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Planning Statement

**1 Derby Road
Caversham
Reading
RG4 5HE**

Planning application by Innova Schools Limited
Retrospective application for Change of Use from
Physiotherapy clinic and ancillary residential
to day school ancillary to existing school at
14-16A Peppard Road with ancillary residential
accommodation; single storey extension.

December 2017

Walsingham Planning

Bourne House

Cores End Road

Bourne End

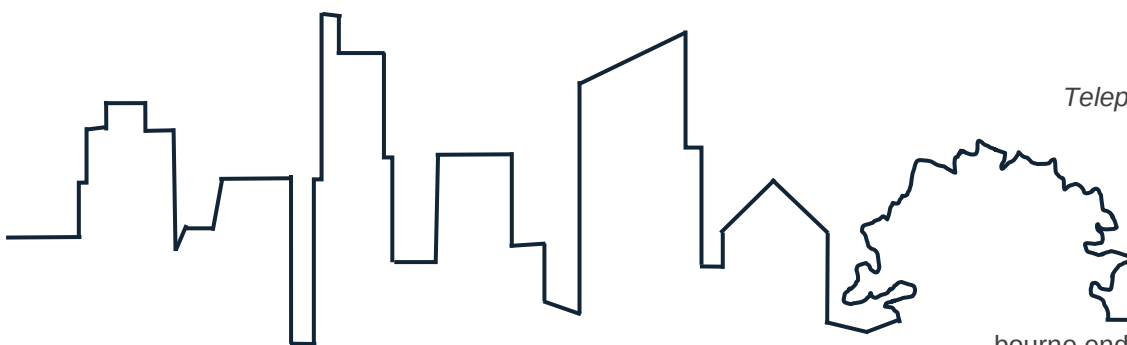
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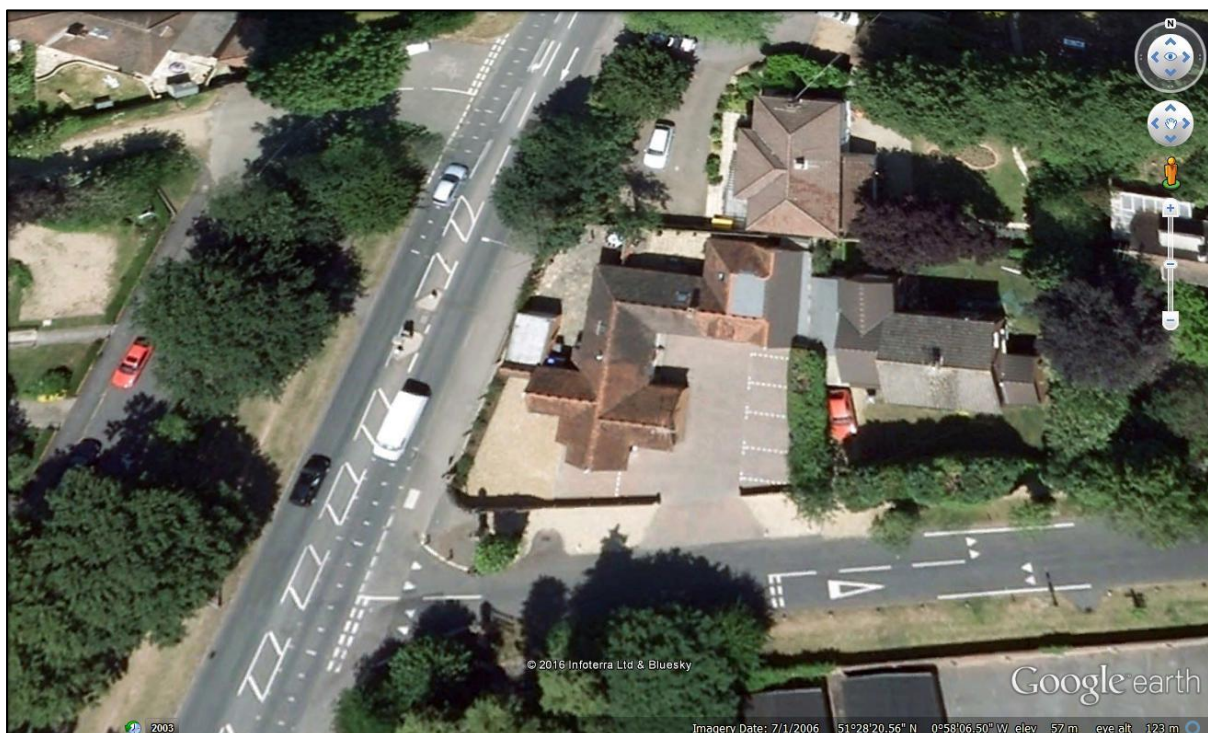


