

Report for Resolution

Report to Planning Applications Committee
Date 29 July 2010
Report of Director of Regeneration & Development
Subject 10/01158/VC and 10/01159/VC Stretton School
1 Albemarle Road Norwich NR2 2DF

Item
5(1)

SUMMARY

Description:	<p>10/01158/VC: 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'.</p> <p>10/01159/VC: 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'.</p>	
Reason for consideration at Committee:	Member's Request from Cllr Lubbock and objections	
Recommendation:	APPROVE	
Ward:	Town Close	
Contact Officer:	Miss Sarah Platt	Planning Officer 01603 212500
Valid date:	17th June 2010	
Applicant:	Mrs Yvonne Barnett	
Agent:	Mr Keith Lamming	

INTRODUCTION

The Site

Location and Context

1. The application site is located to the East of Albemarle Road. The school operates from a two storey building and associated outbuildings across the site, and caters for approximately 120 pupils and 22 staff. The boundary to Albemarle Road consists of a mature hedge and double wrought iron gate, not dissimilar to the residential boundary treatments in the area. There is a blank elevation to the south-east (backing onto the flats at Curzon House) and the main frontage of the school faces the dwelling and gardens of West Lodge. The building is orientated to face north-west and as such is located 'end-on' to Albemarle Road. The site is surrounded by residential uses to all sides with a mix of flats and detached dwellings. To the North is West Lodge, currently the residence of Mrs Y Barnett. This building forms part of the same site and has a shared access. The gardens are used by the school as outside playspace in addition to the paved area immediately adjacent to the school premises. However, the applicant has confirmed that the use of the ground floor of the residential dwelling at West Lodge has not been used in conjunction with the school since the 1970s. On the corner of Albemarle Road and Newmarket Road is the Norwich High School for Girls, a major nursery, primary, secondary school and sixth form college with approximately 872 pupils, 105 teachers and 56 support staff.

Constraints

2. Within the Newmarket Road Conservation Area

Planning History

The original permission, 35678, which dates back to 1969, granted permission for the use of the ground floor of the existing dwelling (including all the outbuildings which were in the application site boundary) as a Nursery School at 1 Albemarle Road. Two conditions were placed on this decision: firstly, the standard time limit, and secondly, that the permission granted should operate for the benefit of Mrs Y Barnett only and that on the discontinuance of her occupancy of the premises (i.e. West Lodge), the use granted shall be discontinued. The reason this condition was applied was to, quote, "*Afford adequate control over the building as and when the use by the present applicant ceases*".

It is not clear, given that we do not have the original application file, of any logical argument about *why* this condition was imposed. It is surmised that it was imposed to ensure the use of the house was directly linked to the school e.g. by someone who was either an employee of, or the owner of, the school (given the amenity issues which would arise should these two uses become separate sites).

In 1972, under application number 40627, permission was granted for the demolition of some of the outbuildings at West Lodge (those on the southern boundary) and the erection of a

nursery school (single storey). No conditions were placed on this decision other than the standard time limit.

In 1974, under application reference 43938, planning permission was refused for a *first floor extension* to the nursery school on the grounds that it would intensify the use of the site and attract additional vehicles to the premises thereby increasing traffic congestion to the detriment of highway safety and the amenity of residents in adjacent houses. It is important to note that this application was for an extension and expansion of the use of the site.

In 2009 under application reference 09/00672/F permission was granted for a first floor extension to the existing nursery school building to provide a *relocated staff room and office*. A condition was placed on this permission as per the original permission for the school back in 1969 (application reference 35678) stating that the permission granted would operate for the benefit of Mrs Y Barnett only and on the discontinuance of her occupancy of the premises the use hereby permitted shall be discontinued. The reason for the condition as placed on the 2009 permission was to be consistent with the original school permission (35678).

Earlier this year under application reference 10/00509/VC the removal of condition 4 of the 2009 permission was applied for. This application was withdrawn as the original condition on the 1969 permission also needed removing in order to ensure the *whole site* could be used, and not merely the first floor extension as approved under application reference 09/00672/F.

