

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE B		
Date:	8 January 2018	NON-EXEMPT

Application number	P2017/3825/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Grade II Listed Buildings to south east (nos. 1-2 Herbal Hill, nos. 3 and 11 Ray Street, and nos. 113 Farringdon Road)
Conservation Area	Clerkenwell Green Conservation Area
Development Plan	Bunhill & Clerkenwell Core Strategy Key Area Bunhill & Clerkenwell Finsbury Local plan Area Clerkenwell Green Conservation Area Central Activities Zone Local cycle routes Employment Priority Area Farringdon/Smithfields Intensification Area Mount Pleasant Neighbourhood Forum Article 4 Direction A1-A2
Licensing Implications	None
Site Address	Ground Floor, 24 Ray Street, Islington, London EC1R 3DJ
Proposal	Change of use of ground and lower ground floors from office (B1a) to a mix of office (B1a) and associated crèche (D1) (Sui Generis), including replacement of external roller shutter door with a double glazed crittall door along Crawford Passage (east elevation).

Case Officer	Daniel Jeffries
Applicant	DP9 – Mr Chris Gascoigne
Agent	DP9 – Mr Chris Gascoigne

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black))



3. PHOTOS OF SITE/STREET

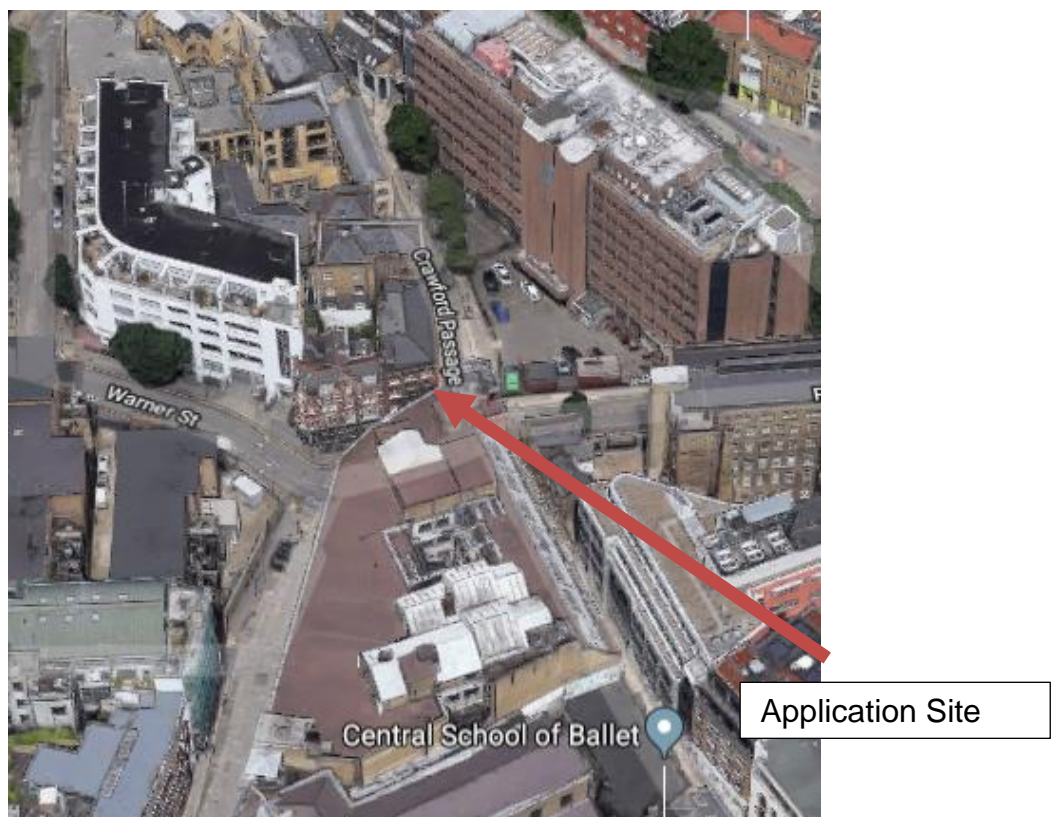


Image 1: Aerial View of the Application Site (taken prior to redevelopment of no. 119 Farringdon Road)



Image 2: Photograph of the front of the Site, facing towards the junction of Crawford Passage and Ray Street.



Image 3: Photograph of the side elevation of the Site facing north along Crawford Passage



Image 4: Photograph of the side elevation of the Site facing south along Crawford Passage

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of ground and lower ground floors from office (B1a) to a mix of office (B1a) and associated crèche (D1) (Sui Generis), including associated external alterations along Crawford Passage (east elevation). The key considerations in determining the application relate to the land use, including the loss of business floorspace and the acceptability of the introduction of a crèche, and the associated impact on neighbouring amenity, and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding heritage assets, as well as the quality of the crèche accommodation including being accessible.
- 4.2 The application is brought to committee because the proposal has not provided 2 years of marketing evidence, as required by Finsbury Local Plan (2013) Policy BC8.
- 4.3 The application site comprises four storey building containing office accommodation on the ground and lower ground floor, subject to this application, and self-contained residential accommodation on the upper floors. The site is located on a corner site at the junction of Ray Street and Crawford Passage. The host property is not listed, but the site is within the Clerkenwell Green Conservation Area and there are a number of Grade II Listed Buildings nearby. The surrounding area is characterised by a mixture of commercial and residential uses, within three, four and five storey buildings. The redevelopment of no. 119 Farringdon Road to a 8 no. storey office building is well progressed adjacent on Crawford Passage with its main servicing route being Crawford Passage.
- 4.4 The proposal would result in the internal configuration of the existing office to allow for the creation of the creche, positioned at ground floor, with a co-working office accommodation at ground and lower ground floor levels. The external alterations include the introduction of a crittal glazed door along Crawford Passage.
- 4.5 The proposal is considered to be acceptable in land use terms, given the marketing information provided and the unique nature of the management and operation of the proposed crèche/office hybrid use. The proposed external alterations together with this use are considered to preserve the historic character and visual appearance of the host building and surrounding heritage assets. It is also considered not to have a significant impact on the local highway network or the amenity of neighbouring properties.