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1.0 Introduction

- 1.1 This application is made on behalf of Innova Schools Ltd, the operators of Caversham Preparatory School (CPS) located adjacent to the north of the application site.
- 1.2 CPS will lose some of the accommodation that it currently occupies within the Chiltern College buildings to the north of their site. It is therefore necessary to obtain replacement accommodation to replace that to be lost.
- 1.3 CPS is already in occupation of the application site for school use together with the ancillary residential occupation. Hence the application is retrospective.



2.0 Site and Surroundings

- 2.1 1 Derby Road has been used as a clinic with residential accommodation since planning permission was granted for that use in July 1994 (940771). A condition of that permission tied the occupation of the residence to the use of the clinic and to named users. An application to sever that tie (152208) was refused in May 2016, but subsequently allowed on appeal. The property has since been used by the applicants under a general D1 use, notwithstanding the prior restriction of use to that of a clinic, also within Use Class D1.
- 2.2 An application, ref:161168, was made in June 2016 to change the use from clinic to day school, ancillary to the existing school at 14a-16 Peppard Road. RBC Planning Committee resolved to approve the application, subject to the completion of a s.106 agreement. In the event, the legal agreement was not signed, pending the outcome of the appeal, and the application was refused. As that appeal decision did not result in an unrestricted D1 permission, the subsequent use as a school remains unauthorised and the application, now resubmitted is, to that extent, retrospective.
- 2.3 The property is a single-storey unit with additional rooms in the roof, a total net internal area of 214 sq m. Vehicular access to the site is taken from Derby Road, serving a small paved forecourt accommodating four parked vehicles. To the west of the building is a garage and further parking space.
- 2.4 To the rear, north of the site is Caversham Preparatory School at 14a-16 Peppard Road. 1a Derby Road, to the east, is in residential use.

3.0 Planning History

3.1 Planning permission was granted in 1994 for change of use from residential to a mixed use of residential and physiotherapy clinic. The permission carried a condition limiting use to the applicants Miss Miles and Mrs Hicks. The reason for imposing the condition stated that it was to ensure parking demand did not exceed that available on site.

3.2 Subsequent applications permitted a new garage and extension at first floor level.

3.3 In 2010 an application was made to remove the personal condition (ref. 10/00992/VARIAT). Officers concluded that the original condition was not a good means to control parking and that it would be more effective to require the business to be operated by the house occupants. It was also concluded that unrestricted D1 use could be detrimental to the amenities of the area. Therefore, an additional condition limiting the use to physiotherapy “D1 clinic/consulting room” was imposed. Given the concern regarding parking a further condition was imposed as follows:

3. The approved car parking layout to accommodate eight cars (the A4 plan labelled ‘Option 3’) shall be retained and be available for use by the development unless subsequently otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and reducing on-street parking.

4. The D1 physiotherapy clinic use of part of the premises shall not at any time be operated, managed or carried out other than by a person or persons who reside(s) in the residential part of the premises.

Reason: To provide adequate parking, turning and maneuvering space on the site.

5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended), the D1 use part of the premises shall only be used for a Class D1 clinic/consulting room use and for no other use that may fall under a Class D1 (non-residential institution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order so that the local planning authority may properly consider the merits of such an alternative use and control the intensity of use.

