

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>County Matters Application: New 420 pupil primary school and associated external works and a stand alone 56 place nursery building</b>	
<b>Location:</b>	<b>Land To The North of Greenpark Avenue &amp; The East of Columbia Way King's Lynn</b>	
<b>Applicant:</b>	<b>Norfolk County Council</b>	
<b>Case No:</b>	<b>18/00562/CM (County Matter Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 23 April 2018</b>

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

**Neighbourhood Plan:** No

### **Case Summary**

The application is a County Matters application for the change of use of open space to school / nursery use, the erection of new 420 place pupil primary school and 56 place nursery, external works to include, hard/soft play areas, sports pitch provision, car parking provision and associated works.

The site is on the northern side of Greenpark Avenue, set behind the Lynnsport residential development which is currently under construction (site for development of up to 89 dwellings, lpa ref. 16/01327/FM). To the west are properties and garages accessed from Columbia Way, to the east is open space and playing fields associated with Lynnsport and to the north are allotments.

The land is currently within the ownership of the Borough Council although the application has been made by Norfolk County Council. The site has recently been cleared of undergrowth and now comprises a mix of green field, children's play equipment and some trees. Existing drainage watercourses cross the site.

The Borough Council is not the Determining Authority, but because the development would occur in the borough, it is a Statutory Consultee.

### **Key Issues**

- Principle of development;
- Form and character;
- Flood risk;
- Traffic & transport;
- Neighbour Amenity;
- Ecology; and
- Other Material Considerations

## **Recommendation**

### **NO OBJECTION SUBJECT TO THE IMPOSITION OF SUITABLE CONDITIONS**

## **THE APPLICATION**

The site is located to the North-East of Kings Lynn, adjacent to the existing Lynnsport sports facility. The key main roads include Green Park Avenue to the south and Columbia Way to the west.

The need for new primary school provision in the north western part of the town comes from continuing demand for school places, local re-organisation and the increase in demand that will result from planned development in the town.

The site is an undeveloped green field which has recently been cleared of undergrowth. It comprises an open grass area with children's play equipment and some trees. Existing drainage watercourses cross the site.

The Western boundary adjoins rear gardens and garage blocks to generally two storey housing on Columbia Way with pedestrian access through the garage courts. There are allotments to the North, playing fields to the East, and an area designated for new housing development to the South through which a new access is proposed off Greenpark Avenue.

The site forms part of a much larger area of land centrally in the town, part of which is the Lynn Sport complex. In total the 'undeveloped area' of sport, recreation, allotment areas, open space and heavily vegetated land covers an area of approximately 55 ha.

The proposed development will provide a new 2FE (2 forms of entry) primary school as well as a 56 place nursery. 1 Form of Entry (FE) equals 30 places per year group. Primary schools typically have 7 year groups from reception through to year 6; therefore a 1FE school has  $30 \times 7 = 210$  pupils. This proposed school has 2FE i.e. double.

The proposed two storey school building and the nursery building are shown to be constructed of grey facing brick and white render panelling. A mixture of hard and soft sports pitches are proposed within the site for football, mini-soccer and rounders, as well as a 100m long running track. Informal grassed areas and habitat areas are also proposed.

Vehicular access will be via a spur road formed off Green Park Avenue and through the new housing development. It will consist of a 6m wide road and 3m cycle/pedestrian path. A pedestrian gate is also provided to the south west corner from Columbia Way to the nursery and the school site beyond. A footpath will be provided around the northern perimeter of the school site providing a pedestrian link from Columbia Way to Lynnsport.

The school includes 68 staff parking spaces (including 3 disabled spaces), 56 cycle parking spaces and 20 scooters parking spaces. The school would also secure Park & Stride facilities within the existing Lynnsport Leisure Centre which will serve as additional drop off area during the school drop off hours.

## **SUPPORTING CASE**

The application has been supported by a raft of documents including a Planning Statement, Design and Access Statement, Travel Plan, Traffic Management Plan, Flood Risk Assessment, Drainage layout, Ecology Report & Management Plan, Noise Statement, Parking Statement, Arboricultural Impact Assessment, Sustainability Statement, Lighting Details & Archaeological desk based assessment.