5. SITE AND SURROUNDING

- 5.1 The application site consists of the end terrace four storey building to the corner of Crawford Passage (to the east) and Ray Street (to the south). The application relates to the ground and basement levels, which are used for office accommodation, with the upper floors being occupied by a number residential units. The unit was last occupied as an office in 30th September 2016, by Jake Dyson Light.
- 5.2 The application site is located within the Clerkenwell and Smithfield area and Clerkenwell Green Conservation Area. It has a special character and appearance which stems from its mix of uses, its architecture and its history. The immediate area around the application site is characterised by large three, four and five storey buildings, with a mix of both residential and commercial uses. Immediately adjacent to the application site is the site of the former Guardian House, 119 Farringdon Road. This site is under construction with planning permission granted (ref. P2015/4143/FUL) subject to conditions and a legal agreement for the 'demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1, A3, D1)' on 15th April 2016. To the west there is the attached four storey building (nos. 26-28 Ray Street) which has a public house on the ground floor, known as the Coach and Horses, with ancillary office space at first floor and residential accommodation located over part first, second and third floors.

- 5.3 Whilst the host building is not listed, the site is subject to a number of designations including being within the Clerkenwell Green Conservation Area and the Central Activities Zone (CAZ), and within proximity of a number of Grade II Listed Buildings, along the public highways of Ray Street, Herbal Hill and Farringdon Road to the south east of the application site. The site is also within the Islington Core Strategy's (2011) Bunhill and Clerkenwell Key Area, and in terms of the Finsbury Local Plan (2013) the Employment Priority Area (General), the Farringdon/Smithfields Intensification Area and the Bunhill and Clerkenwell Plan Area. The site is also within the Mount Pleasant Neighbourhood Forum Area (for consultation purposes), in addition to a local cycle route, which runs along Ray Street, to the south of the site.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the change of use of the ground and lower ground floors from office (B1a) to a mix of office (B1a) and associated creche (D1) (Sui Generis), including associated external alterations along Crawford Passage, to the east elevation, to replace an existing roller shutter with a new crittall glazed door.
- 6.2 The existing ground and lower ground floor have a total of 275 sqm of existing floorspace, which is solely used as office accommodation. The application seeks to retain 193 sqm (70%) of this floorspace as co-working office accommodation, as the primary use, with the remaining 82 sqm (30%) located at ground floor used as a crèche, including reception area, as a secondary use associated with the office accommodation. The crèche would not operate independently to the office accommodation. The applicant has confirmed that the users of the crèche must also be users of the office, and the crèche can only be used by office occupiers when they are on-site using the office space (i.e. they cannot leave the site if their child is at the crèche facility). The proposal includes internal reconfiguration of the existing office accommodation to accommodate the crèche facilities, and provision of access from the crèche facilities to the office accommodation and vice-versa.
- 6.3 The applicant has confirmed that the premises will accommodate 36 desks within the office element, of which 16 will be operated as hot-desks on a membership basis with employees having access for a pre-determined amount of time per month. The proposal is designed to provide a completely flexible childcare alternative for freelancers, self-employed and entrepreneurs with children under the age of 2. Users will be able to book a space in the creche (inclusive of workspace next-door) with just 24 hours' notice on a Pay-As-You-Go basis; i.e. you only pay for what you use, with no long term commitment. The proposal would result in the creation of jobs (both full-time and part-time) for circa 10 people – a range of skill sets including managerial, operational and childcare. They will have 1 x full time Operations Director running the offices and 1 x full-time Creche Manager running the creche. The applicant states the proposed use could provide employment floorspace for up to 42 people working in the building at any one time. The proposed opening hours for the crèche facilities being restricted to between 8:00 and 18:00 hours on Monday to Friday only.
- 6.4 The proposed crèche is specifically designed to cater for children under the age of 2. The applicant has confirmed that at present parents with children aged three and four get 15 hours' free childcare a week automatically, with those who are in work getting double that. Whereas there is no Government help for children under the age of 3 – and referred to this as the "childcare gap" – with parents who may not want to go back to full-time work or be ready to put their child into nursery. The applicant states that this proposal would allow parents to be close enough to read them a story or breastfeed if they want. They also allow parents to scale-up their childcare depending on the age of their child or their own week-to-week work commitments.
- 6.5 The applicant confirms that there would be a reduction in terms of the hourly rate for the childcare if a user is ready to commit to a certain number of hours per week. The applicant has confirmed that this would be cheaper than the average hourly rate for a nanny and includes a desk in a professional workspace next door.

- 6.6 The external alterations associated with the change of use, are limited to the east elevation at ground floor. These include the replacement of the existing roller shutters, with a set of glazed crittal double doors with a window above. The proposal was amended following the consultation process, to remove the originally proposed bars to the side elevation along Crawford Passage to be used for cycle parking.

7. RELEVANT HISTORY:

24 Ray Street

- 7.1 **941179** – Elevational changes (including works to form integral garage) alterations and extension to existing roof formation of terraces and balconies and change of use of upper floors to two 2 bedroomed flats and one 2 bedroomed maisonette and basement and ground floor to restaurant. Approved with conditions on 21st March 1995.

960729 - Conversion and extension of upper floors to form a 1-bedroom flat on each of the first and second floors and a 1-bedroom maisonette in the extended third floor and the new roof storey at fourth floor level, together with associated elevational alterations; new ground floor frontage treatment to Crawford Passage and Ray Street including formation of an integral garage on the Crawford Passage frontage. Approved with conditions on 8th April 1997.

961052 - Conversion of first, second and third floors to provide 3 residential units. Withdrawn by Council as duplicate application.

971423 - Change of use of the basement and ground floor from B1 (Office) to gallery and A1 (retail) use. Approve with conditions on 31st October 1997.

971451 - Change of use of basement from business (B1) to provide a one-bedroom self-contained residential unit. Refusal of permission on 16th October 1997. REASON: The proposed residential development would not provide an adequate amount and quality of natural light and outlook to all habitable rooms and therefore would not provide an adequate standard of amenity for prospective occupiers, and is contrary to policies H3(I), H8 and E4 of Islington's Unitary Development Plan of the Council's Supplementary Planning Guidance.

