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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

MEMBERS' PANEL APP NO. PP/99/02234/COTH/44
AGENDA ITEM NO. 356

ADDRESS

The Square Montessori School, 18 Holland Park Avenue, Kensington, W11 3QU

APPLICATION DATED 02/09/1999

APPLICATION COMPLETE 01/11/1999

APPLICATION REVISED N/A

APPLICANT/AGENT ADDRESS:

Paul Draper,
34 Marham Gardens,
Morden,
Surrey
SM4 6JJ

CONSERVATION AREA Ladbroke

CAPS Yes

ARTICLE '4' Yes

WARD Pembridge

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 23

OBJECTIONS 0

SUPPORT 2

PETITION 0

Applicant Mrs. V. Lawson Tancred

PROPOSAL:

Continued use of one room on ground floor and two rooms in basement as a nursery school.

RBK&C Drawing No(s): PP/99/02234
Applicant's drawing(s) No(s). PRD/40/01

RECOMMENDED DECISION:

Grant planning permission

DELEGATED APPROVAL
08 FEB 2000

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The use hereby permitted shall only be carried out between the hours of 09.15 and 15.30 Mondays to Fridays, and shall not be carried out at any time on Saturdays, Sundays, or public holidays. (C042)**
Reason - To safeguard the amenity of neighbouring property. (R042)

2. **The part(s) of the building(s) shown on the drawing(s) hereby approved for use as a nursery school shall be used for no other purposes including any other purposes within Class D1 of the Town and Country (Use Classes) Order 1987 as amended. (C060)**
Reason - The local planning authority considers that use for any other purposes would be detrimental to the amenity of the area and its residents. (R058)

3. **The nursery school hereby permitted shall accommodate a maximum of twenty children/pupils.**
Reason: To safeguard the amenity of neighbouring property.

INFORMATIVES

1. I10
2. I42
3. I21

1.0 THE SITE

- 1.1 No.18 Holland Park Avenue is a three storey (plus basement) mid-terrace Victorian building, situated on the North side of Holland Park Avenue, close to the junction with Ladbroke Terrace.
- 1.2 The property is in use as a single family dwelling house with one room on the ground floor and two rooms in the basement currently being used as a nursery school.
- 1.3 The property is not Listed, but is within the Ladbroke Conservation Area.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The application is for the continued use of one room on the ground floor and two rooms in the basement as a nursery school with a variation of two conditions attached to a planning permission granted in 1989 (Ref: TP/89/1565).
- 2.2 The two conditions are Condition No.1 (a personal condition) and No.2 (the hours of operation). The reason given for imposing the personal condition was to enable the Council to retain control of the use in the event of the present applicant vacating the premises. It is understood that this has now happened and the school is being run by Mrs Nadira Ridgely. It is proposed to vary the hours of operation from 09.30 - 16.30 to 09.15 - 15.15. The nursery school will continue to have access to the rear garden.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Temporary and personal planning permissions were granted in 1973, 1974, 1976, 1978, 1981 and 1982 for the use of one room on the ground floor and one room in the basement as a nursery school.
- 3.2 In 1987 planning permission was granted on a personal basis only for the continued use of one room on each of the basement and ground floors as a nursery school.
- 3.3 In 1989 planning permission was granted on a personal basis for the use of one room on the ground floor and two rooms in the basement as a nursery school.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case are the continued loss of the residential floor space and the impact of the nursery school use on the amenities of occupiers of neighbouring residential properties, as well as the effect on traffic congestion and parking demand in the locality.
- 4.2 The relevant Policies of the Unitary Development Plan are as follows:

- . H1 (To resist the loss of permanent residential accommodation)
- . SC5 (Social and community uses)
- . CD34 (Noise)

- 4.3 The existing nursery school is a small scale operation that caters for up to 20 children and has been in existence for the past 26 years. The school is unusual in that it shares common parts with the residential house in which it is situated.
- 4.4 It is not considered that the continued loss of the relatively small area of residential floorspace will have an adverse affect on the usefulness of this large family house. The two uses have successfully co-existed for many years and there is no reason to believe that this relationship will not continue. The Council's Social Services Under Eights Section raises no objection to the application. The Transportation Officer also does not object to the proposal but has suggested that a condition be imposed to limit the number of children to 20.
- 4.5 It is considered that the Council will be able to adequately control the continued use of the school and its impact on the amenities of neighbouring residential properties through the use of conditions. These conditions would limit the number of children at the school to 20, restrict the use to a school only and no other use within Class D1, and control the hours of operation. Therefore, it is considered that there are no special circumstances which justify the imposition of another personal condition.
- 4.6 It is not considered that the continued use of part of the property as a nursery school will adversely affect the amenities of neighbouring occupiers or have a significant impact on existing parking and traffic conditions. The school is a small scale long established use and no objections to the application have been received. The proposed change to the hours of operation is considered to be fairly minor with an overall reduction in the total hours.

5.0 PUBLIC CONSULTATION

- 5.1 Occupiers of twenty-three neighbouring properties in Holland Park Avenue, Ladbroke Walk, Hillsleigh Road and Campden Hill Square were notified of this application.
- 5.2 To date, one letter has been received from The Ladbroke Association. Two letters of support have been received from parents with children at the school.
- 5.3 The Ladbroke Association have written to state:

"We think that the nursery school consent should remain on a five year termly basis and should be personal."

The existing school is not controlled by a temporary permission but is subject to a personal permission. The school has been in existence for the past 26

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years. It is considered that the Council will be able to adequately control the continued use of the school through the imposition of other suitable conditions and a personal condition is not considered necessary.

6.0 RECOMMENDATION

6.1 Grant Planning Permission.

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