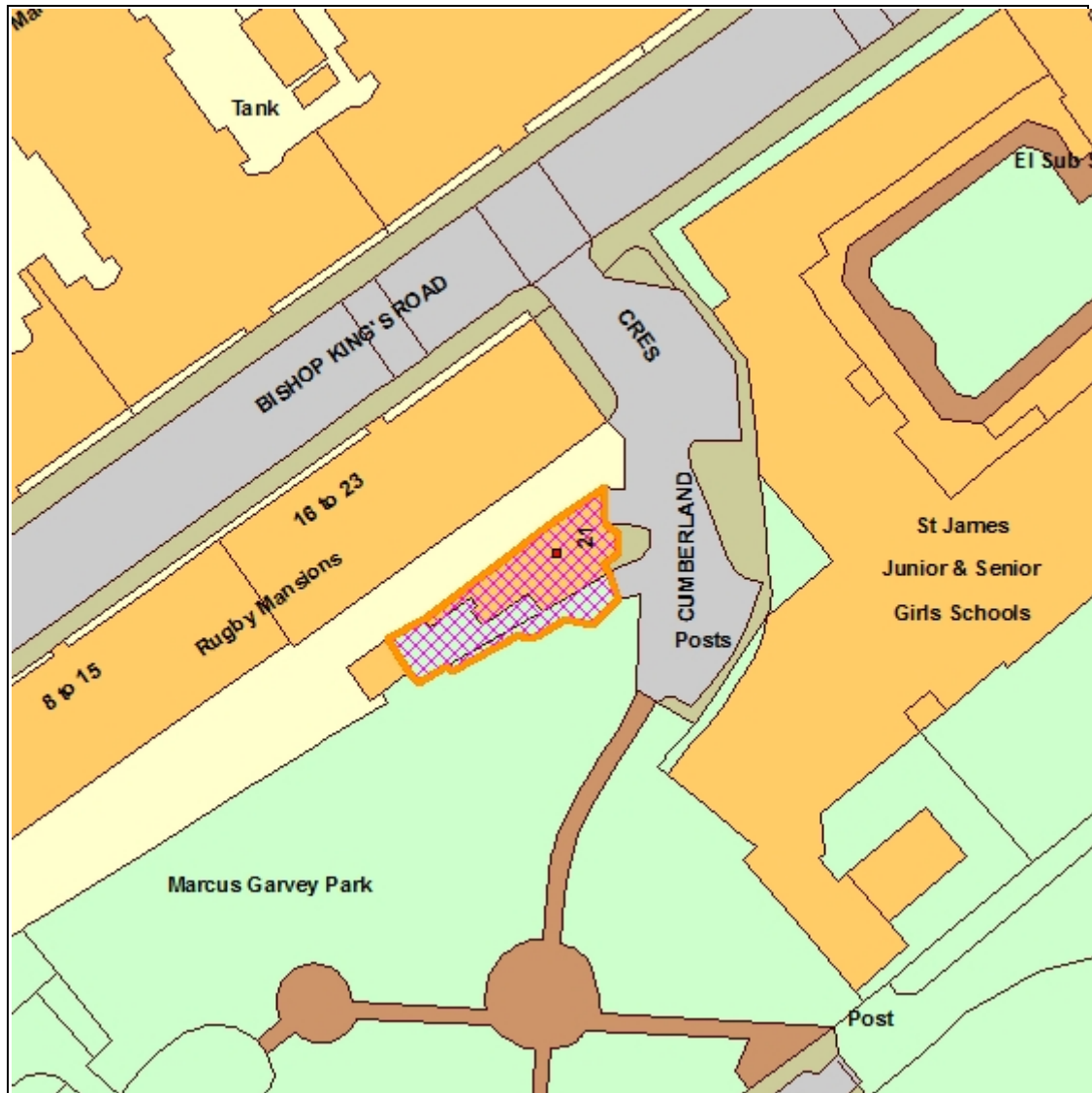


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**Ward:** Avonmore

**Site Address:**

Cumberland Lodge 21 Cumberland Crescent London W14 8XB



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**For identification purposes only - do not scale.**

**Reg. No:**

2022/03244/FUL

**Case Officer:**

Anisa Aboud

**Date Valid:**

08.11.2022

**Conservation Area:**

Constraint Name: Olympia And Avonmore  
Conservation Area - Number 23

**Committee Date:**

05.09.2023

**Applicant:**

Mr William Wyatt  
St James School Earsby Street London W14 8SH

**Description:**

Permanent change of use from residential dwelling (Class C3) to Bursar's Office ancillary to St James School (Class E(c)).  
Drg Nos: LX-I-439-CC-101-GA Rev. B

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed below:
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The planning permission is personal to St James School only and for the duration of the planning permission, the application site shall only be used for the purposes relating to the activity as a Bursar's Office ancillary to St James School (Class B1) and there shall be no teaching or training within the property.

