

Report for decision

Report to Planning Applications Committee
3 March, 2011

Report of Planning Development Manager

Subject Response to Planning Inspectorate: Appeals at Stretton School, Albemarle Rd, Town Close Ward

Item
6(2)

Purpose

To report that an appeal has been lodged against the refusal of 2no..planning applications 10/01158/VC and 10/01159/VC relating to Stretton School, 1 Albemarle Rd, Norwich.

Recommendations

That the Statement of Case of Norwich City Council (to be circulated at Planning Applications Committee) be sent to the Planning Inspectorate as the formal view of Norwich City Council, Planning Applications Committee Members.

Financial Consequences

The financial consequences of this report are none. Failure to adequately defend an appeal may result in the award of costs to the appellant.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority "Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future".

Contact Officers

Ian Whittaker, Planning Development Manager

01603 212528

Background Documents

Planning Applications 10/01158/VC and 10/01159/VC

Report

Background

1. The Committee report dated 29th July 2010 heard at planning Applications Committee on the 26th August 2010 outlines the Officer recommendation on the above two appeals. The recommendation was for approval of the removal of personal conditions on both the original permission; condition 2 which granted the permission for the use of the ground floor of the existing dwelling at the appeal site for the benefit of Mrs Y Barnett only, and; condition 4 of a subsequent permission in 2009 for an extension to the school premises.
2. The appendices as outlined below show the relevant documents.

Appendix 1

Copy of Committee report dated 29th July 2010 but deferred for hearing until planning Applications Committee on the 26th August 2010.

Report for Resolution

Report to Planning Applications Committee
26 August, 2010

Report of Head of Planning Services

Subject 10/01250/F & 10/01251/L 8 Redwell Street, Norwich,
NR2 4SN

Item
5(2)

SUMMARY

Description: 10/01250/F: Change of use from shop (Class A1) to drinking establishment (Class A4) with minor external alterations to create new fire exit.

and:

10/01251/L: Alterations to facilitate change of use from retail (Class A1) to drinking establishment (Class A4).

Reason for consideration at Committee:

Objections

Recommendation: Approve

Ward: Thorpe Hamlet

Contact Officer: Mr Rob Parkinson Senior Planning Officer
(Development)

Date of receipt: 30th June 2010

Applicant: Global Binding Engineers Ltd

Agent: Mr Paul Abbott, A Squared Architects Ltd

INTRODUCTION

The Proposal and its recent Planning History

1. These applications are both re-submitted proposals concerning a previous change of use, at the same premises, from retail (use class A1) to drinking establishment (use class A4) [application 09/01105/U], and associated works to the Listed Building [application 09/01107/L]. Both previous applications were considered by Planning Applications Committee on 17th December 2009. A copy of the previous report to committee and extract from the Minutes is appended to this committee report.
2. Members may recall that Officers recommended approval of the two previous

schemes, but sufficient concerns remained at the time to lead Members to overturn this recommendation and refuse the application for the change of use (09/01105/U), although the changes proposed were not sufficient to warrant refusal of the Listed Building application. The reasons for refusal for the change of use are discussed within this report, below.

3. The applicant has since sought to address the previous concerns of the Committee, and these measures are discussed in detail below.
4. The applicant proposes opening hours of 11am to 1am on Fri/Sat nights (Sat/Sun mornings) and until midnight on other days and Bank Holidays.
5. Some minor alterations are proposed to the interior to allow easier access and provision of toilets and storage, and a ground-floor level fire exit-only door is proposed on to St Andrews Street. The principal means of access is again proposed from Redwell Street.
6. The application suggests that of the three storeys the 'active' change of use to bar activity is only required for the basement, ground and first floors with the second floor (top storey) reserved for storage. However, the proposal is for change of use of the whole premises, so if necessary, conditions may be used to restrict certain activities within certain parts of the building.

The Site

Location and Context

7. This is a vacant retail premises with basement plus three-stories above, at the corner of Redwell Street and St Andrews Street. It is a Grade II Listed Building.
8. The site is surrounded by a mix of uses, of commercial uses, community uses, residential dwellings (including directly behind the site) and restaurants, cafes and bars in the near area (St Andrews Plain, Tombland and Queen Street).
9. The application's red-line application site boundary has been extended since the previous proposal, so the site now includes the adjoining alley-way to the north, between the site and the neighbouring Chandler House. However, this does not include the external courtyard area at the rear, so the proposed change of use would only apply to the building itself.