7.2 119 Farringdon Road

P2015/4143/FUL - Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1, A3, D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm. Approve with conditions and legal agreement on 15/04/2016

ENFORCEMENT

- 7.3 None

PRE-APPLICATION ADVICE

- 7.4 Q2017/3162/MIN - Proposed use of the property in office use (B1 use) to the use as a co-working office (B1 use) with associated ancillary crèche facilities. Advised that the proposed crèche facilities would constitute a secondary use rather than ancillary and therefore planning permission is required. There were concerns in relation to the loss of the existing office accommodation and that substantial marketing evidence would be required to demonstrate compliance with the Council's policies in terms of land use and to ensure that the use would preserve the character of the Clerkenwell Green Conservation Area and nearby Grade II Listed Buildings including any external changes. The Council recommended that the proposed crèche facilities should be acceptable in terms of providing a good standard of accommodation in terms of compliance with Ofsted and that the proposal should comply with transport and accessibility policies.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 80 adjoining and nearby properties along Crawford Passage, Ray Street, Warner Street and Backhill on 11 October 2017. In addition, Site and Press adverts were displayed on 19 October 2017. The public consultation of the application therefore expired on 9 November 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report 11 no. responses had been received from the public with regard to the application, with 1 no. letter of objection and 10 no. letters of support, including a letter signed by three individuals. The letter of objection raised the following summarised concerns:
- The impact on the public highway as a result of the installation of bars to the side elevation along Crawford Street (**Paragraph 10.45 to 10.48**)
- 8.3 In addition, Councillor Andrews has confirmed his support for the application as he considers that it would be beneficial to the community and to the borough.
- 8.4 Emily Thornberry MP requested an update on the progress of the application in terms of the Council's assessment and the timescale for the determination of the application.

Revision 1

- 8.5 Amendments were received to secure inwardly opening doors as the originally proposed outward opening doors would obstruct the narrow footway. Removal of the originally proposed cycle parking stands was not considered to require further consultation.

Internal Consultees

- 8.6 Design and Conservation: Raised no objections to the scheme but requested that the proposed cycle bars to the side elevation are removed.
- 8.7 Highways: Raised no objections but requested that the set of double doors on the side elevation are inwardly opening, concerns relating to the narrowness of the pavement and the potential conflict of vehicles and pedestrians.
- 8.8 Street Environmental Services (Refuse): Raised no objections to the proposal.
- 8.9 Policy: Whilst they have raised no objections to the proposal, there are some areas where the marketing evidence falls short, in terms of the length of marketing, 9 months only, and the lack of evidence showing that an advertisement board was in place. However, they have considered that the rest of the report, which was carried out independently, is comprehensive and meets the majority of the criteria in Appendix 11. As such they have considered that the marketing evidence justifies the loss in this instance, especially when considering the unique nature of the proposed use.
- 8.10 Children's Services Early Years: Raised initial concerns in relation to the quality of the childcare accommodation and whether the proposal was exempt from Ofsted requirements. However, following the submission of further details and a commitment that it would be registered for Ofsted have now been satisfied.
- 8.11 Inclusive Design: Raised no objections to the proposal but raised concerns in relation to crèche facilities and the lack of wheelchair access to the lower ground floor.
- 8.12 Pollution (Acoustic): Raised no objections but requested that condition is attached to any approval for noise mitigation to residential units at first floor above the crèche.

External Consultees

8.13 None

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

9.3 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Quality of Accommodation
- Conservation and Design
- Neighbouring Amenity
- Transport
- Accessibility
- Refuse

Land use

10.2 The application site consists of the existing ground and lower ground floor, of an existing four storey building, used solely as office accommodation (B1 use), a total of 275 sqm. The application seeks to change the use of part of the office accommodation to a crèche, 82 sqm (32%), which would be used as a secondary use, in combination with a co-working office accommodation, 193 sqm (68%) at both ground and lower ground floor.