The Proposal

3. Application 10/01185/VC seeks the removal of Condition 2 of the original 1969 permission and application 10/01159/VC seeks the removal of Condition 4 of the 2009 permission. Both conditions relate to the cessation of operation of the school upon discontinuance of occupancy of Mrs Y Barnett at the adjoining property; West Lodge. There is no need for a similar application for the 1972 permission (4067) as no such condition was imposed on that particular consent.

Representations Received

4. Both applications have been advertised on site and in the press. In addition, adjacent and neighbouring properties, and any objectors to the previously withdrawn application (10/00509/VC), have been notified in writing. To date, 26 letters of representation have been received, from 27 different addresses (one resident objected on a personal basis and as a representative of a Residents Association), against both applications (10/01158/VC and 10/01159/VC). An outline of the issues is summarised in the table below alongside the corresponding paragraph number which addresses these issues in the main report.

Issues Raised	Response
Increased traffic volumes as a result of the removal of the conditions	Paragraphs 9-15
Increased issues of illegal Parking and further implications for Highway Safety	Paragraphs 9-15

Detrimental impact on the Residential Character of the area	Paragraphs 16-18
Increased Emergency Vehicle Access problems to the Cedars	Paragraphs 9-15
Commercial gain for the applicant should they wish to sell the premises	Paragraphs 19-21
Noise issues	Paragraphs 16-18

5. Any additional representations received after the writing of this Officers' Report will be reported verbally at the Planning Applications Committee.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

Relevant Structure Plan Policies

Norfolk Structure Plan 1999

T2 – Traffic Generation

Relevant Local Plan Policies

City of Norwich Replacement Local Plan 2004

HBE8 – Development within a Conservation Area

EMP1 – Small Scale Business Development

EP22 – Residential Amenity

Supplementary Planning Documents and Guidance

The Secretary of State for Communities and Local Government released on the 17th July 2010 an announcement relating to the Removal of Planning Barriers for Schools. The statement applies to “all planning applications for school development”, even though some of the statement refers to “new free schools”. The statement asserts that Local Authorities should, when determining planning applications; *“Attach significant weight to the desirability of establishing new schools and to enable local people to do so; adopt a positive and constructive approach towards applications to create new schools, and seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate, and; only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area”*.

Principle of Development

Policy Considerations

6. Saved Structure Plan Policy T2 states that development will be assessed against its effect on traffic generation and alternative modes of access.

7. Saved Local Plan policy EMP1 states that small scale business development will be permitted where there is no significant adverse effect on the character and amenity of the surrounding area; the development is not over-intensive; the site is accessible to non-car users, and; the development will not result in an unsatisfactory form of development.

Other Material Considerations

8. Although the Secretary of State's statement directly applies to new schools it is considered that this advice is also relevant to the consideration of these applications. It would be illogical to apply very different criteria to the consideration of, effectively, the retention of a long-established, existing school than the creation of any potential new school nearby.

Transport and Access

Transport Assessment

9. Concern has been raised by residents with regards to the traffic congestion on Albemarle Road due to the location of Stretton School in a residential area. Whilst it is accepted that there are significant traffic issues in this area with high volumes of traffic at school start and end times, and that the nature of the age of the children attending Stretton School means that cars must park and children be "delivered" to the school gates, the total volume of traffic movements is not *all* attributable to the Stretton School. The Norwich High School for Girls is also located in this vicinity and has approximately 872 pupils and 161 staff in total. It is not considered that the *continued use* of the premises at 1 Albemarle Road as a school, in the event of Mrs Y Barnett's discontinuation of residence at West Lodge, will have any additional impact on traffic and parking but it is acknowledged that the continued use will not result in a reduction.
10. Issues of illegal parking and emergency vehicle access have also been raised. There are parking restrictions in this area with yellow zigzag markings for the school denoting no parking at any time. The illegal parking, and any resulting highway safety issues, which occur in this area are a matter for Highways Enforcement. The continued use of Stretton School will allow traffic flow to remain at current levels but adequate control of these significant traffic issues already exists, subject to enforcement.
11. Discussion has been held with Transportation colleagues with regards to the traffic issues in this location but no objections to the removal of these 2 conditions have been raised. In recent years it is understood that there have been consultation with local residents and members about possible changes within the highway, but that no changes have been agreed.
12. It is not considered that the *continued use* of the premises at 1 Albemarle Road as a school, in the event of Mrs Y Barnett's discontinuation of residence at West lodge, will have any impact on the traffic issues which already exist or introduce any additional highway safety issues or instances of illegal parking. This application seeks the continued use of the school, not an extension to it, and as such will not result in any increased impacts.