Relevant Planning History

10. The shop has been vacant for some years. There was a proposal in 2007, (applications 07/01050/F and 07/01052/L) for a second storey rear extension and change of use to restaurant, but these were withdrawn. Since then, the 2009 change of use application was refused (09/01105/U) although the associated works to the Listed Building were acceptable and so application 09/01107/L was approved by Planning Applications Committee on 17th December 2009.

Constraints

11. The immediate site constraints are its location within the City Centre Conservation Area, and the City Centre Leisure Area (defined in Local Plan saved policy AEC1). The site itself is not actually within either the city centre Primary Retail Area, nor the Secondary Retail Area.

Representations Received

12. These applications have both been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Over 30 letters of representation have been received between the two proposals, citing the issues as summarised in the table below. The same kinds of objections were also raised by over 30 letters of objection, during the course of the 2009 proposals, and are also detailed in the attached previous committee report. The relevant ones are:

Issues Raised	Response
There is no need for a new pub and it could be at the expense of changing the cultural and historic character of the area.	See paragraph 27-28
The shop use should not be lost - it would affect retail in the area.	27-28
Noise disturbance would increase for local residents.	30-34
Highways safety could be compromised for visitors and residents.	36-41
There is no smoking area provided at the site.	18, 31, 36
Crime, disorder, anti-social behaviour and littering will increase.	27-28, 33
Servicing and deliveries will obstruct the highway.	40-41
The premises are not suitable for a pub in terms of its construction.	32, 35
The door to St Andrews Street should not be allowed for access.	Condition.

Consultation Responses

13. **Environmental Health** (received 16.07.10): There are concerns that noise could cause disturbance from three sources: music noise escaping from the building, including doors; people noise from smokers in the street outside; and possible noise from any plant and machinery suggested outside. Overall, providing that adequate alterations can be made within the constraints of needing to protect the Listed Building, the proposal is acceptable subject to use of stringent conditions, including to: first agree a specification and amplification of sound systems; restrict the sound emissions; agree a management scheme for controlling sound levels; restricting hours of use; and controlling any plant and machinery.
14. **Norfolk Police Authority Architectural Liaison** (3.8.10): In addition to the concerns expressed in November 2009 (see previous report), the proposed use of the public highway as a smoking area would require monitoring by staff and CCTV as there are obstructions to this at present, and the narrow pavement could lead to pedestrian danger as people step off the path. The building is proposed to be used very intensively, and could lead to anti-social behaviour. CCTV should be installed inside the premises and at entrance and exit doors, and should be visible to staff and visitors as a deterrent and reassurance tool.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPG24: Planning and Noise

Relevant Local Plan Policies

HBE8 – Development in Conservation Areas
HBE9 – Development affecting Listed Buildings
HBE12 – High quality of design
HBE19 – Design for safety and security including minimise crime
EP22 – Residential amenity
SHO22 – Food and drink uses and conditions on hot food takeaways
AEC1 – Major art and entertainment facilities – location and sequential test
TRA5 – Approach to design for vehicle movement and special needs
TRA7 – Cycle parking standards
TRA8 – Servicing provision

Previous reasons for refusal and changes to address them

Previous application 09/01105/U:

15. **Reason for Refusal 1:** “The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night.”
16. **Response:** The application has not been able to address these concerns, but the proposal represents an acceptable use for this part of the city centre.
17. **Reason for Refusal 2:** “The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter.”
18. **Response:** The application has not been able to provide a specific smoking shelter within the curtilage of the applicant's ownership to address this concern. Smoking is proposed to take place on the adjoining public footpath highway, which is not considered by officers to cause a significant detrimental impact on neighbouring amenity, and this is considered a matter for licensing to address through conditions to cover management of the premises.
19. **Reason for Refusal 3:** “The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made

up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including local residents or patrons of the public house.”

20. **Response:** The application has not been able to address this concern but the proposed footpath smoking area is not considered by officers to lead to any significant detrimental impact on highway safety.
21. **Reason for Refusal 4:** “By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area. It would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area.”
22. **Response:** The application has not been able to address these concerns specifically, given that they arise from the nature of the use. However, officers consider the use to be appropriate to this part of the city centre and consider that amenity can be protected to an acceptable level through the use of conditions, such as noise mitigation works and installation of CCTV.
23. **Reason for Refusal 5:** “The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety.”
24. **Response:** The scheme has improved the refuse collection proposals and improved disabled access by introducing the alleyway into the site and providing a ramped access to the rear door. The internal refuse store is shown close to the exit and the refuse strategy proposes collections every week day, although not at weekends. Officers consider that conditions could be used to ensure the prompt removal of refuse containers from the highway on every day if necessary.
25. **Reason for Refusal 6:** “Given the lack of an acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building.”
26. **Response:** Following receipt of an acoustic survey it is considered possible for necessary noise insulation measures to be provided within the constraints of the building’s fabric and to avoid harm to the appearance of either the building or the surrounding Conservation Area, prior to the commencement of first use.