To safeguard the integrity of the subject application and to safeguard the amenity of the occupiers of the surrounding properties in light of policy HO11 of the Local Plan (2018).

- 3) The proposed use shall only be undertaken on Mondays to Fridays from 7am to 7pm.

In order to safeguard the amenity values of the surrounding area, in accordance with Local Plan (2018) Policies HO11.

- 4) A minimum of 2 cycle parking spaces as shown on plan LX-1-439-CC-101-GA Rev. B shall be provided on site whilst the proposed use is in operation and the cycle spaces shall be maintained for the duration of the planning permission.

To ensure sufficient provision for cycle parking in accordance with Local Plan (2018) Policy T1 and T3.

- 5) Neither music nor amplified/loud voices emitted from the internal or external areas of the premises shall be audible/measurable above the lowest background noise level at the nearest or most affected external residential/noise sensitive facade and should be at least 10 dB below the quiet background inside any neighbouring dwelling.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Local Plan policies HO11, CC11 and CC13 (2018).

- 6) The temporary wheelchair ramp, as shown on the Premium Cross Fold Wheelchair Ramps received on 7th November 2022, shall be retained, permanently stored within the subject site and made available for disabled users when required for the duration of the planning permission.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Local Plan policies CF1 and CF2 (2018).

### **Justification for Approving the Application:**

- 1) It is considered that the proposal would not have a significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. Furthermore, it is considered the proposal would not harm the character and appearance of the area and the use would not have a detrimental impact on the operation of the highway. The continued use of a formerly vacant dwelling for educational / community use on a permanent basis subject to safeguarding conditions which would revert the use to residential (C3) when St James School no longer has need of it, would not result in the long-term permanent loss of residential accommodation and would provide a valuable community resource whilst in operation to the benefit of an educational facility. The character and appearance of the conservation area and the Building of Merit would be preserved. In these respects, the proposal complies with Policies HO2, HO4, HO11, DC1, DC4, CC3, CC4, CC7, CC9, CC11, CF1, CF2, E1, E2, T2, T3 and T4 of the Local Plan (2018) and no objections would be raised in terms of Key Principles CAG1, CAG2, AH1 and AH2 of the Planning Guidance Supplementary Planning Document (2018).

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### **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

#### **All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 7th November 2022  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

#### **Consultation Comments:**

##### **Comments From:**

##### **Dated:**

Environmental Policy	22.11.22
Air Quality	29.11.22
Public Protection and Safety	08.12.22
Highways	15.12.22
Policy and Spatial Planning	16.03.23

#### **Neighbour Comments:**

##### **Letters from:**

##### **Dated:**

## OFFICER REPORT

### 1.0 BACKGROUND

#### 1.1 Site and Surrounding

1.2 The application site is a two storey detached building, situated on the west side of Cumberland Crescent, and immediately to the rear of the 4 storey mansion block of Rugby Mansions. The lawful use of the property is as a single family dwelling. The building is on the Council's Local Register as a locally listed Building of Merit and is located within the Olympia and Avonmore Conservation Area. The site also adjoins Rugby Mansions to the north and St James Girls school to the east which are both locally listed Buildings of Merit and Marcus Garvey Park. There is a rear garden and off street parking for one car accessed via a gate to the side of the property. Access to the property is via Cumberland Lodge. The site is within Environment agency's flood zones 1, and has a TfL's Public Transport Accessibility Level (PTAL) of 6a, indicating it has excellent public transport accessibility. The property is located approximately 500m from Kensington Olympia Rail Station

#### 1.3 Planning History

1.4 1986/00931/FUL - Planning permission was approved in December 1986 for the erection of rear extensions at ground and first floor levels and covered walkway.

1.5 1988/00185/FUL - Planning permission was refused in March 1988 for the erection of an open sided cupola on the roof.

1.6 2017/02684/FUL - Change of use from residential dwelling (Class C3) to Bursar's Office ancillary to St James School (Class B1) for a temporary period of 5 years, was granted in 08.11.2017, subject to conditions. This was implemented.

#### Current Proposal

1.7 The application seeks planning permission for the permanent change of use of the property from a self-contained residential unit to use as a school Bursar's office ancillary to St James School.

1.8 The consent will be personal to St James School and the school have confirmed (as stated in submission documentation) that the sites use would return to C3 residential use class when St James School no longer has need of the property as their Bursar's office. This would require a further planning permission, but this reinstatement of the original residential use would be supported.

