

Committee Date	21.12.2023	
Address	School House Overbury Avenue Beckenham	
Application Number	22/04039/FULL2	Officer - Gill Lambert
Ward	Beckenham Town And Copers Cope	
Proposal	Change of use of School House from educational (school) use falling within Class F1 to a pre-school (Class E(f)). RETROSPECTIVE	
Applicant	Agent	
Mr Michael Fall	Miss Tara Johnston	
Langley Park School for Girls Hawsbrook Lane South Eden Park Road Kent BR3 3BE	The Minster Building 21 Mincing Lane London EC3R 7AG	
Reason for referral to committee	Call-In	Councillor call in Yes – Called in by Cllr Tickner re: loss of residential unit, unacceptable noise and disturbance to adjoining residents, lack of parking and traffic management

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 9 Urban Open Space</p>
--

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	F1 - Education	50
Proposed	E(f) – Pre-school	50

Representation summary	Neighbour letters were sent 25.10.2022 and 26.10.2022 (Amended description) A non-statutory site notice was displayed at the site on 01.11.22	
Total number of responses	17	
Number in support	0	
Number of objections	17	

UPDATE

This application was deferred by Members at the Plans Sub-Committee No.1 on 23rd November in order to seek further noise assessments and confirmation that the existing noise from children playing outside is not a nuisance to neighbouring residential properties.

An additional noise survey was carried out on 5th and 6th December 2023 with the readings taken from the rear gardens of Nos.10 and 11 Holmdene Close, and a Noise Report was subsequently submitted on 7th December 2023. The findings of the Noise Survey are as follows:

- There was relatively little noise observed from the pre-school on Tuesday 6th December. This may, in part, be due to the poor weather conditions on this day. There was more noise from the pre-school observed on Wednesday 7th December.
- Noise observed from the pre-school is louder in the garden of 11 Holmdene Close than it is in 10 Holmdene Close by around 5 dB.
- Primary school breaktimes generally increase the average noise level more than the pre-school and occur for a greater cumulative proportion of the day. However, the noisiest specific events from the pre-school were louder than that of the primary school at both receptors.
- Long-term average noise levels are comparable between both the pre-school and primary school, where the pre-school noise levels are dominated by infrequent louder events, and primary school by more constant, distant noise. Such distinct events are likely to attract attention to a greater degree, despite being less frequent.
- It should be noted that the primary school would not be playing on the external field due to the ground conditions, therefore primary break-time levels are likely to be higher in summer (as discussed in the previous July 2023 report).

The report goes on to say:

“The recommendations of the previous report on minimising noise impact from the pre-school remain, in that by aligning the breaktimes of the pre-school and primary school, the noise from the primary school may help to mask the single noise events of the pre-school and reduce the overall time that residents are exposed to noise from school (both pre and primary) activity.

A study has been presented on the possible benefit of upgrading the existing fence and it is shown that the increase in mass that would be offered by a specialist acoustic fence is not likely to provide any tangible benefit to residents. Instead, it is recommended that the existing fence is inspected to ensure that there are no gaps or holes. Any such gaps or holes should be filled or boarded/battered over in order to maintain the sound insulation performance of the fence.”

Further information has also been submitted by the Applicant in order to address some of the issues raised by Members at the previous committee meeting. The information is summarised as follows:

- Premises - The premises has more than adequate outdoor space at the front of the building which the children enjoy on a daily basis. The outdoor activities the children explore each day include: mud kitchen, balancing apparatus, water/sand unit, scooters, bikes, seesaw, slide, garden tables and chairs, hoops and balls, planters for digging and growing, etc., (photographs can be found on the website).

There are three classrooms, one downstairs and two upstairs. The main classroom downstairs is surrounded by Montessori based equipment on shelves which is especially suitable for small group activities, one-to-one education and independent learning (photographs can be found on the website). These facilities are particularly beneficial for the four vulnerable children attending the setting, and as stated on our website SEN children are very welcome.