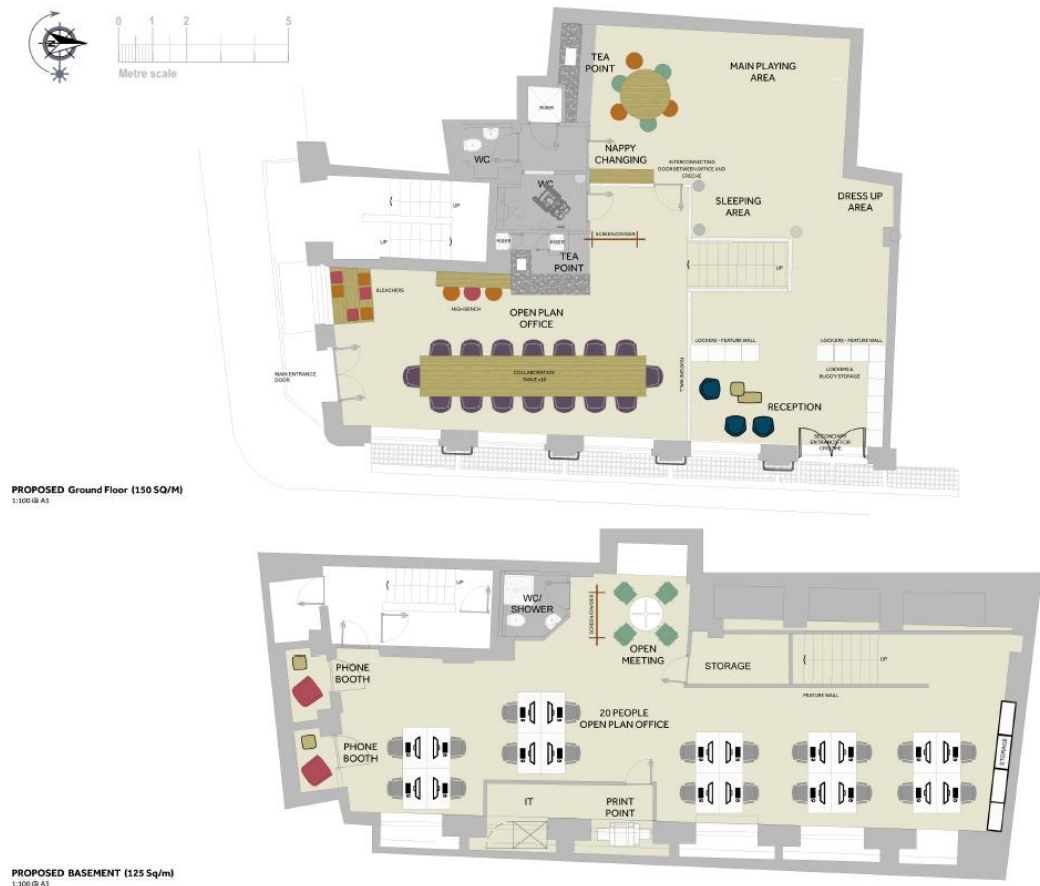


Image 5: Proposed Layout at Ground and Basement Floor Layout

Loss of existing business floorspace

- 10.3 Whilst it is acknowledged that the majority of the office accommodation would be retained, the proposal would result in the loss of existing business floorspace. In terms of assessing this loss, ordinarily policy DM5.2 would be applicable. However, this policy does not apply to the part of the borough covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). As the site is within the designation Employment Priority Area (General), the proposed loss of office is considered against the requirements of policy BC8 of the Finsbury Local Plan (2013).
- 10.4 Part B of this policy states ‘within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:
- I. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and or
 - II. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or
 - III. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.
- 10.5 Paragraph 12.1.1 and 12.1.2 of the Finsbury Local Plan provides supporting text in relation to Policy BC8. It states that the policy ‘supports the area’s economic role within Central London located on the fringes of the City, reflecting their existing character as well as their exceptional accessibility’. It defines these economic activities as ‘employment’ uses, being ‘offices, industry, warehousing, studios, workshops, showrooms, retail, entertainment and private educational, health and leisure uses’. This policy aims ‘to sustain the existing level of business floorspace....to support existing clusters of economic activity’.

- 10.6 Paragraph 12.1.3 of the Finsbury Local Plan advises that where a reduction in business floorspace is proposed, evidence of vacancy and marketing is required for a period of at least 2 years or alternatively, in exceptional cases, where market demand assessment may be affected by site-specific circumstances and the floorspace has been vacant less than two years, a market demand analysis may be considered suitable.
- 10.7 The importance of employment floorspace within this area is supported with the Core Strategy confirming that the Bunhill and Clerkenwell area is Islington's most important employment location. With policy CS7 stating 'employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy'. This is supported by its central London location within the Central Activities Zone (CAZ) and is London's globally iconic core and one of the world's most attractive and competitive business locations.
- 10.8 The Clerkenwell Green Conservation Design Guidelines' land use section is considered relevant in this instance which states within paragraph 1.5 that 'The Council will expect any scheme for Class B1 development to comply with the following criteria:
- A proportion of the proposed floorspace should be allocated for uses other than unfettered Class B1. Such uses should comprise one or more of the following:
 - i. light industry (B1c), industry (B2), showrooms, shops and local services, eating and drinking, residential, hotel, education and community use, creche and child care facilities, museum, gallery and exhibition space;
- 10.9 The Conservation Area Design Guidelines states within paragraph 1.8 states that 'the character of the area also depends on its great variety of uses including specialist manufacturing, workshops, wholesaling and retailing activities. The juxtaposition of different activities, cheek by jowl, sets Clerkenwell and Smithfield apart from more homogenous business and residential areas'.
- 10.10 In this instance, marketing evidence has been provided to support the application. The marketing evidence confirms that the application site has been vacant since 30 September 2016, with marketing carried out in phases (pre-refurbishment, refurbishment and post completion). In terms of the compliance with Appendix 11 of the Development Management Policies (2013), the Council's Planning Policy team has reviewed this information and concluded that there are some areas where the marketing evidence falls short in terms of its compliance with the Council's requirements. The main concerns are the length of time of the marketing, restricted to a total of 9 months which is below the required 2 years, and the lack of evidence that the advertisement board was in place. However, the assessment has concluded that the rest of the report, which was carried out independently, is comprehensive and meets the majority of the criteria set out in Appendix 11.
- 10.11 It is acknowledged that there are concerns in relation to marketing evidence provided. However, given the unique nature of the proposed use, this length and detail of marketing evidence is considered to justify the loss in this instance.

Proposed secondary use as a crèche

- 10.12 In terms of the proposed use of part of the application site, as a secondary use as a crèche, it is important to consider the advice found with Policy DM4.12, in relation to new social infrastructure and cultural facilities. It advises that new facilities should be located in areas convenient for communities they serve, including by transport modes, accessible, designed to meet the needs of future occupants, maximise the shared use of the facility and complement existing uses and character of the area, as well as avoid adverse amenity impacts.
- 10.13 Whilst a number of these issues are addressed within other sections of the report, the site benefits from a central London location and in a highly accessible location, and characterised by both commercial and residential uses. In this instance, given the creche would support the function of the existing office accommodation and would cover a significant portion of the internal floorspace, the Council considers this a secondary use to the primary and existing use as an office (B1 use). It is acknowledged that secondary uses would not ordinarily be acceptable, given the concerns in

relation to the loss of the business floorspace. However, given the marketing evidence provided which is considered to be broadly compliant with the Council's policies, and the unique situation of the application site including its management and use, the proposed dual is considered acceptable in this instance, even in light of the short marketing period.

10.14 A number of factors have resulted in this conclusion, including the unique management and operation of the proposal, which requires parents to use the office accommodation and remain on site at the same time as the crèche is used for child care, with the ability of parents being summoned immediately if required. A management plan has been submitted to support the application. This confirms that the crèche cannot work independently and is solely for the occupiers of the adjacent office, and is offered to the parents as a convenience rather than a long-term commitment. The applicant has confirmed that the crèche facilities would operate similar to those within a University, gym or shopping-centre. with a key-fob door between the two, allowing access for parents wishing to breastfeed or simply see their child, and would have no fixed drop-off or collection times.

