

AGENDA ITEM NO: 8/3(d)

Parish:	Gayton	
Proposal:	County Matters Application: 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	
Location:	Land S of Back Street N of the Drain And E of Winch Road Gayton Norfolk	
Applicant:	Executive Director of Children's Services	
Case No:	17/01547/CM (County Matter Application)	
Case Officer:	Mr C Fry	Date for Determination: 7 September 2017

Reason for Referral to Planning Committee – The application is of wider public interest.

Case Summary

The application proposes a new primary school and nursery school on Back Lane at Gayton and is made by Norfolk County Council as the Local Education Authority. The application is to be determined by Norfolk County Council and the Borough Council is a consultee.

The application relates to a 1.6ha site on the southern side of Back Street, Gayton at the junction with Winch Road. The site is part of a field in agricultural use with more fields to the south and east. Residential development lies to the north on Gayton Road and to the west on the opposite side of Winch Road.

Members might recall a County Matter application for a 210 place primary school building which the Committee Objected to in July 2016 (16/008867/CM). The County Matter application Y/2/2016/2005 was withdrawn prior to its determination.

Key Issues

Main issues:-

Principle of development;
Form and character;
Flood risk & drainage; and
Traffic and transport.

Recommendation

The Council raises a **HOLDING OBJECTION** until such time as matters relating to flood risk and transport are addressed.

THE APPLICATION

The application is made by Norfolk County Council for construction of a new primary school at Gayton. The County Council is also the determining authority with the Borough Council a consultee.

The application relates to a 1.6ha site on the southern side of Back Street, Gayton at the junction with Winch Road. The site is part of a field in agricultural use with more fields to the south and east. Residential development lies to the north on Gayton Road and to the west on the opposite side of Winch Road.

The application proposes a 210 place primary school in a single building located along the northern edge of the site and 52 place Nursery School in a single building towards the southern boundary of the site. Vehicular access would be off Winch Road with a pedestrian access off Back Street. Parking is provided within the site for 25 cars plus 2 disabled spaces. A 2.0m wide footway is proposed across the northern edge of the site with dropped kerbs to allow people to cross Back Street and get to the existing footway on the opposite side. Other off-site improvements include a new footway link near Manor Farm on Back Street.

Play space is provided towards the eastern boundary of the site adjacent to the primary school building. A sports pitch with running track is to the south of the school building and a hard surface area to the east of the proposed nursery school.

The primary school and nursery school buildings are single storey with pitched roofs. The school buildings will be constructed from buff brick and dark grey slate tile. The primary school building is the tallest building with an eaves height of 5m and a ridge height of 12m.

The nursery school building has an eaves height of around 3.5m and a ridge height of around 9m.

SUPPORTING CASE

The application, which is made to Norfolk County Council, is accompanied by a range of documents as follows:-

- Planning Statement;
- Ecological Survey
- Construction Management Plan
- River Modelling Report
- Noise Assessment
- Surface Water Drainage Strategy
- Arboricultural Impact Assessment
- Archaeological Evaluation
- Bat Survey
- Flood Risk Assessment
- Design and Access Statement
- Ground Investigation Report
- Highway Improvement drawings
- Landscape Visual Impact Assessment
- Original Ecological Survey
- Plant Noise Assessment
- School Travel Plan

- Transport Statement

The Planning Statement advises that the County Council's Children's Services department has identified a need for a new primary school within Gayton to replace the existing school. The existing Godlings Nursery provision is also to be moved to the new site. The new school will have a capacity of 210 spaces and the nursery school 52 spaces.

The Planning Statement goes on to describe the search for new sites stating that the application site was the most suitable site for the size of school required notwithstanding that it is outside the settlement boundary.

The Statement concludes that "The proposed primary school and nursery is of an attractive appearance which has been sensitively designed to avoid any unacceptable impact upon the site, surroundings and residential amenity of neighbouring properties. It is located in a sustainable location without any impact on any acknowledged heritage asset or site specific constraints, and will therefore help maintain and strengthen educational provision within the village of Gayton and the surrounding catchment area, in accordance with the central Government advice, NPPF advice and relevant Development Plan policies".

PLANNING HISTORY

None relevant.

RESPONSE TO CONSULTATION

The application is made to Norfolk County Council with the Borough Council as a consultee. Norfolk County Council has carried out a full consultation on the proposals.

REPRESENTATIONS

As a consultee the Borough Council as Local Planning Authority has not carried out neighbour consultation of its own. However, two comments have been made to the LPA raising the following issues:-

- Width of road – particularly when road narrows at sunshine cottage
- has the development taken into account the manor farm development
- Can other junctions in the vicinity of the site be improved.
- The borough council has to pick up the pieces and put right what has been decided at a higher level.
- The site is in the wrong location, poor excuses given for better sites in the village, it's on one of the main routes into the village 60mph to 30mph and the rat run which is Back Street.
- On the category 2 and 3 flood plain until officially approved and updated on the EA map.
- Highway Safety/ Traffic generation – chaotic situation with parents, children, bikes, toddlers and prams trying to cross to the south side of the road with cars weaving in and out.
- The siting of the school is too close to a drainage dyke, which will restrict its maintenance.
- The children will have to cross the road as a whole group for services at the Church.
- Sewerage issues on Back Street.