Principle of Development

Policy Considerations

27. Members are reminded that as the Local Plan has not defined this part of the city centre as a specific retail area for protection, there is no policy objection to the loss of the shop use and the applicant need to justify the loss of the retail unit. However, the nearby streets of Elm Hill and London Street are both within Secondary Retail Areas as defined by Local Plan policy SHO11 and Redwell Street might be used as a through-route to the two by shoppers in the area.
28. Recent national policy (PPS4) does not require the use to be justified in the city centre. There are also no grounds for objecting to the principle of the site's proposed use as a drinking establishment (use class A4) given that the site remains in the City Centre Leisure Area and such uses are directed towards these locations by local policy (AEC1 and SHO22). Nevertheless, under policy SHO22 the proposal should still account for the potential effects of noise and disturbance upon the occupants of adjoining dwellings, to ensure the location is appropriate.
29. It is still considered appropriate to restrict the opening hours of this site to be consistent with others in the Leisure Area. Accordingly, a condition is proposed for any permission to limit opening hours to between those of 11am and midnight, on any day.

Impact on Living Conditions

Noise and Disturbance

30. A noise survey has been undertaken and has found that acoustic disturbance can be avoided by using reasonable technical sound control measures and management of the premises.
31. People noise from patrons outside the premises or within any smoking area would be more appropriately controlled by the conditions of any operational premises license for the site. This could require management controls to be put in place and applied within best reasonable endeavours of the management, although some allowance has to be made for the fact that this is a public highway. Overall, it is hoped that reasonable planning conditions can be used to control the impacts of the change of use to a level consistent with the site being part of the Leisure Area.
32. The conditions on amplified sound controls and other measures as suggested by Environmental Health (paragraph 13) are enforceable and would not need any sound insulation measures to be added to the building, although the potential for sound leakage would of course be greater. However, it is considered both appropriate and acceptable to require sound insulation to be added to the building; and it is the considered view that such measures could be provided without compromising the integrity of the Listed Building, given the alterations that have already been made. Such measures might include installing sound insulation to walls, or secondary double glazing. These would provide greater resilience to sound leakage to bolster the effectiveness of conditions suggested by Environmental Health, and are proposed as conditions on any approval of planning permission.
33. The use of CCTV can be required by condition, with details of installation,

coverage, monitoring and management to be agreed prior to first use. Likewise, cigarette and litter bins can be required by condition as part of any permission.

34. There is a contradiction in the application's submitted information in that the acoustic report suggests mechanical chilling units may be used at the rear of the site, but the application supporting statement maintains no such plant is proposed, and has not been shown on any plans. A condition can be imposed to restrict use of plant and machinery, to allow sound measures etc to be agreed, whilst any external plant would need to be subject of a new, specific planning permission. Should such a proposal arise, acoustic shielding may be possible within its design.

Listed Building and Conservation Area

35. There are no unacceptable impacts proposed to the Listed Building as interventions in the historic fabric are minimal and finer details of noise insulation measures and furniture installation can be required by condition. The use of the site as a pub should ensure the sustainable and continued maintenance of the historic asset, and possibly allow for a more viable range of uses at the site in the future. The use proposed is also considered to be consistent with the character and appearance of this part of the Conservation Area where such facilities already exist.

Transport and Access

Pedestrian Links and Cycling Parking

36. There are no objections to the proposal on grounds of highway safety. Redwell Street is a low traffic, low speed street and the previous retail use did not present any fundamental highway safety risks to pedestrians. Overspill onto the pavement on Redwell Street may be a concern to some, however the proposed smoking area on St Andrews Street is considered sufficient to mitigate any potential risk. The paved area on St Andrews Street could accommodate a compact roped off smoking area if it leaves at least 2.5 metres pavement width, and subject to separate highways consent and ensuring the fire escape is free from obstruction.
37. Pavement obstruction issues will be reduced if the establishment refrained from use of A-boards, which would need prior consent anyway. Pavements in the city centre are heavily trafficked and the Redwell Street pavement should not be obstructed by bins. The fire exit door should not open outwards onto St Andrews Street to protect highway safety, but will also need to comply with building regulations, so the fire exit door should be recessed, and to do so its design may need to be split into two to reduce the depth of such a recess. The design of the door can be conditioned.
38. The door at present is shown to be inward-opening at the base of a stairwell. A condition is proposed to ensure it is only used as a fire escape, but any need for a recess to allow an outward-opening door has not been shown in the plans as submitted. Accordingly any further changes to the fire escape door, to comply with eventual building regulations control, would need to be subject to separate prior Listed Building consent. Any door proposed to be outward-opening over a highway would also need prior separate highways consent.
39. Cycle parking is considered necessary for visitors and staff, and 3-4 Sheffield-style hoops should be provided near to the premises on the wide pavement on St

Andrews Street, to be required by condition and prior agreement with the city council highways officers, to meet the Local Plan standard.