13. The proposal to remove the conditions on the original permission (Condition 2) and the 2009 permission (Condition 4) are considered acceptable in terms of transport issues.

Impact on Amenity

14. Local residents have expressed concern that the residential character of the area will be harmed should the continued use of the site be allowed and that the condition placed on the original permission shows that the 1969 permission (35678) was temporary in nature and that the site should return to residential use in order to preserve the residential character of the area.
15. The school does indeed sit within a predominantly residential character area. However, the visual appearance of the school in this area is of minimal impact. The building is orientated to be “end-on” to the road and is barely visible. Arguably, the only visual appearance of the school is the road markings denoting its presence and the traffic movements in the area at the beginning and end of the school day. The continued use of the premises as a school facility is not considered to result in any detrimental impact to the residential character of the immediate or wider area.
16. The noise resulting from the use of the school grounds has also been raised. Inevitably the use will result in some noise issues, but this is not uncommon with this type of use and it is considered that the continued use of this site as a school facility will not result in any detrimental impacts to the residential amenity of neighbouring properties in terms of noise, or the wider character of the area.

It is not considered that the continued use of the premises at 1 Albemarle Road as a school, in the event of Mrs Y Barnett’s discontinuation of residence at West lodge, will have any impact on amenity issues which already exist for the surrounding area. This application seeks the continued use of the school, *not* an extension to it, and as such will not result in any increased impacts on the area outside the control of the school. However the impact of the school on the amenities of future occupiers of West Lodge is potentially significant bearing in mind the proximity of the uses. Therefore new conditions are recommended (see recommendation) which clearly require the school to be linked with occupation of the dwelling.

Other Material Considerations

17. The school is a privately run business and as such saved policy EMP1 applies. In accordance with this saved policy it is not considered that the removal of these two conditions (so that Stretton School can operate on a permanent basis) would result in any detrimental impact on the character and amenity of this residential area nor is it considered that the removal of these conditions will result in an over-intensification of the use of the site. The applicant has submitted an OFSTED report with a register of 106 pupils for this year and the three preceding years; 2009, 2008 and 2007, registering 120, 113 and 107 pupils respectively. The applicant acknowledges that it is unlikely that they would expand the numbers of pupils since the strength of the school is that it is a small undertaking offering personal care for each child, and it is also unlikely that OFSTED would allow any increase in size given the constraints of available space on site.

18. The applicant has outlined their intentions that West Lodge will be occupied by a person concerned with the running of the school and it has been expressed by Mrs Y Barnett that her daughter will take over occupancy of the house upon her death.
19. It is considered that the removal of the conditions 2 and 4 on the previous permissions, 35678 and 09/00672/F respectively, will allow this small scale business to continue in its successful operation as an education establishment.
20. Circular 11/95 outlines the six tests all conditions must meet in order to be valid. These are; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise, and; reasonable in all other respects. The condition as applied to the original permission (35678) is not considered to meet these tests. Paragraph 93 also outlines the requirements of personal conditions: *"Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so."*
21. It is not considered that there are exceptional circumstances in this case, nor any compassionate or personal grounds for the personal condition. It is surmised that the condition was placed on the original permission to ensure that the house and school were occupied and used respectively by a person or persons, with a direct working relationship with the school in order to ensure that any residential amenity issues, which would otherwise arise, were negated. It is considered that the new condition proposed to be applied is appropriate and will act to ensure that these two uses can continue to operate on this site.