- Disturb local residents from 0745hrs to 1815hrs due to the Nursery opening times with extended hours for clubs and events 2200hrs including weekends.
- Parking at the current school has x 2 car parks and four sides streets/locations, two of which you don't need to cross the road to enter the site.
- Not enough parking
- The school would appear visually prominent within the street scene and detrimental to the amenity of the area, especially the height of the building
- The school building will have 2m by 16m steel gates which would be visually out of keeping.
- Crop spraying on adjacent fields could cause the children to become ill
- Light pollution
- Incorrect calculation of pupil concentration
- Public health issues in terms of waste
- Enough money has been wasted trying to make this site viable, £4.5m to £5.5m already will rise further.
- Surely it would make more sense to use the site directly behind the current school site, at present is in appeal for 50 houses. This could have been used 2 years ago.

These comments will be passed on to Norfolk County Council for their consideration.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main issues raised by this application are:-

- Planning History and Principle of development;
- Form and character;
- Flood risk & drainage; and
- Traffic & transport.
- Other Material Considerations

Planning History and principle of development

Last year a County Matter Application was received for 210 place pupil primary school, 16/00867/CM (County Matter app no. y/2/2016/2005). This application was put before the Planning Committee, with a recommendation to put forward a holding objection based on flood risk, highways and materials used in the construction of the building. The Committee agreed with the Officer recommendation however the application was withdrawn.

This application is a re-submission of that particular application but now includes a 52 place nursery school building.

The spatial strategy for development in the Borough is set out in CS01 of the Core Strategy and is intended to direct development to the most sustainable location. Regarding rural areas (including Gayton and the surrounding area) the strategy includes focussing most new development 'within or adjacent to' Key Rural Service Centres (KRSCs).

KRSCs are identified in policy CS02 and include the combined villages of Grimston, Pott Row and Gayton. CS02 goes on to say that limited growth of a scale and nature appropriate to secure the sustainability of each KRSC will be supported 'within' the development limits of the settlement in accordance with policy CS06.

CS06 describes the strategy for development in the rural areas, including promoting sustainable communities and sustainable patterns of development. The policy states that beyond village boundaries, the strategy will be to protect the countryside for its intrinsic character and beauty and that development of green field sites will be resisted 'unless essential for agricultural or forestry needs'.

Policy CS13 refers to community and culture and supports the creation of sustainable communities through the provision of community infrastructure. The policy recognises the importance of community facilities and services in improving peoples' quality of life, reducing inequality and improving social cohesion.

The Site Specific Allocations and Development Management Policies Development Plan Document (SSADMP DPD) is a material consideration in considering this application. Policy DM2 refers to development boundaries and to what kind of development may be acceptable outside these boundaries. The policy refers to community facilities and development that could support community facilities, as supported by CS13.

Form and character

The site is on the edge of Gayton but with residential developments to the north and to the west. The development to the north is a mix of 1990s estate-style houses and bungalows with a strong building line. To the west, the houses are more mixed in style with some older properties as well as newer in-fill. The plots are generally larger than those to the north of the site with larger, undeveloped gaps in between.

The southern, northern and eastern site boundaries are open with low hedges and some individual trees. The eastern boundary is also open as the site occupies only half of the agricultural field. The western boundary of the field is marked by substantial tree planting.

The Design and Access Statement describes that the proposed design and layout of the building has been carefully considered to respect the rural location of the site, the edge of settlement position, overall character and appearance of the area.

The predominant materials will be buff brick and grey slate tiles. The latter will be used on the roofs of the 'barns' but also hung on parts of the walls of the buildings. The DAS states that the walls 'will be brickwork to match the existing school building and the roofs will be slate to make reference to the legacy of education in the village'. Justification for the design has been based on the materials used in the current school building and used at Gayton Hall and a number of historic buildings.

Members may wish to consider the design approach adopted in the DAS and the supplementary appendix; first of all whilst the scale of the buildings is similar to a large barn, the materials to be used in the proposed school building would be at contrast to the predominant palette of materials in the locality, that being red brick and pantile. The existing school building is not seen in context with this proposed school and nursery building. The height of the main school building at 11.3m in height and the use of dark tile on the roof and at first floor level would make the building prominent.

Flood Risk & Drainage

The application site is accompanied by a Flood Risk Assessment (FRA) that identifies it as being in Flood Zone 3 and consequently at high risk of flooding from surface water. The proposed school is classed as a 'More Vulnerable' use under national policy in the Planning Practice Guidance (PPG); the same document states that for such development to be acceptable in Flood Zone 3 the Exception Test must be passed.