10.15 The applicant has confirmed that there is an interconnecting relationship between the co-working space and crèche elements both physically and in terms of the operational management approach, as follows:

- *The primary function of the building remains a B1a co-working office;*
- *Proportionally, the majority of the floorspace is for the office space;*
- *There would be an internal door between the co-working space and the crèche;*
- *Users of the crèche must also be users of the office;*
- *The crèche can only be used by office occupiers when they are on-site using the office space (i.e. they cannot leave the site if their child are at the crèche facility); and*
- *The crèche would not and could not operate as a separate facility independently of the office.*

10.16 The introduction of 'crèche and child care facilities' is consistent with identified acceptable uses within paragraph 1.5 of the Clerkenwell Green Conservation Area Design Guidelines (2002) which generally discourages unfettered Class B1 uses.

10.17 In the event that the application was approved, it is important that the proposed use as office accommodation would be retained to function in tandem with the creche and child care facilities, and ensure the crèche would not work independently of the office accommodation. As such a condition has been recommended for a personal permission to the applicant which requires the use of the ground floor and basement levels to return to solely office accommodation if the applicant ceases the use of the premises, to ensure that there is no long term loss of business floorspace in the form of office accommodation. In addition, a condition restricting any internal changes to the layout of the premises without planning permission, including any enlargement, to ensure that the crèche facilities would be retained as a secondary use to the primary use as office accommodation, has been recommended.

10.18 Overall, it is considered to be acceptable, on balance, in land use terms given the marketing evidence provided, the unique nature of the proposed use, and the above conditions. It is therefore considered consistent with the aims of the policies on land use within London Plan 2016 policies 7.4 (Character) and the Council's policies CS7 (Bunhill and Clerkenwell) and CS8 (Enhancing Islington's character) of the Core Strategy 2011, Development Management Policies (2013) DM2.1 (Design) and policy BC8 (Achieving a balanced mix of uses) of the Finsbury Local Plan (2013), as well as the Clerkenwell Green Conservation Area Design Guidelines (2002).

Quality of Creche facility/Accommodation

10.19 The proposal would result in the creation of childcare facilities in the form of a crèche to support the primary function for office accommodation. As part of the application the Council's Early Years and Childcare team have provided advice regarding the quality of the proposed crèche.

10.20 That advice confirms that it would be best practice for the applicant to register with Ofsted (Office for Standards in Education, Children's Services and Skills), which is a non-ministerial department

of the UK government, reporting to Parliament. Ofsted is responsible for inspecting a range of educational institutions, including state schools and some independent schools. It also inspects childcare, adoption and fostering agencies and initial teacher training, and regulates a range of early years and children's social care services.

10.21 The applicant initially confirmed that whilst their intention is to register for Ofsted, they consider that they are exempt from the registration requirements, for the following reasons:

- The crèche offers services for a particular child for four hours or less per day;
- The provision is offered to parents as a convenience ancillary to the office;
- There is no long-term commitment; and
- The parents are required to remain on the premises.

10.22 The Council's Early Years and Childcare team have confirmed that it is a grey area around whether they are actually exempt from registration, as they do appear to be requiring parents to commit to a regular workspace/crèche space each week.

10.23 The Ofsted guidance outlined within Appendix A of the 'Early years and childcare registration handbook' dated October 2017. It confirms that the law sets out that this type of provision, care where parents remain in the immediate area, does not need to register with Ofsted, but it does not explain what is meant by the immediate area. Ofsted interprets this as meaning 'premises where care is provided and where parents can be summoned immediately'. Examples include crèches in a college where parents are taking part in adult learning classes, in a sports centre where parents are playing sports, or in a purpose-built shopping centre in enclosed premises. There are two separate exemptions that apply to crèches.

10.24 This guidance confirms that there are exemptions from registration that apply to crèches as set out by the applicant and quoted above.

10.25 The advantage of registering with Ofsted would mean that there would be an independent assessment of the suitability of the crèche space. In this regard, the Early Years and Childcare team raised concerns with the quality of the crèche, including the lack of outdoor space, natural light, and standard of the nappy changing facilities including the lack of ventilation and sluice to deal with potties. They also raised concerns in relation to the term 'registered nannies' which are more akin to Home Childcare who operate at domestic premises.

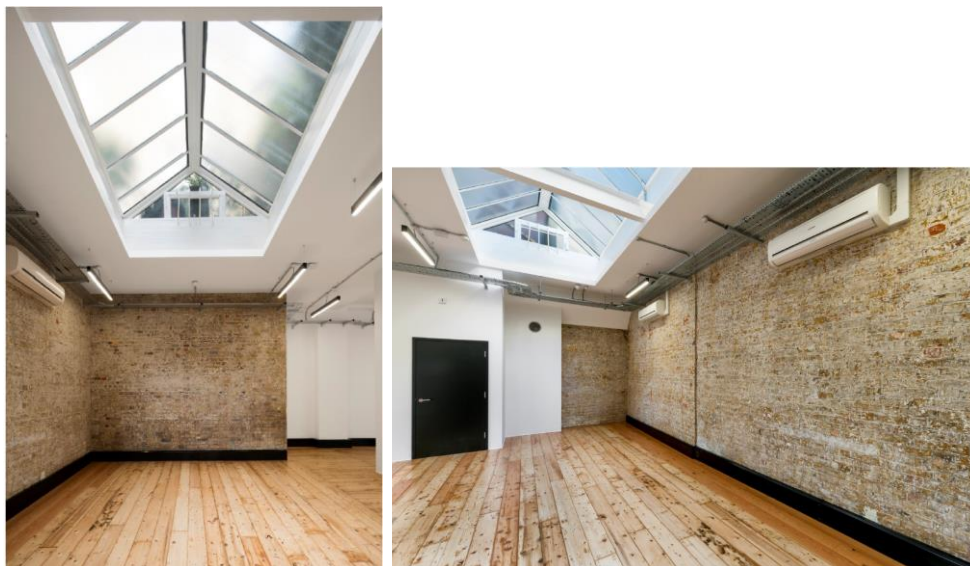


Image 6 and 7: Photographs of ground floor of the area proposed to be used for a crèche



Image 8: Photograph showing ground floor, with area to far side proposed to be used for crèche facilities.



Image 9: Photograph showing ground floor and roller shutter door to be replaced.