Additional Considerations

22. Any commercial gain or increased profitability on site as a result of the continued use of the school is not a matter which can be taken into consideration in the assessment of this application.

Conclusions

23. The school has been in operation successfully for 41 years. It is considered that there are no planning reasons to retain the two conditions on the original and 2009 planning permissions (restricting the operation of the school for the duration of Mrs Y Barnett's occupancy at West Lodge). In planning terms the school offers an important contribution in terms of educational choice to the wider area and as such its continuation of operation should be allowed.
24. It is considered that the removal of condition 2 from permission 35678 and removal of condition 4 from permission 09/00672/F will not result in any detrimental impacts to residential amenity in terms of noise, any increased disruption to traffic flow or increased congestion or parking issues, or any significant detrimental impact on the character of the

surrounding area.

25. The removal of these conditions will result in this small scale private education facility continuing in its operation as a successful school.
26. However, it is proposed that a new condition be placed on the permissions to ensure that the house at West Lodge will be occupied by the owner of, an employee of, or immediate family of a person who has a direct working involvement with Stretton School at 1 Albemarle Road. If these properties were split up and the occupation of the house was completely separate there would be potentially harmful impacts on occupiers.

RECOMMENDATIONS

Recommended to GRANT PERMISSION for use of the associated outbuildings of West Lodge for use as a nursery school (with Condition 2 of planning permission 35678 removed as per application number 10/01158/VC) and subject to the following conditions:

- 1) In accordance with the drawings as submitted and approved.
- 2) The dwelling known as West Lodge shall be permanently occupied by 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.
- 3) For the avoidance of doubt, no part of the ground floor of West Lodge shall be used as part of the education facility provided by the school premises.

Reasons:

- 1) For the avoidance of doubt
- 2) The close proximity of the school to West Lodge results in a potentially harmful impact to future residents by virtue of the shared access to the house and school during school operating times and the potentially harmful impact on the use of the open space around the dwelling house which would normally be expected by occupiers of a dwelling in a purely residential location. The permitted occupiers are persons with a close connection with the school able to deal with this potentially harmful impact.
- 3) The permission granted by previous planning permission reference 35678 for the use of the ground floor of West Lodge as part of the education facility provided by the school is considered to have lapsed. The use of the ground floor of West Lodge as part of the school grounds is no longer considered acceptable as it would be considered to result in a potentially harmful impact by virtue of noise, shared access, and amenity to future residents of that property.

Informatives:

- 1) The permission granted by previous planning application 35678 for the use of the ground floor of West Lodge as part of the education facility provided by the school is considered to have lapsed. Therefore, any use of the ground floor of West Lodge as part of the school premises would require a further Change of Use Consent.

Recommended to GRANT PERMISSION for use of the first floor extension of the existing nursery school (with Condition 4 of planning permission 09/00672/F removed as per application number 10/01159/VC) and subject to the following conditions:

- 1) In accordance with the drawings submitted and approved
- 2) The dwelling known as West Lodge shall be permanently occupied by 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.