The Planning Statement advises that at present Primary School provision in the north western part of the town is provided from St Edmunds Academy located off Kilhams Way to the north west of Edward Benefer Way. It currently has some 204 pupils on roll at May 2017. In view of the continuing demand for school places, local reorganisation and the increase demand that will result from planned development the current facilities are inadequate. Therefore, a new school is required to cater for the needs of the area.

To accommodate this growth, Norfolk County Council has identified the need for a site of at least 2.045ha to accommodate initially a two form entry school and separate nursery (but with scope to expand to three form entry for up to 630 pupils).

NPS, on behalf of NCC, has undertaken a site search to identify potential sites in the north west part of the town to accommodate the new school. A School Site Search Report (Assessment of Potential Sites for Primary School) outlines the systematic exercise undertaken to identify a site to meets the clients need. It concludes that using part of a 3.55ha site to the east of Columbia Way and north of Greenpark Avenue represents the most suitable site to accommodate the new school.

## **PLANNING HISTORY**

2/92/1503/SU: Application Permitted: 04/06/92 - Site for residential development - Land Off Greenpark Avenue

## **RESPONSE TO CONSULTATION**

**Parish Council: N/A**

**Environmental Health & Housing – Environmental Quality:** Contaminated Land – **NO OBJECTION CONDITIONALLY** re: measures to deal with contaminated land; Air Quality – **NO OBJECTION CONDITIONALLY** re: implementation of the travel plan

**Arboricultural Officer: NO OBJECTION**

**Environmental Health & Housing – CSNN: NO OBJECTION CONDITIONALLY** re: surface water drainage, foul water drainage, external lighting, mechanical equipment, construction management plan plus informatives re: Environmental Protection Act 1990, Noise Dust and Smoke from Clearing and Construction Work and Culverting/Filling Ditches

**Cadent Gas Ltd: – NO OBJECTION** – recommend informative be added re: gas apparatus within the application site boundary

## **REPRESENTATIONS**

Not applicable

## **LDF CORE STRATEGY POLICIES**

Planning Committee  
8 May 2018

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**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

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM21** - Sites in Areas of Flood Risk

**DM22** - Protection of Local Open Space

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

## **PLANNING CONSIDERATIONS**

The main issues raised by this application are:-

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

- Neighbour Amenity;
- Ecology; and
- Other Material Considerations

### **Principle of development**

The site is in North Lynn, within the town of King's Lynn which is a sub-regional centre within the settlement hierarchy. Accordingly the Council will promote the regeneration of the town and focus major growth within and around the town to deliver the services and facilities necessary for a sub-regional centre.

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. Policy CS01 refers specifically to the strategy to improve facilities for all to services, including education. Within King's Lynn one of the key strategy points is to establish a strong educational base.

Policy CS03 reinforces the town as the main centre for the Borough and, subject to a development being in accordance with other policies in the plan, supports schemes of renewal or replacement that positively contribute to the regeneration of the town.

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.

Policy DM9 encourages the provision of new community facilities, particularly in areas with poor levels of provision and in areas of major growth.

Policy DM22 relates to the protection of open space and resists any proposals that will result in the loss of access to locally important areas of open space unless offset by replacement provision or the wider benefits of allowing the development to proceed outweigh the value of the site as an area of open space.

The NPPF states (at paragraph 72) that: 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

The site currently forms an area of green space with a play area, trees and shrubs. The overgrown part of the site has limited accessibility for public use. The site does not form part of the more formal playing pitches in the area associated with Lynnsport but does offer community facilities through the provision of the children's play area. There are a number of ditches that cross the site.

The site is owned by the Borough Council and negotiations with the applicant have been ongoing.

The proposed development would result in the loss of the children's play area. However, this play area was outdated and had already been agreed to be removed, replaced and

relocated as part of the residential development schemes agreed through previous planning applications. A NEAP (Neighbourhood Equipped Area of Play) has recently been provided on nearby land which has recently been opened.

However, the need for a new primary school site is recognised and the use of this site for a new school and nursery would bring new community facilities. The principle of this use on this site is supported in planning policy terms.

