

Following the public meeting on 21st June 2018, the Parish Council felt that there were unanswered questions which needed clarification. The following questions were raised. Answers were received and can be seen in red at the bottom of each set of questions.

Questions for John Fuller to raise with South Norfolk Council and secure written answers:

1. We have always resisted in principle any planning applications outside the current village development boundary; what are the grounds, if any, in the current Local Plan for allowing development outside the development line
2. If p/p is granted to either FW or Mr Spurgeon on the basis that land for a new school is allocated, how would the building of the new school be guaranteed to happen, and over what timescale
3. What action could be taken if the developer reneged on a legal agreement to provide land for the school
4. At what stage in the development of any new housing would the new school be built
5. Would the agreement to provide the land for the new school be enforceable against a new owner of the land e.g. if FW or Mr Spurgeon decided to sell the land with the benefit of the p/p
6. If the development company went into liquidation, how would the building of the new school be achieved
7. If land is granted p/p for a specific development scheme, can the developer subsequently apply for p/p for a completely different layout, and a different number and mix of house types
8. In the current Local Plan, what is the required percentage of houses that would need to be affordable; is this percentage negotiable – if so, what are the factors that may allow the developer to provide fewer affordable homes
9. Assuming the PC is entitled to 15% of the CIL, who decides where the bulk of CIL money goes and how it is spent; is it within SNC's power to decide that 100% of the CIL could go to Brooke
10. Can CIL be used to fund improvements to the existing school as an alternative to funding a new school
11. Would the existence of a Neighbourhood Plan for Brooke give the Parish Council any more influence over planning decisions made by SNC

Answers provided by Helen Mellors, Development Manager South Norfolk District Council:

John has forwarded me your email below to respond to the questions you have posed. I must first of all emphasise that I am not in a position to give any formal opinion on the outcome of any application that may or may not be submitted. I am also unable to comment on exactly how the application will be considered as we have not received a formal application to comment on or know what will be submitted. For these reasons the answers are heavily caveated and will need to be considered as part of the formal process. I have responded in blue to the questions posed.

I do however hope this gives some clarification.

1. We have always resisted in principle any planning applications outside the current village development boundary; what are the grounds, if any, in the current Local Plan for allowing development outside the development line?

Proposals for new housing sites outside a development limit would be considered in accordance with Policy DM1.3 of the Local Plan, amongst a number of other local plan policies and the National Planning Policy Framework (NPPF). This policy does make provision for development to be granted outside a Development Boundary, if certain criterion can be met and where overriding benefits in terms of economic, social and environmental dimensions of sustainable development can be met. In the rural area, such as Brooke, the Council cannot demonstrate a 5 year land supply as published in the recently updated Strategic Housing Market Assessment (SHMA). This is a significant new material consideration in the rural area (which we had not faced before in the decision making process until recently). This factor weighs in favour of the application and will need to be considered in the planning balance. The provision of a site for a new school where existing need can be identified can also be afforded some material consideration. Until we know what will be submitted we cannot say what will be need to be considered or say how much weight will be given to all the material considerations.

2. If p/p is granted to either FW or Mr Spurgeon on the basis that land for a new school is allocated, how would the building of the new school be guaranteed to happen, and over what timescale ?

This would need to form part of the assessment of any application in discussions with the County Education Authority.

3. What action could be taken if the developer reneged on a legal agreement to provide land for the school ?

This could be enforced via the Section 106 agreement.

4. At what stage in the development of any new housing would the new school be built?

As above, it is too early to say and will form part of any consideration and will depend what is submitted with any application.

5. Would the agreement to provide the land for the new school be enforceable against a new owner of the land e.g. if FW or Mr Spurgeon decided to sell the land with the benefit of the p/p?

Planning permission goes with the land, so technically enforceable with any new land owner.

6. If the development company went into liquidation, how would the building of the new school be achieved?

Legal advice would need to be taken and any obligations would need to still be carried out by any future owners of the land.

7. If land is granted p/p for a specific development scheme, can the developer subsequently apply for p/p for a completely different layout, and a different number and mix of house types?

Yes.

8. In the current Local Plan, what is the required percentage of houses that would need to be affordable; is this percentage negotiable – if so, what are the factors that may allow the developer to provide fewer affordable homes?

The current figure is 33%, subject to viability, although evidence in the SHMA mentioned above sets the figure at 29%.

9. Assuming the PC is entitled to 15% of the CIL, who decides where the bulk of CIL money goes and how is it spent; is it within SNC's power to decide that 100% of the CIL could go to Brooke?

As part of the Greater Norwich team, CIL payments received by SNC, Broadland DC and Norwich CC are pooled and an Investment Program agreed by all 3 local planning authorities and the County. SNC would not be able to allocate 100% to Brooke.

10. Can CIL be used to fund improvements to the existing school as an alternative to funding a new school?

This would be for the County Education Authority to determine.

11. Would the existence of a Neighbourhood Plan for Brooke give the Parish Council any more influence over planning decisions made by SNC?

Any adopted policies in a Neighbourhood Plan would need to be taken into account.