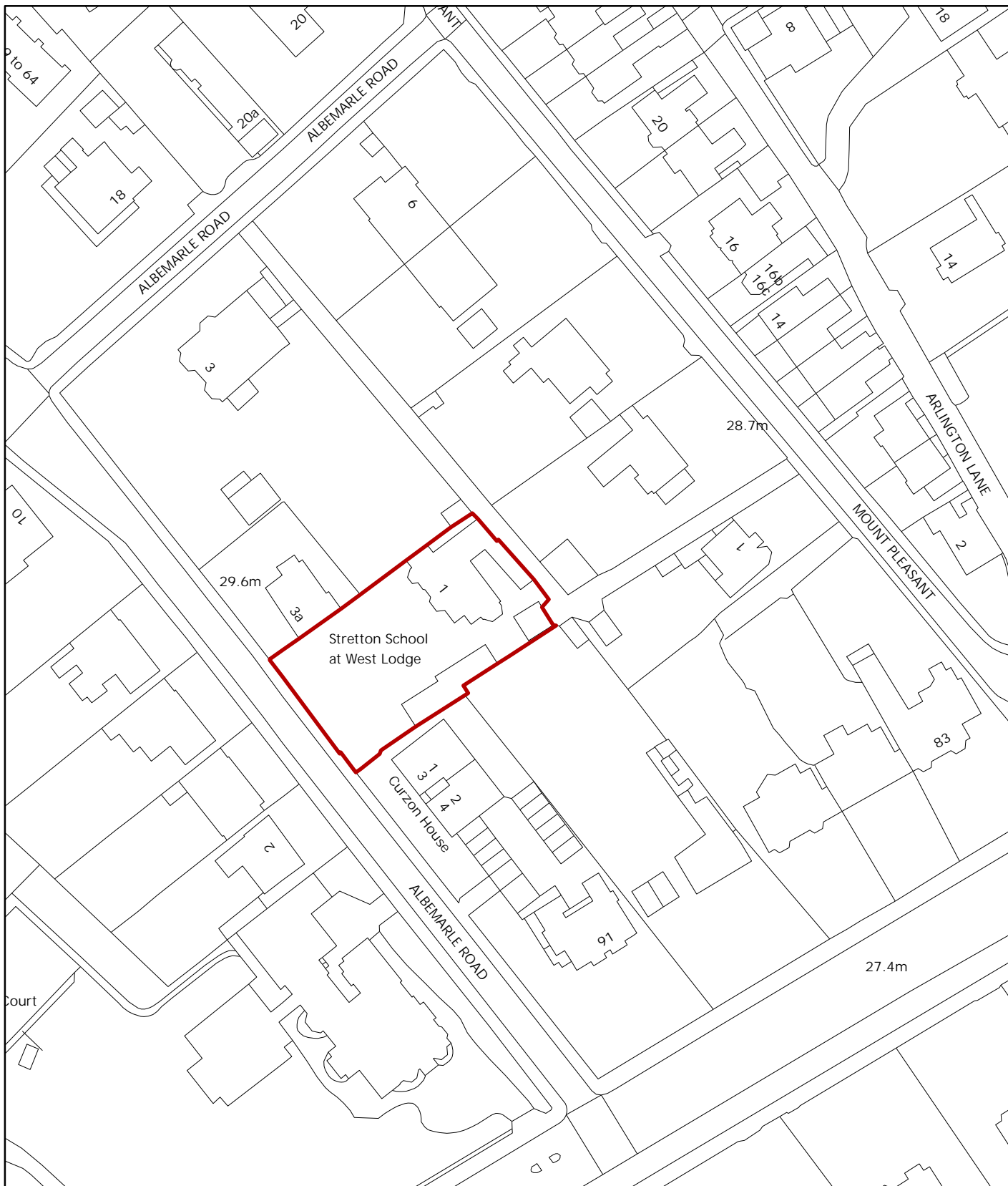
Reasons:

- 1) For the avoidance of doubt
- 2) The close proximity of the school to West Lodge results in a potentially harmful impact to future residents by virtue of the shared access to the house and school during

school operating times and the potentially harmful impact on the use of the open space around the dwelling house which would normally be expected by occupiers of a dwelling in a purely residential location. The permitted occupiers are persons with a close connection with the school able to deal with this potentially harmful impact.