- 3.4 There is no copy of plan 'Option 3' available on the Council website.
- 3.5 An application was made in December 2015 to remove the physiotherapy practiced by residents only and the clinic/consulting room only conditions. As noted above the application was refused but the appeal was allowed. In his decision letter the appeal Inspector concluded that the site is in a 'sui generis' mixed use and whilst allowing the appeal conditions to be lifted there would remain the need to obtain planning permission for any change of use to another purpose. On this basis, and even in the absence of the previously imposed restrictive condition, it remains necessary to obtain retrospective permission for the school (plus ancillary residential) use.
- 3.6 The 2015 application was accompanied by a Transport Statement. This assessed the current use as physiotherapy clinic to potentially generate 12 appointments per treatment room in the week and 9 on Saturdays estimating 72 movements over a 12 hour period. Various other potential D1 uses were also assessed, including use by CPS as currently proposed.
- 3.7 Commenting on the application the highways officer raised no objection to removal of the link to a residential occupation by the practitioner but expressed concern at some potential D1 uses as there is insufficient parking for the whole range of possibilities.
- 3.8 CPS benefits from the 2016 planning permission (151663) which retrospectively permitted the use of its own site which adjoins this current application site. Condition no. 4 on that permission sets a limit on the number of pupils not to exceed 100 and limits both the hours of operation (08:00 – 18:30) and duration of outside break times (15 minutes in the morning and 1 hour for lunch).

The school is not permitted to operate at the weekend or on public holidays, except for up to 5 Saturdays when up to 20 pupils can attend.

4.0 The Proposal

- 4.1 The applicants, Innova Schools Ltd, having acquired the application site and incorporated it into the approved use of 14a-16 Peppard Road as a school as part of CPS, propose to continue that use albeit retaining the ancillary residential use. The proposed use remains as the Inspector found to be: a “sui generis” mixed D1 ancillary residential use, albeit with a school as D1 use rather than a physiotherapy and clinic. Ancillary uses are not usually recognised to create a “mixed” use, but the judgement of the Inspector is accepted by the applicant and this application is described accordingly.
- 4.2 The school use by CPS provides replacement facilities for children and staff at the existing school (music, drama, art, special needs, dining, etc). It does not increase the number of children enrolled at the school. The parking spaces will be reserved only for staff, with no access for pupils or for parents dropping off children. The allocation of staff spaces will, however, increase the availability of drop-off parking spaces for parents at the principal school buildings.
- 4.3 The proposed use of the application site is detailed on the accompanying floor plan. (XXXXXXXXXX). Further to the 2016 application, the proposal now includes a single storey extension, to the rear of the building and abutting only 14a Peppard Road. The extension will allow for a multi-purpose room, for use as a hall. A classroom and as a dining room.
- 4.4 The school does not propose to increase the number of pupils beyond the 100 permitted by condition no. 4 on the 2016 permission for the school itself.
- 4.5 All drop-off and collection of pupils will remain within the existing school grounds i.e. not at the application site.
- 4.6 Pupils will access the application site on foot, under supervision by staff, by a pedestrian gate from the existing school site.

- 4.7 There will be no external play or activities for pupils on the application site. Pupils will leave the site at morning break and lunch time returning to the main CPS site where further conditions on the 2016 permission imposed additional measures to protect local amenity including acoustic fencing to the playground.
- 4.8 Use of the application site will be essentially quiet activities, with the exception of the music practice room. This room is located in the internal room (Room 2) which, upon completion of the extension, will have no windows. This room is soundproofed as it would otherwise potentially disturb the adjoining rooms in school use.
- 4.9 The parking spaces will be reserved only for staff, with no access for pupils or for parents dropping off children. The allocation of staff spaces will, however, increase the availability of drop-off parking spaces for parents at the principal school buildings.
- 4.10 Residential accommodation would be retained within the building. This would be maintained for staff only.
- 4.11 The current/proposed use is therefore D1, with ancillary residential accommodation, the same use as would have been confirmed in the previous 2016 application, had the s106 agreement been completed.

5.0 Transportation

- 5.1 The Transport Statement with the 2015 application to vary conditions 4 and 5 on the clinic's permission estimated a potential for 72 traffic movements in a 12 hour period for the existing lawful physiotherapy use.
- 5.2 The current proposal reduces the number of parking spaces on site to 6, all to be used by staff, with at least one of the spaces likely to be used by a member of staff living on site. School staff are unlikely to leave the premises during the day due to the nature of their duties which include supervising children at break and lunch time, but, even if all 6 members of staff left the site and returned during the working day, this would only generate 24 movements per day. In practice this is more likely to be 10 movements, ie one in and one out for each non-resident vehicle. If it is assumed the live-in member of staff also made a 2-way trip each day the very worst scenario would give 26 movements and a more likely 12 movements. Respectively, these are 36% and 16.6% of the estimate for the current lawful use.
- 5.3 Restriction on operation of the school would also mean that there are only residential movements to the site at the weekends (except for 5 Saturdays a year) whereas the previous physiotherapy use could operate all day Saturday, Sunday and at Bank Holidays.
- 5.4 With no increase to CPS pupil numbers there will be no need to increase staff numbers as a result of the proposal. Consequently, any vehicle movements at the application site can be deducted from the current total of movements into the CPS site from Peppard Road.
- 5.5 The proposal therefore provides a substantial highways benefit. The proposal very substantially reduces the potential traffic and parking generation of the application to the benefit of local residents, road users and highways safety; the proposal also makes a modest reduction in movements into and out of the CPS site from Peppard Road.