- Asbestos - We have a yearly asbestos inspection. During the last inspection in March this year the report indicated very low/low risk in all four areas: Loft, garage roof, canopy outside the front door, under the floorboards in the main classroom (please note the floorboards are also covered completely with thick lino). We have a full asbestos risk assessment, weekly inspections, full signage and all staff are fully asbestos trained.
- Ofsted - Ofsted carried out a full Regulatory Inspection of the premises on 28th November 2023. During this inspection the Ofsted Inspector looked at all the asbestos signage and the risk assessment and had no concerns whatsoever with regards to the asbestos on the premises or any other matters to do with the building other than the lack of planning permission. Please can we point out this was an Ofsted premises inspection not the full Education Inspection.

On the back of the Ofsted visit, Bromley Council Early Years visited on Friday 1st December to have a general look at the building and check on the asbestos risk assessment and inspection report.

- Retrospective application - The planning permission being retrospective was no fault of ours. We trusted Clare House Primary School to have suitable planning permission for us to use the School House for pre-school purposes. Having received the Licence for Alterations relating to the School House in August 2022 we asked Clare House Primary School on many occasions if we could have copies of other relevant documents. We did receive some other documents that did indicate that the building could be used for education purposes.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals do not result in the loss of a residential dwelling
- The development would not adversely affect the amenities of neighbouring residential properties, subject to safeguarding conditions
- The proposals would not have adverse impacts on parking or highway safety.

2 LOCATION

2.1 This two storey school house building lies at the southern end of Clare House Primary School's grounds, and fronts onto Overbury Avenue where it meets Stanley Avenue. It was formerly the school caretaker's house, but it has not been used for residential purposes since 2002. Permission was granted for educational use in 2005 ancillary to Clare House Primary School, and until recently, the school house building was being used by the primary school for a variety of educational purposes and associated storage.

2.2 The school house building is bounded to the west and north by the primary school's grounds and to the south by residential dwellings at Nos.10 and 11 Holmdene Close.

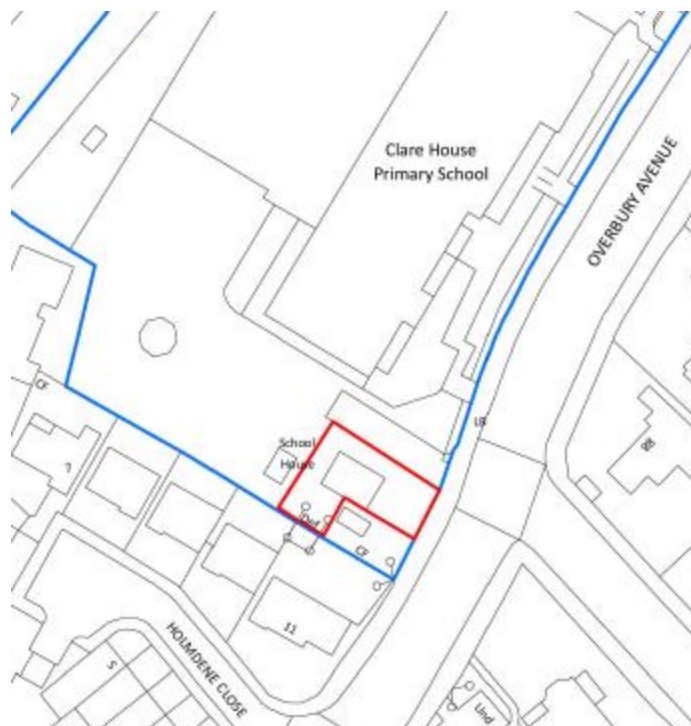


Figure 1 – Site location plan



Figure 2 – Aerial view



Figure 3 – Front elevation of School House

3 PROPOSAL

- 3.1 Retrospective planning permission is sought for the change of use of the School House building located within the grounds of Clare House Primary School from educational use (Class F1) to a pre-school use (Class E(f)). The use began on 5th September 2022, following the closure of the pre-school's former premises at the United Reformed Church Beckenham. No external changes have been carried out to the building.
- 3.2 The application states that the pre-school operates independently from Clare House Primary School and accommodates 10 pre-school aged children and 4 staff at any one time (a total of 6 staff work part-time). The pre-school is open from 8.30am until 2.30pm and most of the children stay for this length of time. The age range of the children is from 2 years old until school age.
- 3.3 The application is supported by the following documents:
- Planning Statement
 - Noise Impact Assessment submitted 12th July 2023
 - Additional Noise Survey – December 2023