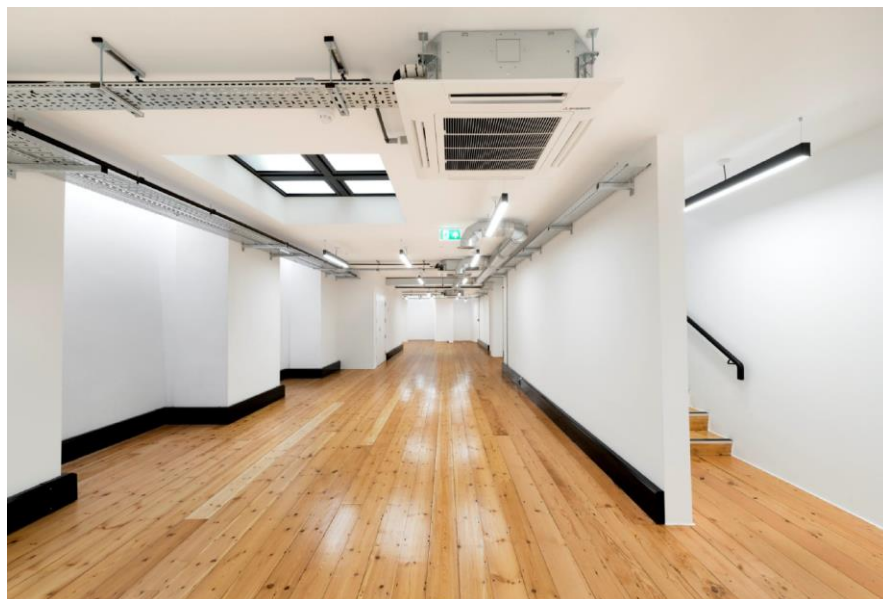


Image 10: Photograph at basement level proposed to be used for office accommodation, including showing stepped access from ground floor.

- 10.26 The applicant considers that they are not requiring parents to make a long term commitment (limited to one month only) and would not allow the parent and child to use the space for more than 4 hours per day. It is also noted that the users of the premises can benefit from the use of the open space of Spa Fields which has a child's playground. The crèche facilities benefit from natural light via the existing windows and a rooflight above this area.
- 10.27 The applicant has confirmed that the changing facilities are free-standing and can be moved. The Council's Early Years Childcare has confirmed that this information satisfies their concerns in relation to the quality of accommodation, but wishes that the applicant provide a commitment to being registered by Ofsted.
- 10.28 Following discussion with both Ofsted and the Council's Early Years team, the applicant has provided the commitment that the proposed crèche will be formally registered for Ofsted. As such, the Council's Early Years team have no objections to the proposal. However, it should be noted that the crèche can only be registered following the commencement of this use.
- 10.29 Given the commitment by the applicant that the proposed crèche facilities would be registered with Ofsted, the Council's Early Years team have confirmed that they have no objections in regard to the quality of accommodation of the crèche.
- 10.30 As such a condition has been recommended to confirm that the proposed crèche facilities have been registered with Ofsted. This is based on the balanced recommendation, the loss of office floorspace, and the nature of the crèche use proposed. Given the concerns raised in relation to childminders and the quality of the space, it is considered appropriate that the facilities are registered with Ofsted to ensure that they are satisfied with the quality of childcare provided.
- 10.31 It is considered that, subject to this condition, the proposal would be in compliance with these sections of the Council's policies DM2.1 and DM4.12.

Design and Conservation

- 10.32 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.33 Policy DM2.3 of the Development Management Policies requires the significance of Islington's conservation areas to be conserved or enhanced. New developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance.
- 10.34 In this instance, the application site is located within the Clerkenwell Green Conservation Area and is located within proximity to a number of Grade II Listed Buildings to the south east of the site. The Clerkenwell Green Conservation Area Design Guidelines provides advice in relation to acceptable forms of development. In this instance, the only external alterations associated with the proposal relate to the side elevation, to the east, of the host building along Crawford Passage. These relate to alterations to changing the existing set of roller shutters to a set of glazed double doors with crittal frames. The original proposal also included a number of metal bars to be used for cycle parking. However, following officer's advice these have been removed.
- 10.35 Whilst the Conservation Area Design Guidelines does not provide specific advice in relation to alterations to the replacement of a door, paragraph 1.33 does state that 'alterations and extensions to existing buildings should respect the building's materials, architectural style and proportions'. The Islington Urban Design Guide 2017 provides advice in relation to use of materials within paragraph 5.112 which states 'care needs to be taken to ensure that the new material is sympathetic with the local vernacular'.
- 10.36 In this instance, the proposed alterations, which include the removal of a set of metal roller shutters, are in a highly visible location along Crawford Passage with views possible from both

the private and public realm. This removal is considered to be a positive aspect of the proposal. The proposed design and use of Crittall frames is considered acceptable in design terms and would preserve the visual appearance and character of the heritage assets associated with this application.

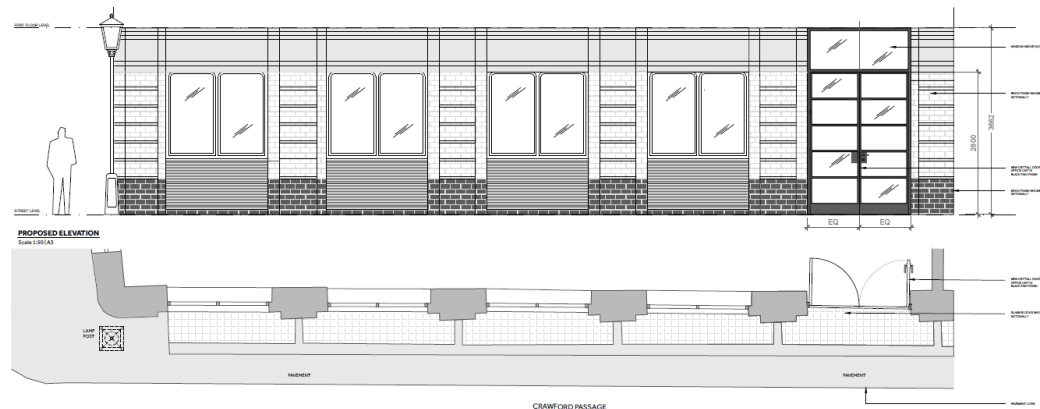


Image 11: Proposed side elevation along Crawford Passage showing proposed external alterations.

