admission policy be changed so as to admit local non-Catholic children over children who have to travel miles to the school, the applicant's agent has confirmed that the school has no defined catchment area and places are allocated on a criteria-based policy. This issue does not constitute a material planning consideration.

#### 7.91 Intentional Unauthorised Development

The application under consideration is a Section 73A application, which seeks retrospective planning permission for development carried out without planning permission. It is not a criminal offence to carry out development without planning permission, but obviously it is not good practice.

7.92 Concern is raised by local residents in relation to the retrospective nature of the application and it is requested that the development should be refused and enforcement action taken.

7.93 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received from 31 August 2015. In making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this instance, the development has taken place on a site outside a defined Green Belt.

- 7.94 As regards enforcement action, paragraph 207 of the NPPF sets out that, enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 7.95 Planning Practice Guidance (PPG) requires that enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. PPG recognises that, where the balance of public interest lies will vary from case to case, and sets out that, in deciding what is the most appropriate way forward, LPA's should usually avoid taking formal enforcement action where:
- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
  - development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
  - in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.
- 7.96 PPG further sets out that, in circumstances where the local planning authority consider that a retrospective planning application (under Section 73A of the Town and Country Planning Act 1990) is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay.
- 7.97 As regards this authority's enforcement position, development has been undertaken:
1. without discharge of pre-commencement conditions relating to submission of details of materials; noise and dust management for excavation and construction works; construction traffic management; and wheel cleaning facilities for construction vehicles, and
  2. the actual design of the class block is not fully in accordance with the approved drawings.
- 7.98 Given the above, rather than formal enforcement action, in this instance it was considered that a retrospective application would be the appropriate way forward to regularise the situation.
- 7.99 Whilst not raising objection, Costessey Town Council has sought an explanation as to why this development is subject of a retrospective application. The circumstances leading up to this application are detailed in the Proposal section of this report, and this information has been forwarded to the Town Council.
- 7.100 One local resident comments that the CPA should show why the application is retrospective. Comparison of the details submitted in support of the application under consideration with the original application, which can be viewed on this authority's website, illustrates the essential differences between the two applications.
- 7.101 As regards concerns raised that, the County Council was unaware of the development that was being carried out, as detailed in the Proposals section of this report, the site was subject of a number of inspections during the construction phase of the development by this authority's Monitoring and Control Officer.
- 7.102 As regards the request by local residents that, the development should be refused and enforcement action should be taken unless the parking (referenced on the school's website) is used, as detailed elsewhere in this report, no objection is raised by the Highway Authority, subject to review of the school travel plan.

7.103 It is regrettable that the application is of a retrospective nature. Whilst intentional unauthorised development is a material consideration, in this instance it is not considered that the retrospective nature of the application would represent a ground for refusal of planning permission for this development and very little weight is given to this in the planning balance.

7.104 **The Community Infrastructure Levy**

7.105 The development is CIL liable.

## 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 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.

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

- 12.1 Retrospective planning permission is sought for the expansion of the school, in the form of a new, single-storey class block comprising three classrooms, activity area and associated WC facilities.
- 12.2 The County Council has a statutory duty to provide sufficient school place provision. The applicant has justified the need for the expansion of the existing school to deliver additional school places in response to a rise in pupil numbers predominantly from new housing provision in the area.
- 12.3 The application site lies wholly within the settlement boundary and sufficient distance from adjacent property.
- 12.4 Whilst it is acknowledged that the proposal will potentially result in increased vehicular and pedestrian activity during drop-off and pick-up times, it is considered that, subject to review of the existing travel plan, the proposed development would not have a detrimental impact on highway safety or the wider network. No objection is raised by the Highway Authority, subject to imposition of an appropriately worded condition on any grant of planning permission.
- 12.5 Whilst it is acknowledged that the proposal will result in the partial loss of the school playing field, this is balanced against the facts that the proposal affects only land incapable of forming a playing pitch and does not result in the loss of any sporting facility on the site and, the fact that no objection has been raised in relation to this matter by statutory consultees.
- 12.6 No statutory consultee has raised any objections, subject to the imposition of an appropriately worded condition on any grant of planning permission.
- 12.7 The proposal would provide three additional class bases at the school, thereby increasing the opportunity for education in this area. In the context of paragraph 72 of the NPPF and the 2011 Ministerial Policy Statement on planning for schools development, this constitutes a significant benefit that carries great weight.
- 12.8 For the reasons detailed in this report, 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.

## **13. Conditions**

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

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

- 13.2 Within three months of the date of this permission a review of the existing school travel plan shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority as

part of an annual review.

**Reason:**

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with paragraph 36 of the National Planning Policy Framework (2012).

## **Background Papers**

Appendix 1: Costessey Location Plan

Appendix 2: Costessey Site Plan

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

[http://www.south-norfolk.gov.uk/sites/default/files/JCS\\_Adopted\\_Version\\_Jan\\_2014.pdf](http://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf)

South Norfolk Local Plan Development Management Policies Document (2015)

[http://www.south-norfolk.gov.uk/sites/default/files/Development\\_Management\\_Policies\\_Document\\_0.pdf](http://www.south-norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf)

The National Planning Policy Framework (NPPF) (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Planning Practice Guidance (2014)

<http://planningguidance.communities.gov.uk/blog/guidance/>

Government's Ministerial Statement on Intentional Unauthorized Development

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-12-17/HLWS404/>

Department for Communities and Local Government (DCLG) Ministerial Policy Statement - *planning for schools development* (2011)

<https://www.gov.uk/government/publications/planning-for-schools-development-statement>

## **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.