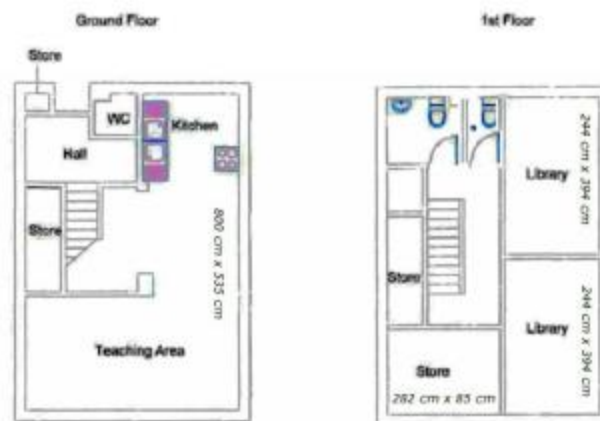


Figure 4 – Previous floor layouts of School House

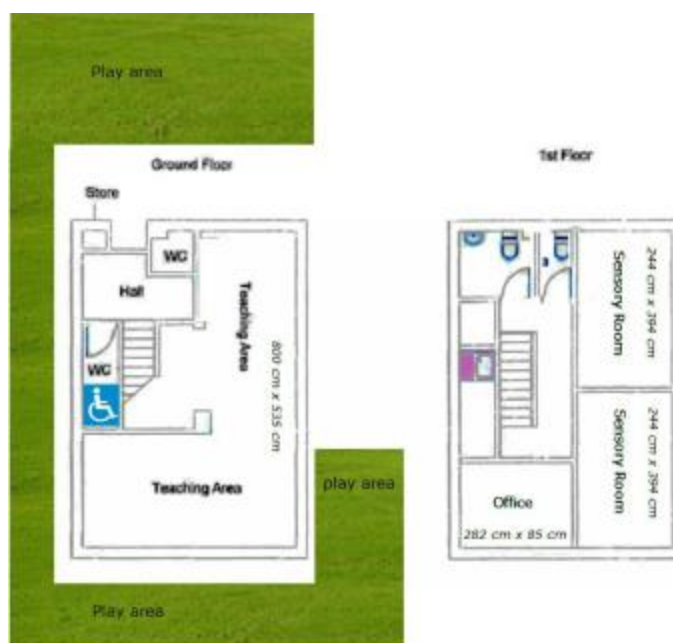


Figure 5 – Existing floor layouts of School House

4 RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows:

4.2 Permission was refused in November 2004 (ref.04/03337/FULL2) for the change of use of the school house to a children's day care nursery for up to 33 children between the ages of 7 months and 5 years along with two storey side and single storey side and rear extensions and the provision of 7 surface car parking spaces on the following grounds:

- 1 The proposed day nursery would be detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to be able to continue to enjoy by reason of additional noise and disturbance which would be likely to be generated by the use, thereby contrary to Policies C1 and C8 of the second deposit draft Unitary Development Plan (September 2002).
- 2 The proposed single storey rear extension by reason of its excessive rearward projection would be out of proportion and harmful to the appearance of the original dwelling and would also result in a loss of outlook for occupants of Nos. 9-11 Holmdene Close thereby contrary to Policies E.1 and H.3 of the adopted Unitary Development Plan and Policies BE1 and H8 of the second deposit draft Unitary Development Plan (September 2002).

4.3 Permission was granted in December 2005 (ref.05/03776/FULL2) for the change of use of the school house to educational use.

4 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Highways – No objections

The site is in an area with a PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible.

The proposed change of use would permit the pre-school to open weekdays only from Monday to Friday, between 8:30am- 2:30pm. 10 children and 4 staff occupy the property at any one time.