Vehicular Access and Servicing

40. Loading is permitted at any time from Redwell Street and there is also pay and display short-stay parking opposite the building, with larger vehicle deliveries possible through the bollards by arrangement. Servicing is also possible from St Andrews Street out of hours.
41. The refuse arrangements are considered satisfactory but the management of the premises would need to ensure that bins or bags of refuse did not obstruct the narrow pavement and that collection times were minimal to reduce potential congestion on this narrow street. A daily collection can be required by condition.

Conclusions

42. Notwithstanding the concerns over the possible effects on local amenity, the proposed change of use is appropriate to the defined Leisure Area within this part of the City Centre and will not compromise highways safety providing that adequate provision is made to accommodate and manage smokers. Subject to the conditions applied to minimise any detrimental impacts to the appearance of the building or on the amenity of residents, business and visitors to the area, application 10/01250/F your officers consider it to be acceptable. Subject to the conditions listed, it is your officers view that the development as proposed within application 10/01251/L is considered acceptable for approval and should secure the ongoing preservation of a historic Listed Building.
43. However, members will need to take note of the Committee's previous decisions on these applications and to carefully consider what changes in circumstances have occurred since the previous decision in December last year.

RECOMMENDATIONS

To approve:-

(1) Application No (10/01250/F, 8 Redwell Street, Norwich, NR2 4SN) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of St Andrews Street fire escape prior to commencement of building works;
4. Details of litter bins / cigarette butt containers to be agreed and installed prior to first use;
5. Refuse and disabled access ramp to be permanent addition and details to be agreed and facility to be installed prior to first use;
6. Refuse management strategy and details of refuse containers to be agreed;
7. Restricted hours of use (to be 11am to midnight on any day);
8. Noise insulation measures to be provided prior to first use;
9. Specification of amplified sound system to be agreed and only to be played

- through the agreed permanently-installed system;
10. Sound level limits to be applied;
 11. Amplified sound control and management measures thereof to be agreed;
 12. Any internal plant and machinery shall be agreed prior to installation (note any external plant and machinery should be subject to separate specific consent);
 13. CCTV to be installed and managed prior to use, including coverage, maintenance and management;
 14. No use until a smoking area has been provided and clearly demarcated;
 15. No use until off-site cycle storage details are agreed and stands are provided;
 16. The door to St Andrews Street shall only be used as a fire exit, not as an access.

(Reasons for approval: The recommendation is made with regard to the provisions of the development plan, including saved policies HBE8, HBE9, HBE12, HBE19, EP22, SHO22, AEC1, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policy PPS1, PPS4 and PPS5. Having considered all of the above and other material planning considerations this is considered an acceptable use of a historic Listed Building premises within the City Centre Conservation Area and defined City Centre Leisure Area. Subject to conditions imposed to protect the amenity of adjacent and neighbouring existing residential development, and other non-residential uses and visitors in the area, the scheme is considered to provide an appropriate use for this part of the city centre, whilst securing the ongoing preservation of a historic Listed Building and providing an acceptable quality of design and adequate means to mitigate any detrimental impact on the surrounding area.)

Informative

1. Construction hours and methods of working.

(2) Application No (10/01251/L, 8 Redwell Street, Norwich, NR2 4SN) and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of refuse and disabled access ramp to be agreed and installed before use;
5. Details of litter bins / cigarette butt containers to be agreed;
6. Noise insulation measures and installation methods to be agreed and installed prior to first use;
7. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
8. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
9. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA;
10. Details of CCTV positioning and installation to be agreed prior to first use.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application, including saved policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement

Local Plan (November 2004), and national policies PPS1 and PPS5, and all other material planning considerations. The alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

Appendix 2: Minute of discussions and decision on Committee report dated 29th July 2010 but deferred for hearing until planning Applications Committee on the 26th August 2010.