### **Form and character**

The site is on the northern side of Greenpark Avenue. The proposed school would be set to the north of the housing development currently underway at Lynnsport, so the site has no street frontage. A link road would be provided for vehicular access through the residential development from Greenpark Avenue. Pedestrian access to the site would also be provided from the west via Columbia Way.

There is existing open space and allotments to the east and north of the site. Views of the site will therefore be visible across the playing fields from longer distances; however the buildings would be seen against the backdrop of dwellings along Greenpark Avenue and Columbia Way.

The Design and Access Statement states that the school building façade will be clad with grey facing brick and white render. Standalone external canopies are provided to the reception classroom, which will be powder coated to match the aluminium work of the glazing systems. The materials used at the nursery building will be similar to the main school, with grey facing brick, coloured render panels, and powder coated aluminium windows and doors. The building includes a standing seam metal pitched roof, and a stand-alone external canopy to provide a covered play areas at the rear for nursery. Both buildings will include a solid entrance canopy.

At no more than two storeys high the proposed buildings will not be unduly conspicuous in their setting and should be in keeping with surrounding development. They will be visible across the playing fields, but will not be isolated and will be seen against a backdrop of existing development.

### **Flood Risk**

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.

The Flood Risk Assessment confirms that the applicant has authored a School Site Search Report for the assessment of potential sites for the development of a new primary school to serve the North Lynn area. The report considered a number of County Council and Borough Council sites. All of the sites considered fall within a defended Flood Zone 3. The report concluded that this site best satisfies the requirements of the exception test in that it provides wider sustainability benefits to the community and can demonstrate that the development is safe for its lifetime taking into account the vulnerability of its users.

The FRA confirms that the school will sign up to the Environment Agency flood warning system and will provide a flood evacuation plan covering evacuation procedures and routes. Also finished floor levels will be set at 4m AOD and all external hard standing areas will be designed to fall away from the properties. These measures could be secured through planning condition.

The District Emergency Planning Officer raises no objection to the proposal subject to the signing up to the Environment Agency flood warning system, the installation of services at high levels to avoid the impacts of flooding, the installation of appropriate flood resilience measures and a flood evacuation plan.

## **Traffic & Transport**

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

Primary vehicular and pedestrian access to the site will be along the southern boundary via the proposed adjacent housing development. It is proposed that the highway arrangement associated with the new housing be extended into the school site in the form of a roundabout. Secondary maintenance only access gates will be provided along each of the other boundaries. On the western boundary access will be provided adjacent to the proposed nursery building between residential properties off Columbia Way.

Leading from the proposed roundabout, vehicular access will be facilitated by a two gate ('in' and 'out') and intercom system. This will provide a single point of access and egress for all vehicles coming into or leaving the site. An internal access road will lead through a shared nursery and school car park, including a demarcated loading bay and secure refuse and recycling storage, which will be located adjacent to the school kitchen.

An emergency vehicle access route is provided along the eastern elevation of the school building. This will be facilitated by appropriately located drop kerbs and gates to ensure adequate fire tender access to the exterior of the school building in accordance with Building Regulations.

A second, emergency only access route is provided to the nursery building accessed from the entrance roundabout. This will be achieved by passing across the primary pedestrian access and proceeding along the 4m wide paved route to the nursery building, situated along the southern portion of the site.

Pedestrian access to both the nursery and main school building will be via a broad pedestrian entrance route leading centrally from the entrance roundabout.

Vehicular access and car parking has been developed in accordance with the current standards for Norfolk. The space allocated for servicing and deliveries is intended to be flexible enough to accommodate occasional drop off and collection, however general pupil drop off and collection will not be provided for within the school site. The proposed development site is positioned in a sustainable location and the Transport Statement demonstrates that it is readily accessible by walking, cycling and public transport.

Further the Transport Statement refers that in order to support the school's operation and limit the level of drop-off and pick-up at the turning circle near the school, it is proposed to use the Lynnsport Leisure Centre car park to provide some structured drop-off and pick-up facilities. This will be accommodated within the existing leisure centre car park operation and will form a Park & Stride facility located within 5 minutes walking distance (400m) from the site.

