

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 16/08/2022

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/22/02691	<b>Agenda Item:</b>	S063		
<b>Address:</b>	Park Walk Primary School, Park Walk, LONDON, SW10 0AY				
<b>Proposal:</b>	Conversion of existing caretaker's home and ceramics studio into new nursery facility for children.				
<b>Applicant:</b>	RB of Kensington and Chelsea				
<b>Agent:</b>	Ms Virrey 3BM Planning				
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>	
37	9	0	0	0	
<b>Listed building:</b>	<b>Grade II</b>				

## 1. Summary

- 1.1 The proposal to convert two buildings into nursery facilities is recommended for approval for a number of reasons:
- the proposal would bring the buildings back into use, and would revitalize and ensure maintenance of the heritage assets in accordance with policy CL4 of the Local Plan; and
  - the nursery would enhance an existing social and community use, supported by policy CK1.
- 1.2 The recommendation to approve follows an important amendment to the scheme, removing a proposed entrance on Lamont Road Passage.

**It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.**

## 2. Reason for committee consideration

- This is an application made by the Royal Borough and must be determined by committee members.
- Nine objections have been received; however, this is not now a reason for committee consideration. All but one of the objections relate to the entrance on Lamont Road Passage, which has been removed, or an issue with viewing the documents online which was identified and resolved.

### 3. The site and its surroundings

- 3.1 Park Walk Primary School is at the southern end of Park Walk, near the junction with King's Road. The southern end of the site is bordered by Lamont Road Passage, a pedestrianised stretch that links Lamont Road to Park Walk. The proposal relates to two buildings along this southern border; a former ceramics studio on the south-western corner and a former caretakers house on the south-eastern corner.
- 3.2 The buildings within the curtilage of the school grounds are Grade II listed. No part of the site is in a conservation area. However, the two buildings are visible from the Sloane/Stanley and the Chelsea Park/Carlyle Conservation Areas.

### 4. The proposal and any relevant planning history

- 4.1 Planning permission and listed building consent is sought to convert two ancillary buildings to a nursery use, intended for 0-2 year olds, through external renovations of the buildings and the grounds and internal changes to their layout.
- 4.2 As mentioned in part 1.2, and amendment has been made to the application, removing a proposal for a new entrance to the nursery buildings on Lamont Road Passage. Following advice from the delegated officer, this part of the proposal was removed as it was considered that introducing an entrance on this quiet street would encourage parents and guardians of children to use streets away from Park Walk that are unfit for purpose.
- 4.3 The provision of an entrance on Lamont Road Passage was considered likely to create congestion and nuisance from people congregating on Lamont Road Passage when dropping off their children, and increase traffic congestion and parking pressure on Lamont Road, a cul-de-sac with no potential for further parking provision and susceptible to being blocked by waiting vehicles. No information was provided to counter these concerns.
- 4.4 This application is part of a wider series of proposals to renovate the school. The following developments have already been approved:

Reference	Description	Decision	Implemented
PP/21/06981 LB/21/06982	Reconfiguration and refurbishment of property internally and externally including: relocation of main entrance to school; removal of 2no. windows and 2no. doors on North-East elevation; installation of 1no. window and 3no. doors on North-East elevation; installation of 2no. pedestrian access gates to Park Walk boundary, and; associated re-landscaping works of Early Years playground.	Granted 07/04/2022	Yes
PP/22/01520 LB/22/01521	Replacement external windows.	Granted 09/06/2022	Yes

## 5. Main policies and strategies relevant to the decision

### The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019
Conservation Area	CL11
General townscape	CL1, CL2, CL6
Living conditions	CL5
Listed buildings	CL4
Transport	CT1
Flooding	CE2

These policies can be read online at:

- Local Plan:  
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

### Other local strategies or publications

5.2 The main relevant supplementary planning documents adopted by the Council are:

- Greening
- Transport and Streets

These documents can be read online at:

<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

## 6. Evaluation

- 6.1 The proposal would safeguard existing traffic and parking pressure on Park Walk. The proposal would not significantly increase the number of pupils attending the school. There would be no pressure on public transport services and the minor increase would not put undue pressure on the Park Walk where the entrances to the school are located.
- 6.2 The proposal would safeguard current standards of living for neighbouring occupants. No extensions to the buildings are proposed and there would be no additional bulk that could harmful block light or cause a sense of enclosure. The school is well screened around its perimeter and there would be no harmful loss of privacy into or out of the school. The minor increase in pupil numbers that the development would allow would not be sufficient to increase noise disturbance.
- 6.3 The buildings are in ancillary use to the school and the proposal to use them for nursery facilities is not considered as a change of use requiring planning permission. The conversion is, however, considered beneficial in that the buildings are no currently in use, and further nursery school provision is seen as a public and community benefit. The new nursery would enhance an existing social and community use, supported by policy CK1.
- 6.4 Local Plan policy CE2 requires development to improve surface water drainage by 50%. The proposal includes the laying of AstroTurf and other potentially impermeable surfaces that could result in a worsening of drainage levels. The following condition is

recommended for details of how the proposal will improve drainage:

- No development shall commence until a Sustainable Drainage Systems Strategy is submitted to and approved in writing by the Local Planning Authority (Condition 5)

6.5 The decisive issue is:

- i Whether the proposals safeguard the special historic and architectural interest of the listed asset and would preserve, or take opportunities to enhance, the character and appearance of the buildings and wider area.

### **Listed building impact, character and appearance**

6.6 The proposals are acceptable.

6.7 The general repair and upgrade to ensure the buildings remain weather tight would be welcome. However, no details are provided on whether the external doors are considered in sufficiently poor condition to require replacement and further details are required in this respect. Details should be provided of the design and construction of the proposed replacements, which should match the original. This is secured by recommended condition 3 of the listed building consent.

6.8 The replacement windows would be acceptable in principle as the existing have been replaced in places. However, the proposed windows appear a little overly chunky in places as shown on the individual drawings. Double glazing may necessitate slightly thicker frames, but the design of new windows should be as refined as possible in this domestically scaled building. Condition 3 of the listed building consent requires more detail to ensure the replacements are appropriate.

6.9 The new use retains the original cellular layout and important features such as the chimney breasts and staircase. However the plans show the removal of fireplaces and internal doors. Whilst fireplaces may be boarded over, and internal doors could be upgraded for greater fire resistance, their removal would not be acceptable. As such condition 5 is recommended on the listed building consent. The replacement floor and ceiling finishes are acceptable subject to further details (secured by condition 3).

6.10 The proposal to renovate the more southerly entrance door on Park Walk is acceptable.

6.11 Details of replacement doors, windows, floors and skirtings, as mentioned above, are included under recommended condition 3 on the listed building consent (LB). The following conditions are also recommended:

- All work of repair and making good shall be finished to match the existing exterior of the buildings - Condition 4 (PP & LB)

### **Issues and balancing**

6.12 Subject to compliance with the recommended conditions, the proposal would preserve the character and appearance of the area, safeguard the special historic and architectural interest of the listed buildings, ensure that good living conditions continue for neighbouring occupants and demonstrates development in line with the Council's policies on flooding and transport and streets.

6.13 The proposal would, therefore, comply with policies CL1, CL2, CL4, CL5, CL6, CL11, CT1, CK1 and CE2 of the Local Plan 2019.

6.14 Considerable importance and weight has been attached to and special attention has been paid to the need for special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.16

and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## 7. Consultations carried out

### Comments from interested parties

37 nearby owners/occupiers were notified directly of the application.  
The application was advertised in the Gazette on 03/06/2022.  
A statutory notice advertising the application was posted near the site on 03/06/2022.