Reasons for Approval for both application 10/01158/VC and 10/01159/VC:

It is considered that the removal of this condition will not result in any detrimental impact to residential amenity, the residential character of the immediate or wider area, any increased disruption to traffic flow and congestion, highway safety or current parking issues. Rather, this small scale private school will be allowed to continue its successful operation as an education facility on the discontinuance of occupation of Mrs Y Barnett. Therefore the proposal is considered to be in accordance with the objectives of PPS1, saved Structure Plan policy T2 and saved policies HBE8, EMP1 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No - 10/01158/VC

Site Address - Stretton School, 1 Albemarle Road, Norwich

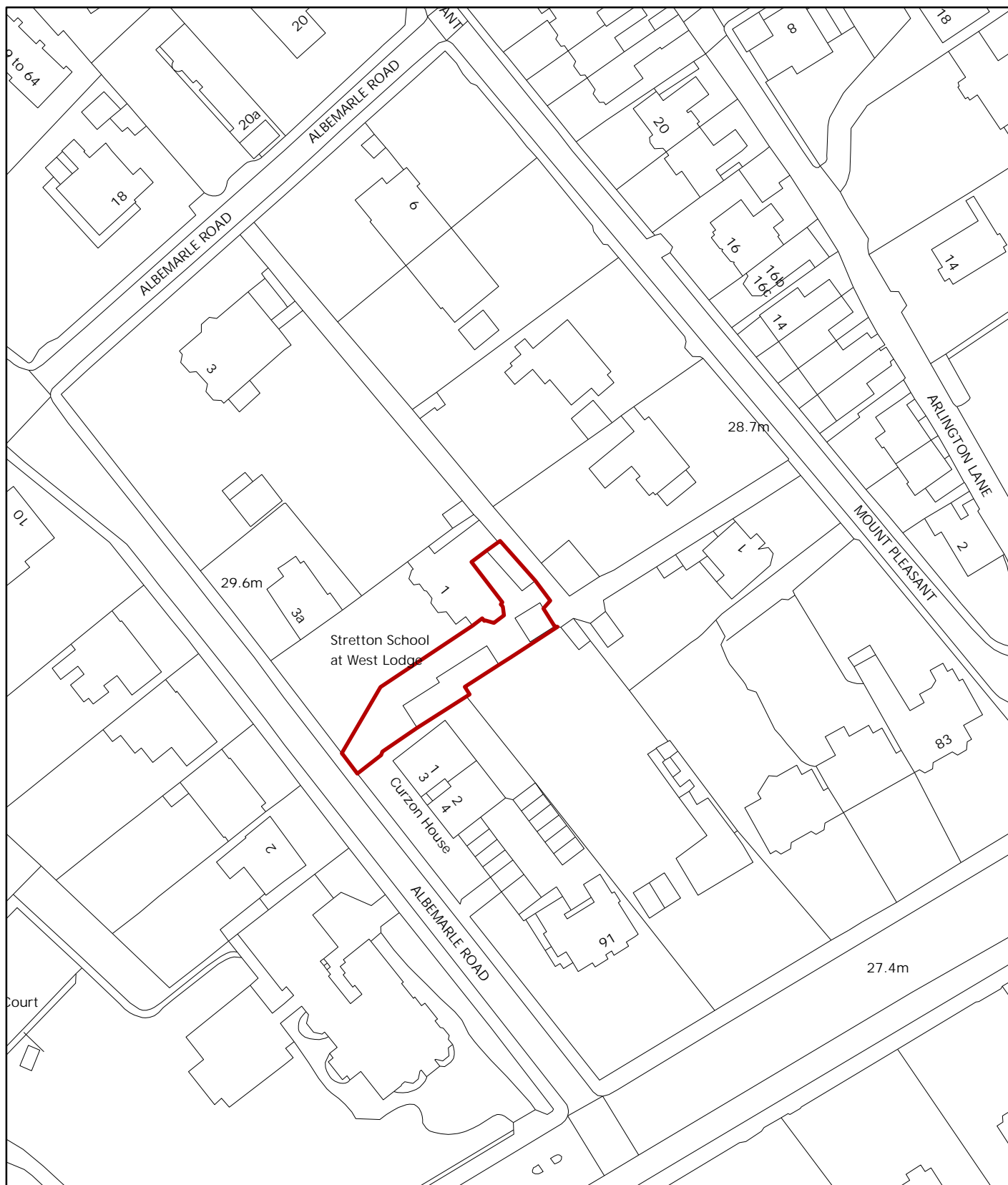
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