The Transport Statement states that the school is committed to proactively increasing the numbers of pupils walking or cycling to the school and a Travel Plan has been developed for the school which sets out further measures that will be carried out by the school to establish this mode shift.

This is in line with national and local planning policy which seeks to reduce the need to travel. In particular Policy CS11 requires development proposals to demonstrate they have been designed to promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development. In order of preference this should consider walking, cycling and public transport.

The NPPF identifies that "Development should only be prevented or refused on transport ground where the residual cumulative impacts of development are severe". From the information provided it has been demonstrated that the travel demand of the proposed development will not represent a severe transport impact and there are no significant issues raised from a traffic and transport perspective.

### **Neighbour Amenity**

The proposed site adjoins existing residential development to the west and residential properties currently under construction to the south. The proposed school and nursery buildings are sited well into the site and separated from the properties to the west by the rows of garages which sit adjacent to the western site boundary. To the south the buildings are separated by open space or the staff car park area.

The relationship between the buildings as proposed and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and whether the buildings are overbearing.

Given the distances between the existing and proposed buildings it is not considered there will be a significantly detrimental impact upon the amenity of the adjoining properties in terms of overlooking, being overshadowed or the buildings being over bearing, as a result of this proposal.

The use of the site will generate a degree of noise and disturbance from day to day activity, play times and outdoor activities as well as equipment within the buildings for mechanical and kitchen ventilation. However, these would not be excessive in level or duration. A school use is generally considered to be compatible with existing residential uses and will not raise such significant amenity issues to warrant the refusal of planning permission.

A Noise Statement relating to the equipment to be used within the building has been submitted.

CSNN raise no objection to the proposal subject to appropriate planning conditions relating to the surface water drainage to be installed and maintained as per the 'SuDS & Surface Water Drainage Management Plan' and drawing no 3157.100 Rev P7; the foul water drainage to be installed as per drawing no 3157.100 Rev P7; the external lighting to be installed and maintained as per drawing no NPS-DR-E-(60)-008 Rev P1 and the 'Lighting Assessment Report' document dated 24/08/2017; compliance with the 'Noise Statement' prepared by NPS Property Consultants Ltd, dated August 2017, in terms of the mechanical equipment to be installed.

Some additional control will be required during the construction phase and therefore, whilst some elements have been addressed in the 'Construction Site Traffic Management Plan'

Planning Committee  
8 May 2018



dated November 2017, in the absence of a specific Construction Management Plan CSNN recommend an additional condition to secure these controls.

## **Ecology**

The application was accompanied by an Extended Phase 1 Habitat Survey of the site, a great crested newt (GCN) survey of two nearby ponds, a reptile survey, a nesting bird survey and a desk study by Wild Frontier Ecology Ltd.

The Phase 1 habitat survey found the proposed development site to be a mixture of habitats with extensive areas of dense scrub dominated by hawthorn, blackthorn and bramble and stands of stinging nettle, as well as areas of amenity grassland and poor semi-improved grassland and both wet and dry ditches.

The desk study found there to be no statutory designated sites within 2km of the site. Two County Wildlife Sites are within 2km (1.9 and 1.7km) of the study area but at this range there is no realistic potential for these sites to be impacted by the proposed development.

The GCN survey (using eDNA analysis) found the species to be absent from both suitable ponds within 250m of the development site. The reptile survey found no reptiles to be present within the areas of poor semi-improved grassland on site.

A nesting bird survey conducted prior to the vegetation clearance of the site located several birds, although no active nests were found. Scrub clearance works were however delayed until after the bird nesting season had finished (March 1st to August 31st).

The Ecology Report considered that the clearance of the major part of the area of dense mixed scrub would lead to negative impacts as this habitat is scarce within the context of the local area and will lead to the loss of nesting habitat for an array of widespread bird species, as well as habitat for range of small mammals and invertebrates.

Given these expected impacts, a Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP) are required to address impacts during construction and potential long-term impacts once the school buildings are built and in-use.

A LEMP has been submitted which proposes management of this area to create suitable habitat for nesting birds, and foraging birds and bats by creating an area of mixed scrub. It is recommended that the management objectives and prescriptions identified in this report are delivered by imposing appropriately worded planning conditions.