1.9 The building will continue to be used to provide office and meeting room accommodation for the school's bursarial team (8 members of staff). The proposal will not result in any increase in pupil numbers and the site would not be used for teaching or training.

## 2.0 PUBLICITY AND CONSULTATIONS

- 2.1 The application was advertised by way of a press notice and site notices. 20 neighbouring properties were also notified by letter advising of the planning application.
- 2.2 During the course of the application, the proposal was revised from temporary consent (an additional 5 years) to a permanent change of use of the property from residential C3 use to operate as a Bursar's office ancillary to the functioning of St James School. Consequently, a revised planning application form and planning statement was received and reconsultations were carried out on 13.04.2023 informing residents of the change. No objections or comments have been received for either round of consultations.

External consultee responses

- 2.3 None.

## 3.0 POLICY FRAMEWORK

- 3.1 The statutory development plan comprises of the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- 3.2 National Planning Policy Framework (NPPF).  
The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 3.4 The London Plan  
The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.
- 3.5 The Local Plan  
The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## 4.0 PLANNING CONSIDERATIONS

4.1 The main planning considerations in light of the London Plan (2021) and the Council's Local Plan (2018), Planning Guidance SPD include:

1. The principle of the change of use in land use terms.
2. Impact on visual amenity including impact on the character and appearance of the building of merit and the conservation area;
3. The impact of the proposal on the amenity of neighbouring properties
4. The impact of the proposal on the highway network.
5. Environmental matters including flooding, contamination.

### LAND USE:

#### Loss of Residential:

4.2 The proposal seeks a permanent change of use of the property to a Bursars Office ancillary to St James School (Class B1). The application documents state that the building will not be used for teaching or training. It will solely be used to provide office/ meeting room accommodation for the school Bursar and his team. Notably, temporary consent had been granted for the change of use for Bursar's officer ancillary to St James School for 5 years. This consent expired on the 7th November 2022.

4.3 The applicant has sought to demonstrate that there is still a need for this site for St James School as its Bursar's office which cannot currently be accommodated within the main school building. The Planning Statement denotes:

- A) Teaching methods and statutory requirements for schools have changed over recent years. As such the school required greater space to ensure that it could continue to meet these requirements and to provide a high standard of education with appropriate and modern facilities for its existing pupils. As a result of these changes there was no longer space to accommodate the bursarial team in the existing school buildings.
- B) Previously the bursarial team was located in converted storerooms in the main building. These were not suitable for office accommodation and in September 2016 this space was required to provide medical facilities, and therefore the bursarial team were relocated.
- C) In 2017 the school carefully considered opportunities to relocate the bursarial team within the existing buildings on the main site. It however concluded that this was not feasible as sufficient space to accommodate the bursarial team could not be provided without compromising the teaching facilities, classroom space, ancillary space and playground space needed by pupils, in order to achieve a satisfactory school experience. Similarly, the Bursar's Office requires adequate accommodation, in order to provide a quality working environment to serve the school.

4.4 Local Plan policy HO2 states that the council will retain existing residential accommodation. This is continued with Local Plan Policy HO1 (Housing Supply) which states that the council will resist proposals which would result in a net loss

of permanent residential accommodation as a result of redevelopment or change of use without replacement.

- 4.5 Based on the above, officers consider that by virtue of the safeguarding condition attached, which will ensure that the use of the property is limited to St James School only, and given the assurances that when St James no longer has need for the site as it's Bursar's office, the use will go back to residential use (following a further planning application). Overall the proposed change of use will not result in the permanent long-term loss of a residential unit, which would be contrary to Local Policy HO1 and HO2. Combined with the demonstrated specific need for St James School's Bursars office, officers have considered the educational need for the Bursars office which is outlined below and given this significant weight in their assessment.

Proposed office / educational need:

- 4.6 Local Plan policy E1 (Providing for a range of employment uses) seeks to ensure that accommodation is available for all sizes of business including small and medium sized enterprises and the Council will support proposals for new employment uses. The Council will also support the retention, enhancement of existing employment uses.
- 4.7 The proposed development seeks to continue to provide floorspace ancillary to the existing school use at the adjacent St James School. Local Plan Policy E1 supports the provision of employment uses.
- 4.8 Local Plan policy CF1 (Supporting Community Facilities and Services) states that the Council will seek to provide borough wide high quality accessible and inclusive facilities and services for the community by seeking the improvement of school provision including:
- improvement and / or expansion of secondary schools;
  - improvement and/or expansion of primary schools through the primary school capital programme.
- 4.9 Local Plan policy CF2 (Enhancement of Community services) states that proposals for new or expanded community uses should meet local need, be compatible with and minimise impact on the local environment and be accessible to all in the community they serve. Local Plan policy CF3 (enhancement and retention of arts, culture, entertainment, leisure, recreation and sport uses) also states that the temporary use of vacant buildings for community uses, including for performance and creative work is encouraged.
- 4.10 Furthermore Paragraph 95 of the NPPF states that:
- "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."