7.1 Nine letters were received objecting to the application, summarised as:

	Comment	Response
1	The proposed entrance on Lamont Road Passage will result in congestion on the pavement caused by parents children using the entrance.	This part of the scheme has been removed from the proposal. The objectors points have been noted and are in line with officer's concerns.
2	The proposed entrance on Lamont Road Passage will cause noise and nuisance from children being dropped off here.	This part of the scheme has been removed from the proposal. The objectors points have been noted and are in line with officer's concerns.
3	The proposed entrance on Lamont Road Passage will add to traffic congestion and parking problems on Lamont Road from children being dropped off by car.	This part of the scheme has been removed from the proposal. The objectors points have been noted and are in line with officer's concerns.
4	The proposed entrance on Lamont Road Passage will result in an increase in litter on this street by users of the entrance.	This part of the scheme has been removed from the proposal. The objectors points have been noted.
5	The proposed entrance on Lamont Road Passage will result in children damaging plants on the passage.	This part of the scheme has been removed from the proposal. The objectors points have been noted.
6	The proposed entrance on Lamont Road Passage would require the removal of a hedge that is attractive and also shields noise and pollution to and from the school.	This part of the scheme has been removed from the proposal. The objectors points have been noted and are in line with officer's concerns.
7	No site notice was posted on Lamont Road Passage or Lamont Road.	A site notice was posted outside the entrance on Park Walk and all neighbouring properties were notified by post in line with the Council's obligations regarding engagement. It is important that notification of development is not excessive and the level of engagement undertaken for this application is considered appropriate.
8	Not all of the documents can be opened when the proposal is	This is an issue raised relatively early in the application process. The difficulties were

	viewed online.	corrected and a new 21 day consultation period was allowed in case anyone had missed something of importance or interest to them.
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## Consultees

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	The proposed entrance on Lamont Road Passage is unacceptable. The small increase in pupils would not have a harmful impact on transport.	4.2, 4.3, 6.1
Conservation and Design Officer	The proposed change is welcomed, subject to further justification and details of external and internal changes.	6.7 – 6.11

## 8. Recommended conditions if the application is granted

### 1. Time Limit

**The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.*

### 2. Compliance with approved drawings

**The development shall not be carried out except in complete accordance with the details shown on submitted plans 0000-S0-R00, 0001-S0-R00, 0500-S0-R01, 0501-S0-R02, 1100-S0-R01, 1101-S0-R02, 2100-S0-R00**

*Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.*

### 3. Submission of details (Full PP)

**Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:**

**a) Condition surveys of existing external doors to both buildings, with justification for their removal if proposed, and detailed drawings of their proposed replacements in painted timber;**

**b) A schedule of existing windows to both buildings including clear photographs; details of proposed replacements in painted timber at an appropriate scale of no less than 1:10; and elevational drawings showing them in context;**

**c) Elevational drawing of the Ceramic Studio showing change of windows to doors in context;**

**d) Detailed drawings of the new pedestrian access gate on Park Walk.**

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

4. **Materials - To match existing**

All work of repair and making good shall be finished to match the existing exterior of the buildings in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

*Reason - To preserve the appearance of the building and the character of the area in accordance with policies of the development plan in particular policies CL1, CL2, CL3, CL4 and CL6 of the Local Plan 2019.*

5. **Sustainable Drainage Systems Strategy**

No development shall commence until a Sustainable Drainage Systems Strategy with the following information is submitted to and approved in writing by the Local Planning Authority:

- A detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Local Plan Policy CE2 (g), which is to achieve a reduction of 50% of existing rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater or other flows).
- Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
- Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).
- Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved Sustainable Drainage System (SuDS) and Flood Risk measures shall be fully implemented and maintained thereafter.

*Reason – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Local Plan 2019.*

## INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Condition Nos. 3 & 5 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are

advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 4 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2018 (as amended), and the grant of planning permission does not imply that such approval will be given. The District Surveyor, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
- 5 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>
- 6 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.
- 7 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: [www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx](http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx). From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).
- 8 Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

**Monday to Friday 8am – 6pm**

**Saturday, Sunday and public holidays – none permitted**

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at [dehcmt@rbkc.gov.uk](mailto:dehcmt@rbkc.gov.uk)

- 9 Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You

are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

**Background papers:**

**Documents associated with the application (except exempt or confidential information) is available at [www.rbkc.gov.uk/PP/22/02691](http://www.rbkc.gov.uk/PP/22/02691) or electronically in our Customer Service Centre, Town Hall, Hornton Street.**

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