**APPLICATION NOS 10/01158/VC AND 10/01159/VC STRETTON SCHOOL 1
ALBEMARLE ROAD NORWICH NR2 2DF**

(Councillor Driver was not present for parts of this item and did not take part in the determination of the application.)

The Planner (Development) presented the report with the aid of slides and plans, and referred to comments received from Councillor Jeraj, Ward Councillor for Town Close Ward, relating to the traffic issues. The removal of the conditions and the continued use of the premises at 1 Albermarle Road as a school, in the event of Mrs Y Barnett's discontinuation of residence at West Lodge, was considered not to have any impact on traffic issues which already existed or introduced any additional highway safety issues or instances of illegal parking. The application was for the continued use of the site rather than an extension and therefore would not result in any increased traffic impacts. The officers' recommendation was to approve the application. Planning Applications Committee: 26 August 2010.

A resident then addressed the committee on behalf of the residents of Albermarle Road and Mount Pleasant and outlined their objections which included: concerns about traffic congestion and access issues; that the location was not suitable for a school; and suggesting that a Section 106 agreement was used instead of planning conditions. A resident of the Cedars Sheltered Housing Scheme also referred to the problems of parking caused by traffic to the schools; the inappropriateness of a school in a conservation and residential area and concerns that about the future acquisition of the school by a third party. Councillor Jeraj referred to the concerns of the residents on traffic issues, the need for an adequate travel plan and the implementation of any physical adjustments.

The Planner, the Planning Development Manager and the Solicitor (Planning) responded to the issues raised by referring to the report. The new conditions were sufficient to ensure that the usage of the two sites continued to be linked. Planning conditions could be enforced and there was no need to use a S106 agreement.

Discussion ensued in which members asked questions about the history of the site. Members were advised that this planning application was for continued use of the sites and was not an extension and therefore it would be difficult to impose a requirement for a travel plan as it was not considered relevant to the application. Councillor Lubbock said that local residents' concerns about traffic had been considered by the Norwich Highways Agency Committee and had not been resolved. She considered that there had been a missed opportunity to request a travel plan when the planning application for an extension to the school had been determined in 2009. Councillor Collishaw said that the school should develop a joint travel plan with the Norwich High School for Girls. Councillor Little expressed concern about traffic congestion impeding access to the sheltered housing scheme. Members noted that there were issues of parking around schools across the city.

In response to a question, the Solicitor (Planning) advised that the proposed condition 2 relating to the occupation of West Lodge was precise and referred to 'persons (and their family) having a close connection with the adjoining nursery school by virtue of employment by the school, or as owner of the school, or Mrs Y Barnett.' Any changes to the use of West Lodge would be subject to further consent. This application related to the occupancy of the site and therefore a condition to restrict the number of pupils at the school was not considered to be relevant and would be difficult to enforce.

The Planning Development Manager suggested that if members were minded an informative could be attached to the decision notice requesting that the school undertook to develop a travel plan.

The Chair moved the officers' recommendations to approve the applications, subject to conditions, as set out in the report.

RESOLVED, with 2 members voting in favour of approval (Councillors Bradford and Collishaw), 3 members voting against (Councillors Banham, Lubbock and Little) and 2 abstentions (Councillors Offord and Driver, who had not been present for the entire item) to refuse Application Nos 10/01158/VC and 10/01159/VC Stretton School 1 Albemarle Road Norwich NR2 2DF, contrary to officer's advice for the reasons stated below and to ask the Head of Planning Services to provide reasons for refusal in policy terms: Planning Applications Committee: 26 August 2010.

1. That the application is detrimental to residential amenity in a conservation area.
2. Concerns about highway safety arising from traffic congestion and parking and emergency access to the Cedars Sheltered Housing Scheme.
3. The applicants lack of a travel plan.

(Reasons subsequently provided by the Head of Planning Services:-

1. The proposal would result in the continued use of the premises at 1 Albemarle Road as a nursery school and is considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) in that it would result in a detrimental impact on residential amenity in terms of noise arising from the use of the premises and continued unacceptable levels of traffic congestion in the immediate vicinity. The use of the site as a nursery school is also considered to be out of character with the predominantly residential nature of the area and wider Conservation Area and therefore the proposals are considered to be contrary to saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
2. The continued traffic congestion problems resulting from high traffic volumes which in turn results in illegal parking of vehicles visiting the school at peak times are considered to harm highway safety and are therefore contrary to saved policies TRA5 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)
3. The proposal is contrary to saved policy TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as there is inadequate servicing provision for the drop off and collection of children from the school.