NCC will need to analyse the sequential test information that accompanies the application before applying the exception test, sufficient information to demonstrate that there are no suitable alternative sites at lower risk of flooding, i.e. the Sequential Test should be applied.

Appendix A – provides the sequential test information, identifying 12 sites in Gayton that could accommodate the scale of the proposal. With the exception of this site the 11 other sites are not considered to be sequentially preferable as they either benefit from permission for residential development, have access issues, there is a loss of the open land causing visual amenity issues, they are adjacent to listed buildings or have been submitted for residential allocation. It is Norfolk County Council who would need to determine whether the information is acceptable and the sequential test has been subsequently passed.

In order to pass the exception test, NCC will need to consider whether the proposal meets the two provisions outlined in paragraph 102 of the NPPF:-

- It must be demonstrated the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared.
- A site-specific flood risk assessment must demonstrate the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this regard, the proposal could be said the benefits to the community outweigh the flood risk, and the SSFRA at present has failed to provide that the development will be safe for its

lifetime. The Emergency Planner has recommended use of the Environment Agency flood warning system, the installation of services at high levels to avoid the impacts of the flooding, and a flooding evacuation plan covering evacuation procedures and routes. This could be conditioned however at present fundamentally the SSFRA has not met the second provision of paragraph 102 of the NPPF.

At the time of writing this report, the Environment Agency has not objected to the proposal, but the LLFA have.

The EA have no objection to the modelling used in the SSFA which effectively puts the site in flood zone 1 but the LLFA have stated that the Site Specific Flood Risk Assessment has not been updated to include the results of the modelling and is out of date, not taking into account model reports and subsequent proposal of any mitigation/management be provided. Whilst it is NCCs to determine whether the proposal passes the sequential test, the LLFA considered that the other sites outlined in the sequential test would be preferable in terms of flood risk.

In regards surface water drainage the LLFA make 3 key points

1. Acceptance of fluvial flood risk; and management of the resulting risk i.e. Use the flood resistant construction materials and methods to ensure that water does not enter
2. Clarification of construction levels (including ground profiling) and the resulting impact on flood risk on and off-site.
3. Confirmation from Kings Lynn IDB that the connection at Back Lane culvert at 5l/s (in all return periods) and with a corresponding increase in volume of 385m³ in the 6 hour 1:100 year critical rainfall event is acceptable in principle and that an application has been submitted to the board for their satisfaction.

As it stands, the proposal is contrary to national planning policy on flood risk as expressed in the National Planning Policy Framework (NPPF).

It is proposed to connect the school to the existing foul drainage system. At the time of writing this report, there has been no comment made from Anglian Water. In regards to the previous application, there was no objection from Anglian Water (AW) to the primary school but they referred to the amount of development that had permission in Gayton and state that capacity cannot be reserved for a specific development within the system. Whilst AW advised that there is capacity for the school as a stand-alone development, additional capacity may be required if other consented developments come through first. Since that particular application was withdrawn if permission is granted, a condition to secure details of the foul drainage system should be attached, which should include any necessary improvements to the off-site sewage system.

Traffic & Transport

The application is accompanied by a Transport Statement and a Travel Plan.

The application proposes a 2.0m wide footpath across the site's northern boundary with dropped kerbs at the eastern and western end to allow people to cross to the existing footpath on Back Street. In addition, it is also proposed to provide a new stretch of footpath on the northern side of Back Street to fill in the gap to the east of the site between Birch Road and Lavender Cottages further east. It is also proposed to narrow the carriageway to a

consistent 4.8m wide to provide a speed reducing feature along with new signage for the length of the new footpath.

At the time of writing this report there is no consultation response from Norfolk County Council highways to indicate whether or not this is acceptable. However, the new Transport Assessment does not refer to traffic generated by the 18 Houses along Back Lane (permitted under reference no. 16/00947/FM). However the Transport Assessment has taken into account, unlike the previous application the 40 dwellings permitted at Manor Farm and the offsite highway improvement works in association with that development, namely a 1.8m wide footpath provided in front of Manor Farm, whereas before the previous application proposed narrowing of Back Street.

Other Material Considerations

The application was accompanied by a phase 1 protected species report that outlines that any tree or hedgerow removal would need to take place outside of bird nesting season which runs from 1st March to 31st August.

In terms of bats, it was concluded that no further surveys are required.

1 group of sycamore category C trees (low quality) will be removed to create vehicular access onto Winch Road and 1 category B (moderate quality) Oak tree to create the pedestrian access to the school from Back Lane.

The Arboricultural Officer's comments will be reported in late correspondence.

CONCLUSION

Development Plan policies support the provision of community facilities outside settlement boundaries subject to the particular site, being acceptable in all other respects. The outstanding objections on flood risk and the failure to take into account committed development which has not been mentioned in the transport assessment indicate that the applicant has not satisfactorily addressed these site-specific issues. Members may wish to inform the applicant that they should also be encouraged to investigate the use of an alternative pallet of materials that better reflect the context in which the site is contained.

RECOMMENDATION:

OBJECTION