



Appeal Decision

Site visit made on 22 November 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/U5360/W/21/3274496

Ursulas Convent, 11 Amhurst Park, Hackney, London N16 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by BC Trust Ltd against the Council of the London Borough of Hackney.
 - The application Ref 2021/0202, is dated 25 January 2021.
 - The development is the change of use of an existing Convent (Sui Generis) to girls school (F1) for up to 120 pupils.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an existing Convent (Sui Generis) to girls school (Class F1) for up to 120 pupils at Ursulas Convent, 11 Amhurst Park, Hackney, London N16 5DH in accordance with the terms of the application, Ref 2021/0202, dated 25 January 2021, and the plans numbered 2287_1, 2287_2, 2287_3, 2287_4, 2287_5, 2287_6, 2287_7, 2287_8 and 2287_9, and subject to the following condition:
 - 1) The school (Class D1), hereby permitted, shall be implemented in full accordance with the Travel Plan document, by John Stebbing Architects, dated 22 July 2020, and adhered to in perpetuity. Any written request from the Council for details of the Annual Monitoring Survey, Annual Review and updating of the Travel Plan, that is required to be undertaken by the Travel Plan Coordinator (as identified in the Travel Plan), shall be fully complied with, within 28 days of the date of such a request.

Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. No appeal statement has been submitted from the Council and it has failed to state whether it would have refused the application, had it determined the application. The main issues listed below are based on my site visit assessment and following the visit, further information on the publicity of the proposal undertaken by the Council, outside recreational activity at the school, and a travel plan condition were received.
3. No details of relevant development plan policies have been submitted. Based on the London Plan (LP) 2021, relevant development plan policies have been identified as Policy D3 - Optimising site capacity through the design-led approach and Policy T4 Assessing and mitigating transport impacts.

4. The change of use of the appeal property has taken place and the appeal has been considered on this basis. The application description of the development indicates the scheme to be retrospective but this does not describe the built nature of the development. As such, this wording has been omitted from the above description.
5. On 20 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force amending the Town and Country Planning (Use Classes) Order 1987. Class D1 (Non-residential institutions and assembly and Leisure has been revoked and for the purposes of the application description, the new Class F1 (Learning and non-residential institutions) has been used.

Application for costs

6. An application for costs was made by BC Trust Ltd against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Main Issues

7. The main issues are the effects of the scheme on (a) the living conditions of occupiers of the neighbouring dwellings, having regard to noise and disturbance, and (b) whether or not the scheme promotes sustainable modes of transport.

Reasons

Living conditions

8. The appeal site comprises a former convent (sui generis use) which is now a girls' school on Amhurst Park. Either side of the site, there are residential properties and behind the site, further properties back and flank onto a large rear amenity space serving the school.
9. The school currently has around 90 pupils of young age, with a maximum capacity of 120. The building is laid out with classroom spaces and ancillary support spaces, with a forecourt area available for parking and servicing. Two vehicular parking spaces are only permitted to be used by school visitors. To the rear, the substantial amenity area is used for recreational needs of pupils at break times and during sports classes. The school has just under 40 staff in both teaching and administrative roles, and operates Monday to Friday, with the later day a half day.
10. On Amhurst Park, parent and pupil activity will be particularly apparent at the beginning and end of the day when the school opens and closes. However, the school caters for pupils living locally and pupils mostly walk to school or use public transport. A sample of parents and staff undertaken as part of a Travel Plan (TP) assessment¹ showed that only 2 out of 31 pupils surveyed undertook journey by private vehicle. There are several bus stops nearby served by different bus services. Consequently, there would be limited noise from the comings and goings of private vehicles and in any case, the background noise of traffic on Amhurst Park is significant given its status as a major thoroughfare. Similarly, any noise and disturbance from pupils and parents

¹ Travel Plan document, John Stebbing Architects, dated 22 July 2020.

arriving and leaving the school by foot would not be noticeable against the noise background of the thoroughfare.

11. During break and exercise times of the day, children use the outside amenity area to the rear of the former convent building which is adjacent to residential properties. Due to this area's substantial size and use, there is no significant harm to the living conditions of the occupiers of neighbouring properties by virtue of noise and disturbance when the school operates Mondays to Fridays during school terms.
12. For all these reasons, there is no significant impact on the living conditions of neighbouring residents. Accordingly, the proposal complies with Policy D3 of the LP, which amongst other matters, requires development proposals to help prevent or mitigate against noise. It also complies with paragraph 130 f) of the Framework which requires a high standard of amenity for existing and future users.

Sustainable modes of transport

13. LP Policy T4 requires that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Paragraph 105 of the Framework states significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
14. The school is located in an area with good accessibility to public transport and where pupils mostly walk to school. Staff do not use private vehicles. The TP details annual monitoring of the transport used by people, and an annual review and updating of the plan to ensure use of sustainable modes of transport. It details a fund for a travel plan coordinator to help promote and implement the various initiatives to influence choices made by people. For all these reasons, the development complies with Policy T4 of the LP and paragraph 105 of the Framework.

Conclusion

15. The proposal does not harm the living conditions of residents and promotes sustainable modes of transport in accordance with LP policies and the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is allowed and planning permission is granted.

Jonathon Parsons

INSPECTOR