6.0 Assessment

- 6.1 The proposal is made as a change of use but it is, in effect, an application to remove the restrictive conditions on the previous use and replace these with new restrictions limiting the use to that of a school as part of the adjoining CPS.
- 6.2 An ancillary residential element remains as part of the proposal, so that a CPS member of staff may be accommodated.
- 6.3 The addition of a small extension has no direct bearing, either on the use of the property or on the residential properties in Derby Road.
- 6.4 The remainder of the property will be used as part of the CPS. The CPS is strictly bound by planning conditions limiting the scale and scope of its activities, those same limitations are also accepted for operation of the application site (in so far as they are relevant, see para 6.8 below which proposes conditions).
- 6.5 Pupils will not have outdoor play or any other outdoor activities on site. Pupils will enter the site from the existing CPS site via a pedestrian gate located well away from the neighbouring property. Pupils will enter and leave under supervision by staff.
- 6.6 All pupil activity on the application site will be inside the building. Use as:
- Special needs instruction,
Lamda speech lessons,
Library,
are essentially quiet activities. The only potentially more noisy activity of a music practice room is in internal room number two as set out in para 4.8 above this has been carefully located so that there will be no disturbance.

6.7 As set out in section 5.0 above the proposal will provide significant highways benefits:

- Reducing potential parking on site
- Significantly reducing vehicle movements to and from the site
- Significantly reducing the potential for overspill parking from clinic users
- Making a modest reduction in use of the Peppard Road CPS access points.

6.8 The applicants are willing to accept conditions on any planning permission previously recommended by officers in respect of the 2016 application.

- Apply the same limitation on pupil numbers, hours and days of operation as imposed on CPS by conditions on the 2016 permission
- Require that there is no outdoor pupil activity on site except passing into and out of the building to the CPS site
- Parking to be limited to staff only, servicing to be from the main school site.
- Total number of parking spaces on site not to exceed 6
- No pupil drop-off or collection from the site or from Derby Road
- Any residential use to be ancillary to the school
- Details as may be required of the conversion and limitations on the equipment to be installed.

The applicants are also willing to accept conditions requiring matching materials to be used for the extension.

6.9 The applicants can also confirm their willingness to enter into a s.106 Agreement under the Heads of Terms previously recommended for the 2016 scheme:

- Restrict the use to CPS and in connection with the main school site.
- Ensure ancillary occupation of the residential by a member of staff of the school (or mainly or last employed at the school).

6.10 In the event, the applicants partly completed a Unilateral Undertaking in respect of the above, but not in time to avoid a refusal. A copy of the partly completed Undertaking is attached hereto.

7.0 Conclusion

- 7.1 The proposal is needed to replace existing accommodation to be lost at Chiltern College, notably the dining hall, and it is not an expansion of the school outside of the terms of the wider planning permission.
- 7.2 In effect the proposal seeks to shift the allowable activity on site within the D1 use class (whilst retaining the ancillary residential accommodation).
- 7.3 The use, both residential and school activity, will be ancillary to the adjoining CPS use.
- 7.4 The applicants are willing to accept a raft of restrictions upon use of the site as set out in para 6.8 above including that the proposal does not lead to an increase in the pupil number at CPS.
- 7.5 The applicants also agree to the use of an Agreement under s.106 to deal with those matters highlighted in reasons for refusal 1 and 2 of the decision dated 6 January 2017 (161168) and as set out as Heads of Terms in the Committee report for the 2016 application.
- 7.6 There will be no external pupil activity, no drop-off or collection by parents and parking will be limited to a maximum of 6 and for exclusive use by staff.
- 7.7 The proposal significantly reduces potential traffic generation and parking demand on the site with benefits for Derby Road and wider road users.
- 7.8 Conditional planning permission subject to the proposed s.106 Agreement should be granted.

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DECEMBER 2017