- 10.37 It is therefore considered that the proposal would comply with the London Plan (2016) policies 7.4 (Local character), 7.8 (Heritage assets and archaeology) and the Council's policies CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Core Strategy, and DM2.1 (Design), DM2.3 (Heritage) of Development Management Policies (2013) and the design guidance found within the Islington Urban Design Guide (2017) and the Clerkenwell Green Conservation Area Design Guidelines (2002).

Neighbouring Amenity

- 10.38 As stated within Part C of Policy DM4.12 new social infrastructure should avoid adverse impacts on the amenity of surrounding uses. In addition, DM2.1 x) states that development proposals should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Also xi) states that they should not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.
- 10.39 In this instance, the surrounding area is a mix of both residential and commercial uses. This includes residential units to the upper floors of the host building, a public house to the west, being the adjacent property no. 26-28 Ray Street, (with ancillary accommodation above). To the east, no. 119 Farringdon Road, there is the existing office building (Class B1) currently under construction to provide an 8 storey (plus lower ground floor) office building.
- 10.40 As mentioned previously, the only external alterations associated with the proposal relate to the side elevation along Crawford Passage, to replace roller shutter doors with Crittall glazed doors. These alterations would have no impact on the adjoining occupier.
- 10.41 The introduction of child care facilities, in the form of a crèche, may give rise to increased noise to the residential flats above. However, the proposed creche is limited to a small section of the ground floor (82 sqm) noise mitigation is to be required and by planning condition. The applicant has confirmed that due to the nature of the use, there would be a number of visits during opening hours, which are proposed to be between 0800 and 1800 hours. However, there would not be a specific pickup or collection time for customers.
- 10.42 Notwithstanding the above, whilst raising no objections to the proposal, the Council's Acoustic Officer has raised concerns in relation to noise transmission between the proposed ground floor creche and residential use of the upper floors of the building. As such they have requested a

condition relating to noise mitigation details to be submitted to and approved in writing by the local planning authority prior to the commencement of any superstructure.

- 10.43 It is considered subject to conditions relating to the hours of use and the submission of details relating to noise mitigation, the proposal is considered to have an acceptable amenity impact on the residential units in the host building and the surrounding area. It is therefore considered compliant with the Council's policies in relation to amenity with policies DM2.1 and DM4.12 of Development Management Policies (2013).

Transport

- 10.44 The application site is located on the junction of Crawford Passage and Ray Street, in a highly accessible location, within an area of excellent (PTAL – 6b) public transport provision. Both the crèche and office accommodation can be accessed via either door, with the main access to the office accommodation provided along Ray Street and to the crèche facilities along Crawford Passage.
- 10.45 Policy DM8.4 and Appendix 6 of Development Management Policies (2013) outline the requirements in relation to cycle storage. Whilst it does not explicitly outline the requirements for crèche or child care facilities, it requires storage for a minimum of 1 no. cycle space for 3 no. staff to cater for staff and visitors, for both health facilities/clinics and community centres. Therefore, the proposal should include storage for 4 no. cycles. As part of the proposed external alterations along Crawford Passage to the side elevation of the host property, it was originally proposed that metals bars would be installed to the existing wall to provide storage, for 6 no. cycles. However, amended drawings were received to remove these bars from the application, in addition to having inwardly opening doors. This was following concerns raised within the neighbour consultation process, and from the Council's Highway's team, in relation to the impact on pedestrians using the pavement and vehicles on the public highway.
- 10.46 Following the removal of these bars for the cycle storage, the applicant has not proposed any alternative storage facilities, stating that they are not able to provide additional internal storage as it would result in a loss of employment and crèche space. They also confirm that they do not feel that additional cycle storage is required given the target demographic of office users, who would be unlikely to use cycles given they are traveling to the office with a child under 2 years old and that there is no cycle parking for the existing office use. In this instance, whilst the application site is in a highly accessible it is considered there is sufficient space to include some cycle storage internally. Whilst the lack of cycle storage is not considered to warrant refusal on its own, a condition requiring details of cycle storage has been recommended prior to the commencement of the development.
- 10.47 The Council's Highways Officer also raised general concerns in relation to the potential conflict of pedestrians and vehicles due to the width of the existing footway along Crawford Passage. They have considered that it would be too narrow to accommodate visitors to the premises who would be potentially pushed into the street, especially given they may well have prams etc. Whilst it is acknowledged that the width of the footway is restricted, the nature of the use would restrict the potential for large gathering outside the premises, with users of the childcare facilities being restricted to a maximum of 4 hours with parents remaining on site, meaning that there would not be associated drop-off/collection times ordinarily associated with schools. Also the limited size of the area for these childcare facilities would restrict the numbers of prams/pushchairs using the associated footways.
- 10.48 The proposed floor plans show an area at ground floor level, to be allocated for the storage of prams/pushchairs, in terms of purpose-built lockers in the entrance and also floor space within the reception area for larger prams/pushchairs. However, in order to ensure adequate storage is provided a condition has been recommended for further details to be submitted. Overall, the proposal is considered acceptable in terms of its transport impact.