4. The proposal is contrary to saved policy TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as no Travel Plan was submitted with the application to satisfy the requirement for the applicant to demonstrate how the proposals could cater for the transport demands of the development.)

Appendix 3: Decision notice for application number 10/01158/VC

Application submitted by:

Mr Keith Lamming
French Church Barn
Caistor Lane
Caistor St Edmund
Norwich
NR14 8QZ

On behalf of:

Mrs Yvonne Barnett
1 West Lodge
1 Albemarle Road
Norwich
NR2 2DF

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application Number: 10/01158/VC

Valid date of application: 17th June 2010

Decision date: 26th August 2010

Location: Stretton School, 1 Albemarle Road Norwich NR2 2DF

Proposal: Removal of Condition 2 - The permission hereby granted shall operate for the benefit of Mrs Y Barnett only and on the discontinuance of her occupancy of the premises the use hereby granted shall be discontinued and the Council as Local Planning Authority hereby grants permission for the use of the said premises thereafter for residential purposes of previous planning permission (App. No. 35678) 'The use of the ground floor of the existing dwelling as a Nursery School at 1 Albemarle Road'.

Reasons:

1. The proposal would result in the continued use of the premises at 1 Albemarle Road as a nursery school and is considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) in that it would result in a detrimental impact on residential amenity in terms of noise arising from the use of the premises and continued unacceptable levels of traffic congestion in the immediate vicinity. The use of the site as a nursery school is also considered to be out of character with the predominantly residential nature of the area and wider Conservation Area and therefore the proposals are considered to be contrary to saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
2. The continued traffic congestion problems resulting from high traffic volumes which in turn results in illegal parking of vehicles visiting the school at peak times are considered to harm highway safety and are therefore contrary to saved policies TRA5 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
3. The proposal is contrary to saved policy TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as there is

inadequate servicing provision for the drop off and collection of children from the school.

4. The proposal is contrary to saved policy TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as no Travel Plan was submitted with the application to satisfy the requirement for the applicant to demonstrate how the proposals could cater for the transport demands of the development.

Note: This notice applies to the following drawings:

Location Plan Received 12th August 2010

A handwritten signature in black ink, appearing to read 'J Massey', with a long horizontal stroke extending to the right.

Jerry Massey
Director of Regeneration and Development

- 1) if the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, s/he may appeal to the Secretary of State in accordance with Section 78 or the Town and Country Planning Act 1990 within six months of the date of the notice of decision. [Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN]. The Secretary of State has the power to allow a longer period for giving notice appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed on them, having regard to the statutory requirements (a) to the provisions of the development order, and any directions given under the order. He does not in practice refuse to entertain solely because the decision of the local planning authority was based on a direction given by him.
- 2) if permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, s/he may serve on the Council of the county borough or county district in which land is situated a purchase notice requiring that council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- a) The statutory requirements are those set out in Section 78 of the Town and Country Planning Act 1990, namely Sections 70 and 72(1).

Appendix 4: Decision notice for application number 10/01159/VC

Application submitted by:

Mr Keith Lamming
French Church Barn
Caistor Lane
Caistor St Edmund
Norwich
NR14 8QZ

On behalf of:

Stretton School
1 Albemarle Road
Norwich
NR2 2DF

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application Number: 10/01159/VC

Valid date of application: 16th June 2010

Decision date: 26th August 2010

Location: Stretton School, 1 Albemarle Road Norwich NR2 2DF

Proposal: Removal of Condition 4 - The permission hereby granted shall operate for the benefit of Mrs Y Barnett only, and on her discontinuance of residence at the premises, the use hereby permitted shall be discontinued. The premises shall then return to its former use as a residential dwelling of previous planning permission 09/00672/F 'First floor extension to existing nursery school building to provide relocated staff room and office'.

Reasons:

1. The proposal would result in the continued use of the premises at 1 Albemarle Road as a nursery school and is considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) in that it would result in a detrimental impact on residential amenity in terms of noise arising from the use of the premises and continued unacceptable levels of traffic congestion in the immediate vicinity. The use of the site as a nursery school is also considered to be out of character with the predominantly residential nature of the area and wider Conservation Area and therefore the proposals are considered to be contrary to saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
2. The continued traffic congestion problems resulting from high traffic volumes which in turn results in illegal parking of vehicles visiting the school at peak times are considered to harm highway safety and are therefore contrary to saved policies TRA5 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)
3. The proposal is contrary to saved policy TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as there is

inadequate servicing provision for the drop off and collection of children from the school.

4. The proposal is contrary to saved policy TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as no Travel Plan was submitted with the application to satisfy the requirement for the applicant to demonstrate how the proposals could cater for the transport demands of the development.