4.11 On this occasion, the school has confirmed within their submission documentation that their intention is that the property would return to residential use once St James School's use/need of the site ceases. The planning consent is personal to St James School and therefore if they no longer require the application site the use will revert back to residential (following a further planning application). An informative will be attached to the consent to confirm this. Moreover, the NPPG states: It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. Officers consider the current approach would provide a more long-term solution to the on-going educational needs of St James School over a further temporary consent.

4.12 Officer's note that the proposed use of the subject property as a bursar's office is required by the school whilst they put in place a long-term strategy to accommodate the Bursar's team on the main school site subject to sufficient funding. It is envisaged that development will take place to increase the accommodation on the main school site to provide further accommodation for the bursarial team. The Planning Statement denotes:

"There is still not funding in place for the development works to expand the main school site. The school's timeframes to secure funding and allocate resources to the project have been significantly impacted by the Covid-19 pandemic, when it became necessary to prioritise the short-term requirements of the school, to enable them to operate during the pandemic. Measures that were put in place in 2020 and 2021 as a result of the pandemic, further put pressure on the space requirements of the school.

Whilst the school's intention remains to implement further development on their main site, at this stage and due to the uncertainty over the last couple of years, these plans have not advanced as the school had anticipated in 2017, that they would be by 2022."

4.13 The applicant has explained that the Bursar's team are required to be located on the main site, or next door to the main school site so that staff can travel quickly between the two sites, as the bursarial team provides vital day-to-day support for the school. The applicant has provided the following justification to explain why it is necessary for the Bursar's team to be located either on or adjacent to the main school site:

- a) The bursarial team needs to be readily available to the head teachers and all teaching staff, who often require immediate face to face assistance. Staff often must meet with the bursarial team at break time or between lessons and therefore staff must be able to reach their offices quickly.
- b) The bursarial team provide staff for emergency occurrences. For example if there is a disruption to a class that the teacher needs assistance with it is a member of the bursarial team that would attend to this. To enable the bursarial team to continue to carry out this function they need to be able to reach the classroom very quickly.

- c) The bursarial team also provide staff for emergency evacuations at the school, for example if there was a fire. They must therefore be able to be able to get straight on to the site, or already be on the site, to assist staff with congregating children at the fire assembly point. Being located five or ten minutes' walk from the main school site would not be practical or safe for pupils if an emergency evacuation is required.
  - d) The bursarial team also need to meet with parents, and on some occasions staff members also need to attend the meetings with the parents. It is not practical for these meetings to take place any further from the main site.
- 4.14 For the above reasons the school do not consider that it is feasible to locate on a site further from the main school site. Officers acknowledge this need and recognise the difficulty in securing sufficient funding to realise the long-term development strategy to incorporate the Bursar's office within the main school site.
- 4.15 Local Plan Policy CF1 recognises the need to support existing community facilities and services including schools. The NPPF also requires Local Authorities to take a proactive, positive and collaborative approach to meeting school's needs.
- 4.16 In light of the school's existing position in the borough, the specific need that has been justified by the school and safeguarding conditions will ensure that the use will revert to residential use (C3) when St James School no longer has need for it, on balance there is no objection to the principle of the proposal in land use terms, under policies H01, CF1 and E1 of the Local Plan and the NPPF.

## RESIDENTIAL AMENITY

### Noise and disturbance:

- 4.17 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).
- 4.18 The applicant has confirmed that pupils will not need to visit 21 Cumberland Crescent and therefore pupils will not walk between the main site and 21 Cumberland Crescent. The proposal will therefore not result in any noise outbreak from pupils or noise impact on neighbouring properties.
- 4.19 The proposed relocation of the Bursar's team is required to free up space within the Avonmore Centre for existing classes to accommodate modern teaching methods and requirements. The proposal is not to increase the school's capacity for additional pupils. The school is currently two form entry and this is not proposed to change because of the proposal. Previous planning permissions that have been granted have had conditions attached which state that the school shall not exceed 600 pupils. The application does not propose to exceed this cap on pupil numbers.
- 4.20 The building will be used as offices ancillary to the existing adjacent school and therefore officers consider the use is compatible with the surrounding uses and is not expected to result in a detrimental noise impact on neighbours. Whilst the

proposal has not specified the hours of operation, standard office hours would be from 0700-1900 - Monday to Friday, would not detrimentally impact on the residential amenity of neighbouring occupier. A condition is attached regarding the hours of use. Moreover, the site has been operating as St James School's Bursar's office for a period of 5 years and the council has not received any objections or complaints from neighbouring residents. Officer's have no reason to doubt this would not continue.