Accessibility

- 10.49 Policy DM 2.2 seeks to ensure all developments provide for ease of and versatility in use and deliver safe, legible and logical environments. This is supported by the advice found within the Inclusive Design SPD which requires level wheelchair access for the proposed development.
- 10.50 The Council's Inclusive Design Officer has reviewed the proposal and has provided a number of comments. They have welcomed the step-free approach delivered from Crawford Passage to the crèche. However, they have noted that this approach has not been applied to the Ray Street entrance, or throughout the premises, with no wheelchair access to the lower ground floor, as the proposal does not include a lift.
- 10.51 There are also concerns in relation to the internal arrangement of the baby change area and 'tea-point' which are integral to the children's play area, and the that staff and children share the same WC.
- 10.52 Following the submission of additional information from the applicant, the Inclusive Design has conceded that the lack of a lift would be acceptable in this instance, given the cost implications associated, combined with the relatively short period for the applicant's lease, being 5 years. However, in terms of the lack of wheelchair access to the Ray Street entrance, they have considered that the applicant's suggestion of a portable ramp would not be welcomed or appropriate to resolve these concerns.
- 10.53 In terms of the other concerns, the applicant has not provided any amended drawings to overcome these concerns. However, the Inclusive Design Officer has cited the document titled 'Nappy changing facilities in early years, nurseries and large childminding services: requirements for service providers applying for registration or variation of an existing service' dated April 2014. This advises that *'you must not carry out nappy changing in toilets for staff, visitors or people with disabilities or within the playrooms. It must be a separate area. However if a mobile nappy changing/personal care unit housed elsewhere in the nursery (not accessible to children) is required on occasions this may be wheeled into the accessible toilet for immediate use and then removed immediately after cleaning'*.
- 10.54 In terms of adapting the host building for wheelchair accessibility, it is acknowledged there are limitations in terms of any physical changes given it relates to an existing building, and that the premises are currently used for office accommodation, and the limited period and the cost implication for the installation of a lift, as described within the Inclusive Design Officer's assessment. There are concerns in relation to the proposed changing facilities. The above guidance is provided for service providers rather for planning purposes, however, there are concerns as to whether they would comply with the requirements of policies DM2.2 and DM4.12 of Development Management Policies (2013) in terms of providing ease of use or provide design and space standards which meet the needs of intended occupants.
- 10.55 Notwithstanding these concerns, it is considered that the concerns raised by the Inclusive Design Officer in terms of level access and the changing facilities would not warrant refusal. This gives further justification for requiring the applicant to register with Ofsted to secure independent service provision inspection and advice.

Refuse

- 10.56 The Council's Street Environment Services document 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable storage requirements for new development. There are specific information relating to a development of this kind. However, it advises that 2.6 cubic metres of storage is provided per 1,000 sqm of floor space. The applicant has confirmed that Canon Nappy Disposal Units would installed which are collected and replaced weekly. They have also confirmed that there is a 60 litre bin on-site, and that two bins would be installed, one located next to the nappy changing station (60 litres) and the other smaller bin (34 litres) in the toilet associated with the crèche. The Council's website also confirms that the host

building benefits from daily refuse and recycling collections Whilst the Council's Refuse team have raised no objections to the proposal, in this regard, a condition has been recommended to ensure that adequate refuse and recycling is provided.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use from an existing office (B1a use) to a primary use as office (B1a use) and secondary use crèche (D1 use) (Sui Generis use) is considered acceptable in land use terms, despite limited marketing information and length given, and the unique nature of the proposed use. The proposed crèche facilities are considered to provide a good level of accommodation and the applicant has confirmed their commitment to being registered for Ofsted upon commencement of the use. The external alterations are considered to enhance the visual appearance and historic character of the host building and nearby heritage assets. The proposed use is considered not to result in any significant harm to the amenity of occupiers of neighbouring properties, subject to sound insulation or to the local highway network.
- 11.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, Finsbury Local Plan 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>WPT_063_0G_EXBO Rev \, WPT_063_0G_DT01 Rev \, WPT_063_0G_DT02/Rev. C, Planning Statement dated September 2017 by DP9, Design and Access Statement Rev. C dated September 2017, Additional Information – Design and Access Statement, Location Plan, Photomontage, Market Demand and Management Statement, KONTOR Flexible Office Locations in Clerkenwell,</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>

3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Hours of use
	<p>CONDITION: The crèche facilities shall only be in operation during the following times:</p> <p>Monday to Friday only from 08:00am to 18:00 pm hours</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
5	Noise mitigation measures
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor crèche and upper floor residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
6	Details of refuse and recycling
	<p>CONDITION: Prior to the first use of the hereby approved crèche facilities, details of the refuse and recycling shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>
7	Details of prams/pushchairs storage
	<p>CONDITION: Prior to the first use of the hereby approved crèche facilities, details of the storage of prams/pushchairs shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the proposal benefits from adequate storage facilities.</p>
8	Cessation of use
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2016 (or any order revoking and re-enacting that Order with or without modification), the premises forming the subject of this permission identified on the approved drawings as being used for B1 (office)/D1 (crèche) following the cessation of the current use shall revert back to being solely B1a office floorspace and for no other purpose including any other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 (as amended, or any order revoking and re-enacting that Order).</p> <p>REASON: To protect the viability of the commercial area.</p>

9	Ofsted registering
	<p>CONDITION: Within 3 months of the commencement of the first use of the hereby approved crèche facilities, details shall be submitted to the Local Planning Authority which confirm that the approved crèche facilities are registered with Ofsted. The crèche facilities shall be registered until the use of the crèche facilities cease.</p> <p>REASON: To provide good quality childcare facilities.</p>
10	Details of cycle storage
	<p>CONDITION: Prior to the first use of the hereby approved development details of the cycle storage shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide adequate cycle storage.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Ofsted registering
	<p>It is advised that the hereby approved childcare facilities, in the form of a crèche are registered by Ofsted upon the commencement of the use.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

- London's living places and spaces
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.17 Health and social care facilities
- Policy 3.18 Education facilities
- Policy 4.2 Offices
- Policy 6.9 Cycling
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

- Policy CS7 (Bunhill and Clerkenwell)
- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable design)
- Policy CS11 (Waste)
- Policy CS13 (Employment spaces)

C) Development Management Policies June 2013

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM4.3 Location and concentration of uses
- Policy DM5.2 Loss of existing business floorspace
- Policy DM7.1 Sustainable design and construction
- Policy DM7.4 Sustainable Design Standards
- Policy DM8.4 Walking and cycling
- Policy DM4.12 Social and strategic

infrastructure and cultural facilities.

D) Finsbury Local Plan (2013)

Policy BC8 Achieving a balanced mix of uses

3. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Bunhill & Clerkenwell Finsbury Local plan Area
Clerkenwell Green Conservation Area
Central Activities Zone
Local cycle routes
Employment Priority Area
Farringdon/Smithfields Intensification Area
Mount Pleasant Neighbourhood Forum
Article 4 Direction A1-A2

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Urban Design Guide (2017)
- Clerkenwell Green Conservation Area Design Guidelines (2002)
- Street Services Refuse and Recycling Guidelines