There is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

As the number of children and staff members are modest, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.

Environmental Health Pollution – No objections

With regard to the Noise Impact Assessment (NIA) by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023, the assessment of the measured noise levels has satisfactorily considered the character, duration, frequency and context of the noise, and has properly evaluated the impact on neighbouring premises. The report has concluded that the impact of the development should be relatively low. This conclusion has been reached considering the absolute levels but also considering the change in the noise environment relative to the use of the playgrounds from the Primary School. The assessment has shown that the nature of sound from both sources is similar when considering the frequency.

The playground, which is the focus of the assessment, is only used by the Pre-School for 30 minutes on any day, whereas the Primary School playground areas are in use for 2 hours or more. The levels from the Primary School playground area at the nearest location to the Pre-School have similar noise levels to the Pre-School play area which is closer to the worst affected premises.

It has been noted and accepted that the noise assessment was taken over a 3-day period and so levels may vary with potential for noise impact to increase, particularly if the nature of the sound includes more in the way of high-pitched screaming and/or screeching. However, given the short time period and the existing similar characteristic noise environment in the area from the Primary School use, no environmental health objections are raised to the proposal subject to the imposition of safeguarding conditions, including some which are taken from the recommendations given in the NIA report.

Updated comments from Environmental Health Pollution with regard to the December 2023 noise survey submitted will be reported verbally at the meeting.

B) Adjoining Occupiers

Parking and traffic (addressed in paras 7.2.4 & 7.2.5)

- The pre-school use would result in more staff parking and visitor activity with no provision for additional traffic and parking
- Hazardous parking which blocks dropped kerbs and creates blind spots
- The expansion of Clare House Primary School has already exacerbated parking problems in the area.

Residential amenity (addressed in paras 7.3.3, 7.3.4 & 7.3.5)

- Significant increase in noise disturbance to neighbours since the pre-school opened
- Noise from children playing outside has a detrimental impact on the use of neighbouring gardens
- Overlooking of neighbouring properties from first floor windows in the pre-school building
- Lack of privacy for neighbours when using their rear gardens
- Inadequate screening to neighbouring properties
- Conditions should be imposed to control the noise.

General (addressed in paras 7.1.2, 7.1.3, & 7.3.3)

- There are already Montessori nursery schools operating in the local area, therefore, refusing the current application would have a minimal impact on nursery provision
- The school house should only be used to enhance the curriculum of Clare House Primary School as previously permitted
- Query the accuracy of the Noise Impact Assessment submitted.

C) Local Groups

West Beckenham Residents' Association (addressed in paras 7.1.2, 7.1.3, 7.2.4, 7.2.5, 7.3.3, 7.3.4 & 7.3.5)

- Excessive noise disturbance to neighbouring properties
- It is understood that the school's policy is to teach outside whenever possible, causing continuous noise disturbance not just during breaks
- There is little screening between the play areas and neighbouring gardens
- Overlooking of neighbouring properties from upper windows
- Increased parking in the area
- Conditions should be imposed to limit the number of children and the operating hours, and require noise shielding barriers to neighbouring properties.

5 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,

- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on 5th September 2023, and is a material consideration.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:-

The London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- T6 Car parking

Bromley Local Plan 2019

- 20 Community Facilities
- 27 Education
- 28 Education Facilities
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 119 Noise

Supplementary Planning Guidance

Bromley Urban Design Guide SPD (2023)

7 ASSESSMENT

7.1 Principle - Acceptable

- 7.1.1 Permission was granted in 2005 for the use of the school house for educational purposes ancillary to Clare House Primary School, and the current use as a pre-school has not therefore resulted in the loss of education/community facilities which is a main aim of Policy 20 of the BLP.
- 7.1.2 The re-use of this school building for use as a pre-school also accords with Policy 27 of the BLP which aims to ensure the provision of an appropriate range of educational facilities to cater for lifelong learning across the spectrum from early years to higher education.