Loss of privacy:

- 4.21 With regards to overlooking to neighbouring properties, no external changes are proposed to the existing building and therefore the office use is likely to be similar to or an improvement on the existing residential use. As such no objection is raised under overlooking or loss of privacy grounds.

## VISUAL AMENITY

- 4.22 No external changes are proposed as part of this application. As such the proposal would preserve the character and appearance of the Building of Merit and the surrounding conservation area. No objection is therefore raised under policies DC1, DC2, DC4, DC8 of the Local Plan (2018), Policies HC1 of the London Plan (2021) and Planning Guidance SPD policies CAG1, CAG2, AH1 and AH2.

## HIGHWAYS IMPACT

Car Parking:

- 4.23 The NPPF requires that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
- 4.24 Policies T6 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 4.25 Local Plan Policies T1, T2, T4 set out vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met.
- 4.26 The site is located within PTAL score 6a indicating it has excellent public transport accessibility. The existing single off street parking space, located behind a gate fronting Cumberland Crescent, would be used by a school staff member. The proposed development will not result in any increase in staff numbers or pupil numbers and therefore transport and traffic will remain as existing and there will be no increase in the number of vehicles travelling to and from the site. As there is no increase in parking, no objection is raised under Local Plan Policies T1, T2

and T4.

#### Cycle parking

4.27 Two cycle spaces would be provided at the rear of the property in the existing outbuilding in accordance with Local Plan policy T3.

#### Refuse and recycling

4.28 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities. The planning statement states that 'separate bins for waste and recycling will be provided in the offices. It is not expected that the proposed use will generate much waste. All waste and recycling would be transferred by a member of staff to the existing refuse area on the main school site for collection. This is considered acceptable on this occasion and no objection is raised under Local Plan policy CC7.

### ENVIRONMENTAL AND OTHER MATTERS

#### Accessibility

4.29 The Spatial Vision of the Local Plan (2018) states that: There will be high quality infrastructure, services and community facilities accessible to all. This is reflected in Local Plan policies CF1 and CF2 which state: The council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community.

4.30 There is currently a single step up into the property. The applicant's states that a temporary ramp would be stored at the property which can be placed at the front door to enable level access for disabled users. Due to the small size of the property and the existing layout it is not feasible or practical to install a lift within the building to provide access to the first floor for disabled users. Meetings can be held on the ground floor and therefore it is not expected that disabled users will need access to the first floor. Given the scale of the development and the constraints of the existing building, officers consider that the above measures are appropriate and no objection is raised. A condition is attached requiring the temporary ramp to be stored within the premises and made available to disabled users when required.

#### Flood risk

4.31 This site is in the Environment Agency's Flood Zone 1. This indicates a low risk to flooding from the Thames. All other flood risks - groundwater, sewer, and surface water - are low for the site. Therefore, it is not necessary to submit a Flood risk Assessment with the application. The proposed change of use will reduce flood risk vulnerability as the building will be converted from residential to office use, and therefore no objection is raised to the proposal, under flood risk grounds.

4.32 In addition, water efficiency and sustainable drainage measures should be included where possible to show compliance with Local Plan Policy CC3 and CC4 requirements on managing surface water run-off and reducing water use.

## Contamination

4.33 The proposal does not raise any contamination issues. As such no objection is raised under Policy CC9 of the Local Plan (2018).

## 5.0 CONCLUSION

- 5.1 It is considered that the proposal would not have a significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. The character and appearance of the conservation area and the Building of Merit would be preserved. Furthermore, it is considered the proposal would not harm the character and appearance of the area and the use would not have a detrimental impact on the operation of the highway.
- 5.2 Given the schools intentions to revert the site to residential use when no longer required, it is considered that the continued use of a formerly vacant dwelling for educational / community use would not result in the long-term permanent loss of residential accommodation and would provide a valuable community resource whilst in operation to the benefit of an educational facility. In these respects, the proposal complies with Policies HO2, HO4, HO11, DC1, DC4, CC3, CC4, CC7, CC9, CC11, CF1. CF2, E1, E2, T2, T3 and T4 of the Local Plan (2018).

## 6.0 RECOMMENDATION

- 6.1 Grant permission subject to the recommendations above.