Note: This notice applies to the following drawings:

Location Plan Received 15th June 2010

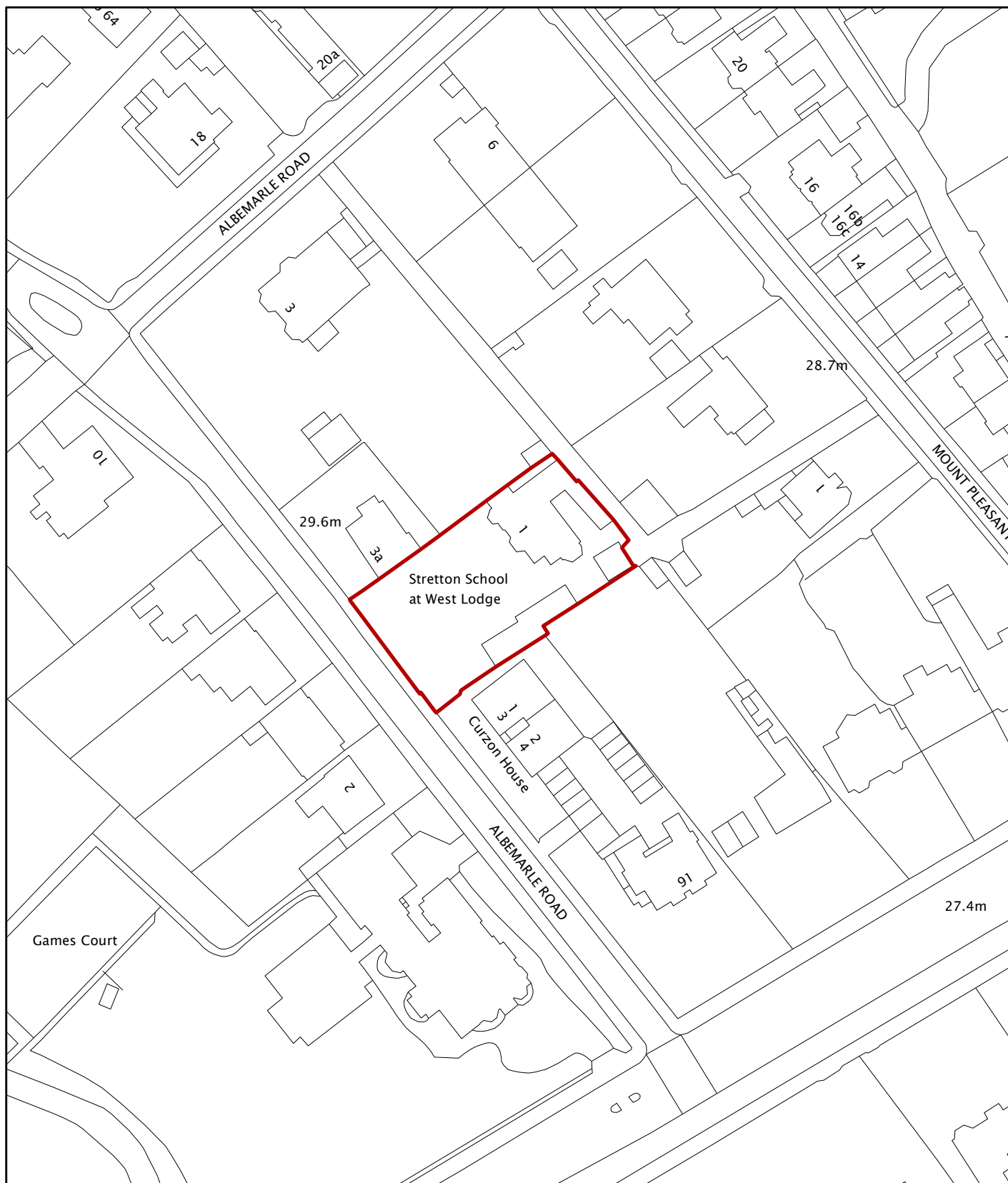
A handwritten signature in black ink, appearing to read 'J Massey', with a long horizontal stroke extending to the right.

Jerry Massey
Director of Regeneration and Development

- 3) if the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, s/he may appeal to the Secretary of State in accordance with Section 78 or the Town and Country Planning Act 1990 within six months of the date of the notice of decision. [Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN]. The Secretary of State has the power to allow a longer period for giving notice appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed on them, having regard to the statutory requirements (a) to the provisions of the development order, and any directions given under the order. He does not in practice refuse to entertain solely because the decision of the local planning authority was based on a direction given by him.
- 4) if permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, s/he may serve on the Council of the county borough or county district in which land is situated a purchase notice requiring that council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- a) The statutory requirements are those set out in Section 78 of the Town and Country Planning Act 1990, namely Sections 70 and 72(1).