Questions for Barry Stone to raise with Norfolk County Council and secure written answers:

1. What were the reasons for the building of the new school not being started in the period since funding was allocated back in 2014
2. Assuming the approved funding for the new school included an amount for purchasing the land, was this amount based on a reasonable assessment of the likely price payable
3. If a site was not able to be acquired for the amount allocated in the budget, why were Compulsory Purchase powers not invoked earlier in the process

4. Assuming there is no significant new housing in Brooke, what is the likelihood of funding being made available again and how long might it take
5. What are the minimum requirements for a successful business case for a new school
6. What can the local community do to help the business case for a new school and raise the priority of funding being re-allocated
7. What can the local community do to secure the long term future of the existing school
8. The building of a new school with the same capacity as the existing school (around 150) would be cheaper than a 210 space school, and therefore help the business case – can a new school for 150 spaces be built
9. If FW or Mr Spurgeon were to give land for the school, who would own the land
10. Can NCC confirm that, if the FW proposal for 148 houses is granted planning permission and land is donated for the school, there would be an unconditional commitment from NCC to build and run the new school; if so, when would it be built
11. Can NCC confirm that, if the Mr Spurgeon’s proposal for 55 houses is granted planning permission and land is donated for the school, there would be an unconditional commitment from NCC to build and run the new school; if so, when would it be built
12. Can there be a viable business case for a new school based on the availability of free land only, with no new housing development in the village

Answers provided by Barry Stone, County Councillor:

These are my personal opinions based on my discussions with NCC officers over the last four years and do not reflect the official position of the council.

1. What were the reasons for the building of the new school not being started in the period since funding was allocated back in 2014?

By the spring of 2017 the project had stalled mainly because a suitable site was proving problematic and access difficult. In the context of falling numbers in the catchment area and no repeated of the flooding the Children’s Services Committee in June 2017 took the decision to withdraw the project.

2. Assuming the approved funding for the new school included an amount for purchasing the land, was this amount based on a reasonable assessment of the likely price payable?

I think the major issue was the expected higher cost for the land as by now the idea of residential process was on the cards.

3. If a site was not able to be acquired for the amount allocated in the budget, why were Compulsory Purchase powers not invoked earlier in the process?

Compulsory purchase has to pay current land prices to the owner so it would not have been cheaper.

4. Assuming there is no significant new housing in Brooke, what is the likelihood of funding being made available again and how long might it take?

Nil

5. What are the minimum requirements for a successful business case for a new school?

Increasing pupil numbers in the catchment area.

6. What can the local community do to help the business case for a new school and raise the priority of funding being re-allocated ?

Accept the need for a housing development of sufficient numbers to generate a free fully serviced site with access and other infrastructure.

7. What can the local community do to secure the long term future of the existing school?

With a falling role and deteriorating facilities there is little chance of the community being able to do very much.

8. The building of a new school with the same capacity as the existing school (around 150) would be cheaper than a 210 space school, and therefore help the business case – can a new school for 150 spaces be built?

No, it would not meet future expansion needs.

9. If FW or Mr Spurgeon were to give land for the school, who would own the land?

NCC

10. Can NCC confirm that, if the FW proposal for 148 houses is granted planning permission and land is donated for the school, there would be an unconditional commitment from NCC to build and run the new school; if so, when would it be built?

NCC cannot give such a commitment but pressure for school places will increase the scheme's priority. There would be no chance without a fully serviced free site, however.

11. Can NCC confirm that, if the Mr Spurgeon's proposal for 55 houses is granted planning permission and land is donated for the school, there would be an unconditional commitment from NCC to build and run the new school; if so, when would it be built?

No, Mr Spurgeon's proposal did not offer free land and would be in the wrong location anyway.

12. Can there be a viable business case for a new school based on the availability of free land only, with no new housing development in the village?

No

Questions for Brooke School governors

1. Who assesses whether or not the existing school is fit for purpose
2. If it is not considered fit for purpose, what criteria have led to this view, what can be done to make the existing school fit for purpose, and how can the local community help to achieve this
3. What are the prospects for the existing school still being operational in the next 10/15/20 years
4. Would a single cash contribution help the school survive in the long term; if so, how much is needed and what are the spending priorities

Answers provided by Giles Hankison, School Governor

We welcome the communication from the Parish Council and further to it, set out our responses as follows.

1. Who assesses whether or not the existing school is fit for purpose?

We are assuming you are referring to the buildings and not "the school" itself. The condition of the school building is assessed by an external entity that carries out a Health and Safety Audit for and on behalf of the Governors/Head. It is not in the remit of Ofsted to determine as to whether or not a school building is fit for purpose. We are currently trying to establish when the last Health & Safety audit was carried out at Brooke School, and will let you know our findings in due course.

2. If it is not considered fit for purpose, what criteria have led to this view, what can be done to make the existing school fit for purpose, and how can the local community help to achieve this?

As far as we are aware or able to determine, the school buildings have not been declared "not fit for purpose", and we are unable to find out from where these comments have originated.

3. What are the prospects for the existing school still being operational in the next 10/15/20 years

Despite the buildings being aged, there is no reason to believe their overall integrity to be anything other than sound. As such, with regular maintenance they should in theory be able to last for decades to come. We obviously cannot vouch for the unseen or unknown.

5. Would a single cash contribution help the school survive in the long term; if so, how much is needed and what are the spending priorities?

The school would certainly benefit from redevelopment funds. Not least to replace the porta-cabins with permanent structures. We have not had estimates for these works to be carried out, and would suggest that if this ever became an option, it would form part of a wider development programme, where the size of funds required can be professionally established over a phased development. The size and scale of these works would ultimately be determined by the Head, and his plans for the future requirements of the school.