

COMMITTEE REPORT

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Committee Report

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED

APP NO. PP/03/01741
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

69 Notting Hill
Gate, London, W11
3JS

APPLICATION DATED 13/08/2003

APPLICATION REVISED

APPLICATION COMPLETE 19/08/2003

APPLICANT/AGENT ADDRESS:

GVA Grimley,
10 Stratton Street,
London,
W1J 8JR

CONS. AREA N/A

CAPS No

ARTICLE '4' No

WARD CAA

LISTED BUILDING No

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK & C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

pe

**ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

DELEGATED

Date: 30/09/2003

APP NO. PP/03/01741/COTH

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

RECOMMENDED DECISION: Grant planning permission

I hereby determine and grant this application under the powers delegated to me by the Council, subject to the conditions indicated below imposed for the reasons appearing thereunder, or for the reasons stated.

MA
Exec. Director, Planning and Conservation

hdws
Head of Development Control

Area Planning Officer

ADDRESS OF SITE:

69 Notting Hill Gate, London,
W11 3JS

APPLICATION DATED

13/08/2003

APPLICATION COMPLETE

19/08/2003

APPLICANT/AGENT ADDRESS:

GVA Grimley,
10 Stratton Street,
London,
W1J 8JR

~~APPLICATION REVISED~~

APPLICANT: David Game Tutorial College,

CONS AREA

N/A

CAPS NO

ART '4' NO

WARD Campden

LISTED BUILDING NO

ENG. HERITAGE

CONSULTED 19

OBJ. 0

SUP. 0

PET. 0

PROPOSAL: Variation of Condition 2 (Planning Application Ref. TP/95/0368) to extend time limit for educational use (Class D1) at David Game House for a further 10 years from date of expiry (May 3rd 2005).

RBK&C Drawing No(s): ~~PP/03/01741~~

Applicant's Drawing No(s)



CONDITIONS AND REASONS FOR THEIR IMPOSITION

1. **The use hereby permitted shall be retained for a limited period only until May 3rd 2015, on or before which date the use shall be discontinued. (C004)**
Reason - There is insufficient evidence available at this stage to assess the impact of the development, and permission for a limited period will allow the authority to reassess the development in the light of experience of the use. (R004)

2. **This permission shall be personal to the David Game Tutorial College or any such other educational institution as may be approved in writing by the Local Planning Authority and shall not enure for the benefit of the land. (C006)**
Reason - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case/applicant, and considers that use otherwise than by the David Game Tutorial College would have had different implications, and would be likely to have resulted in planning permission being refused. (R006)

3. **No more than 300 students shall be on the premises from 08.00 to 19.00 hours on Monday to Friday, and no more than 100 students shall be on the premises from 19.00 hours until 21.00 hours on Monday to Friday and from 09.00 to 14.00 hours on Saturdays, and there shall be no students on the premises at other times.**
Reason - To safeguard the amenity of the area.

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies SC4, SC5, TR36 and TR9. (I51)

1.0 SITE

- 1.1 The site is located on the southern side of Notting Hill Gate. This application relates to the second and third floors of the property.
- 1.2 The site is located within the core frontage of the Notting Hill Gate Principal Shopping Centre.

2.0 THE PROPOSAL

- 2.1 Planning permission was granted in 1995 for the use of the second and third floor of no. 169 for an educational use. Condition 2 of the permission stated that "The use hereby permitted shall be retained for a limited period only until May 3rd 2005 on or before which date the use shall be discontinued". The reason for this condition was "to allow the authority to reassess the development in the light of changing circumstances".
- 2.2 This application seeks to vary this condition to allow the continued use for a further ten years.

3.0 PLANNING CONSIDERATIONS

- 3.1 The main considerations is the suitability of the continued use for educational purposes including the impact upon traffic and parking and residential amenity.
- 3.2 The relevant policies include:
- SC4 and SC5 (Provision of social and community facilities)
TR36 (Transportation)
TR9 (Cycle parking)
- 3.3 Policies SC4 and SC5 will permit the development of social and community facilities to meet local needs as long as a number of caveats are met. It is considered that the college meets a local need. The applicants state that between 50 and 60% of the pupils are recruited from the local area and there is no reason to believe that this would change in the short to medium term.
- 3.4 With regard to the criteria set out in Policy SC5, there is no loss of retail floorspace and the application is for the continued use of the college and will not result in over concentration of similar facilities.
- 3.5 The college lies within a primarily commercial frontage and it is considered that any impact on residential amenity is minimal.
- 3.6 The Director of Transportation and Highways comments:
"As far as I know, this use has not caused any unacceptable parking or traffic impact. However, you should ensure that any planning permission is personal to this applicant and that the numbers of students on the premises and hours of operation are controlled by condition. I note that the additional college proposed at 9 Pembridge Road is intended to operate Monday to Friday, 9 am to 6 pm. This college should also have a similar control imposed if it does not already have one, to prevent evening and weekend parking pressure. The applicant should provide off- street cycle parking in

accordance with UDP policy TR9".

3.7 It is considered that the permission should continue to be personal to David Game Tutorial College as a different type of D1 use may not fulfill the same local need and may have substantially different impacts upon the amenity of the area, in particular in terms of its impact upon traffic and parking.

5.0 PUBLIC CONSULTATION

5.1 Eighteen letters sent. No representations received.

6.0 RECOMMENDATION

6.1 Grant planning permission.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

Background Papers

The contents of file PP/03/01741 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: SG
Report Approved By: DT/LAWJ Laws
Date Report Approved: 30/9/03