7.1.3 Policy 28 of the BLP confirms the Council's support for proposals for educational facilities which meet a local need. In this regard, the applicant confirms that there is a continuing need for Beckenham Montessori Pre-school to remain within the local area as it previously served the Beckenham area for around 45 years at its former site at the United Reformed Church, Beckenham.

7.2 Highways – Acceptable

7.2.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.2.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

7.2.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

7.2.4 The pre-school opens between the hours of 8.30am and 2:30pm on Mondays to Fridays during term times only, and as only 10 children and 4 staff occupy the property at any one time, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.

7.2.5 Residents have raised concerns about increased staff parking and visitor activity with no provision for additional traffic and parking. However, there is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

7.3 Neighbouring amenity - Acceptable

7.3.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.3.2 Policy 119 of the BLP seeks to minimise adverse impacts on noise sensitive receptors by requiring a full noise/vibration assessment to be submitted for developments likely to generate noise and/or vibration in order to identify issues and appropriate mitigation measures. It goes on to say that “External amenity areas should incorporate acoustic mitigation measures such as barriers and sound absorption where this is necessary and will assist in achieving a reasonable external noise environment.”

7.3.3 Nearby residents in Holmdene Close have raised concerns about noise disturbance from children playing outside and loss of privacy in their rear gardens. A Noise Impact Assessment was submitted by the applicant in July 2023 which concluded that the noise impact of the development should be relatively low. The Council’s Environmental Protection Officer (Pollution Control) was satisfied that the assessment of the measured noise levels had properly considered the character, duration, frequency, and context of the noise and evaluated the impact on neighbouring premises, and confirmed that no environmental health objections were raised to the proposals subject to the imposition of the following safeguarding conditions regarding screening to neighbours’ gardens and restrictions on the use of the external play area:

- Within 1 month of the permission hereby permitted a suitable fence/screen in front of the existing adjacent neighbours’ fence, shall be erected in such a position as shall be agreed and approved in writing by the Local Planning Authority, for such a purpose to avoid students directly hitting the neighbours’ fence (either themselves, or with play equipment/balls), and the fence/screen shall be permanently retained thereafter.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

- (a) The children using the designated external play area for the Pre-School as described in the Noise Impact Assessment by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023 shall be limited to not more than 10 children at any one time, with the area only used for a maximum of 30 minutes on any one day.

(b) The use of the external play area as defined in (a) shall be limited to Mondays to Fridays inclusive and the hours shall coincide with the existing Primary School break time routines where possible.

(c) Staff shall be made aware of the requirement to effectively manage noise during play times, to minimise the impact on their neighbours.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

Further comments from the Environmental Health Pollution Officer with regard to the additional noise survey carried out in December 2023 will be reported verbally at the meeting.

7.3.4 Nearby residents in Holmdene Close have also raised concerns about overlooking from first floor windows in the pre-school building. There is a first floor flank window serving a sensory room which faces the rear of properties in Holmdene Close (see **Figure 6**), but it has an obscure film over the main part of the glazing which prevents undue overlooking of neighbouring properties (see **Figure 7**).



Figure 6 - First floor flank window facing Holmdene Close



Figure 7 – Internal view from first floor flank window of pre-school

A condition can be imposed to ensure that it remains obscure glazed.

- 7.3.5 A rear-facing window to the same room is clear glazed, and overlooks mainly the grounds of the primary school (see **Figure 8**), and does not therefore result in significant overlooking of neighbouring properties.



Figure 7 – Internal view from first floor rear window of pre-school

8 CONCLUSION

- 8.1 Having had regard to the above, it was considered that the proposal would not result in a significant loss of amenity to local residents, subject to safeguarding conditions, and does not impact detrimentally on parking or road safety in the area.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE GRANTED

(As amended by documents received on 12.07.2023 and 07.12.2023)

Subject to the following conditions:

Standard condition:

1. Retain in accordance with approved plans

Time limited condition:

2. Screening to neighbours' gardens

Compliance conditions:

3. Limit hours and numbers of children

4. Restrictions on use of external play area

5. Obscure glazed flank window

Any other planning condition(s) considered necessary by the Assistant Director of Planning