## **Other Material Considerations**

**Loss of Local Open Space:** Policy DM22 relates to the protection of open space and resists any proposals that will result in the loss of access to locally important areas of open space unless offset by replacement provision or the wider benefits of allowing the development to proceed outweigh the value of the site as an area of open space.

In this case part of the site has historically been unusable due to it being overgrown. The play area was of some age and children's play equipment has been renewed and incorporated into the local area as part of the new housing development schemes for Lynnsport. This part of King's Lynn site is well catered for in terms of open space, playing fields and play equipment in the vicinity.

A footpath link from Columbia Way through to Lynnsport has been incorporated into the scheme and is shown to provide a pedestrian link around the northern site boundary.

The proposal will provide wider public benefits to the community which will outweigh any loss of this open space.

Accordingly there is no conflict with the aims of this policy.

**Contaminated Land:** The submitted Ground Investigation Report produced by Hamson Barron Smith, reference 23-14-17-1-1002/GIR1, dated 8th March 2018 recorded elevated levels of contamination on site and elevated levels of ground gas. The ground gasses were monitored on one occasion. Therefore further assessment will be required to characterise the ground gas regime on the site. A remediation scheme may be required to make the site suitable for the proposed use. This should be documented and submitted for approval.

In line with the requirements of NPPF and to ensure that, following remediation, the land will not be capable of being determined as Contaminated Land as defined in Part 2A EPA 1990, the Environmental Quality Team raises no objection to the proposal subject to the imposition of appropriate conditions relating to the above.

**Air Quality:** As referred to above, the application includes a transport assessment and travel plan. This application will replace the St Edmunds School (204 pupils) with a new school of up to 476 pupils. The travel plan predicts that there will be 99 drop-off/pick-up trips by car associated with the new school daily in the peak hours.

The travel plan objective is to "Seek to minimise the number of car journeys made to the site, to promote travel by the more sustainable modes of transport, and to manage the overall transport impacts of the development."

The plan includes appointment of a travel plan coordinator to implement and promote the travel plan.

Based on the information supplied and on assessment criteria in the Environmental Protection UK/Institute of Air Quality Management Planning for Air Quality guidance it appears unlikely that there would be a significant impact on air quality from additional traffic associated with operation of the school.

While the Environmental Quality Team have no objection on air quality grounds they would like to see implementation of the travel plan required by condition as the use of sustainable travel will benefit air quality in line with the borough council's Air Quality Action Plan.

**Trees:** The application has been supported by an Arboricultural Impact Assessment. The site has been cleared leaving a small number of trees and further tree losses will be incurred to make way for the development. Tree losses will be replaced with some remedial planting, designed to be in keeping with the new development and provided landscape benefits. The AIA sets out protection measures for the hedge to the north of the site which should be secured through planning condition.

The Arboricultural Officer's raises no objection to the proposal.

**Other:** The submitted details regarding lighting schemes, landscaping and parking plans are noted.

The recommendation of Cadent Gas to add an informative to any decision re: gas apparatus within the application site boundary should be noted.

## **CONCLUSION**

The proposed site is within the town of King's Lynn where there is a presumption in favour of development. The need for a new primary school site is recognised and the use of this site for a new school and nursery would bring new community facilities. The principle of this use on this site generally accords with relevant planning policy.

The applicant has demonstrated that the proposal can overcome constraints including flood risk and ecology, subject to the imposition of appropriately worded planning conditions.

The development is acceptable from a traffic and transport perspective and subject to the implementation of the Travel Plan to encourage sustainable travel, there are no concerns relating to air quality.

The remaining details relating to contaminated land issues should be controlled through planning condition. Implementation of foul and surface water drainage details should be secured through planning condition as well as external lighting and noise levels of mechanical equipment.

Subject to conditions it is not considered that the proposed development would have any detrimental impact on the amenity of the locality or, due to the distances involved, the amenity of any residential properties.

In conclusion the LPA considers that the proposed development accords with the overarching government guidance in relation to such proposals and that it would not result in any significant detrimental harm to the locality.

The Local Planning Authority does not wish to restrict the grant of planning permission.

## **RECOMMENDATION:**

**No objection subject to the imposition of suitable conditions**