Appendix 5: Grounds of appeal of appellant

To follow.



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Planning Application No - 10/01158/VC

Site Address - Stretton School, 1 Albemarle Road, Norwich

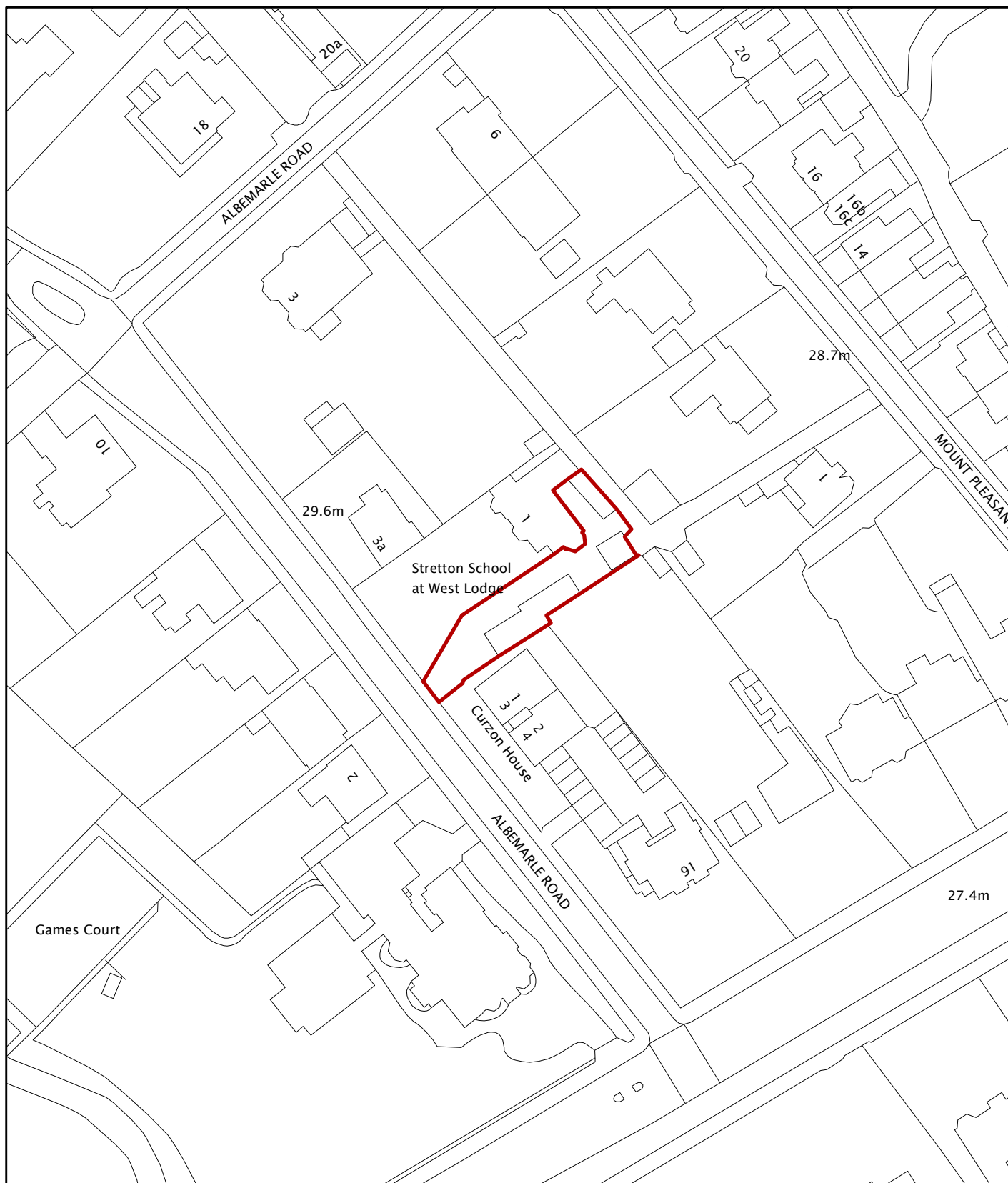
Scale - 1:1,000



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Planning Application No - 10/01159/VC

Site Address - Stretton School, 1 Albemarle Road, Norwich

Scale - 1:1,000



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