

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

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|---------------------------------|---------------|-------------------|
| PLANNING SUB COMMITTEE A | | |
| Date: | 21 March 2017 | Non-Exempt |

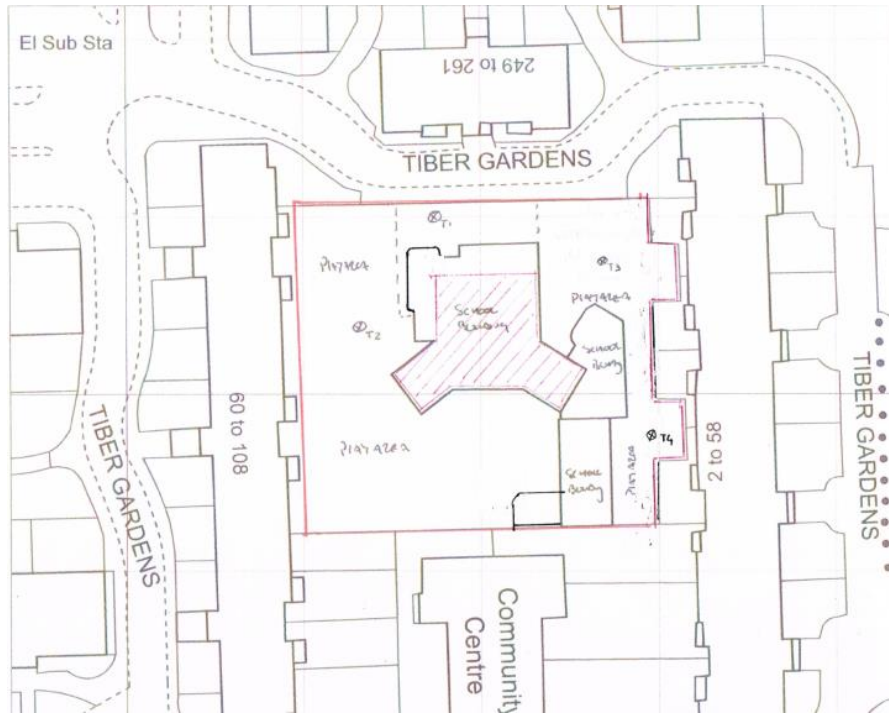
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| Application number | P2016/3709/FUL |
| Application type | Full Planning Application (Council's Own) |
| Ward | Caledonian Ward |
| Listed building | Building not Listed |
| Conservation area | Building not located within a conservation area |
| Development Plan Context | - Kings Cross Pentonville Key Area |
| Licensing Implications | None |
| Site Address | Kate Greenaway Nursery School, Treaty Street London N1 0UH |
| Proposal | Erection of 2 no. single storey rear extensions for use as a classroom and an office. |

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|--------------|-----------------------------------------------|
| Case Officer | Sandra Chivero |
| Applicant | Mrs Fiona Godfrey |
| Agent | Alistair Oxley Green - Oxley Green Associates |

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**

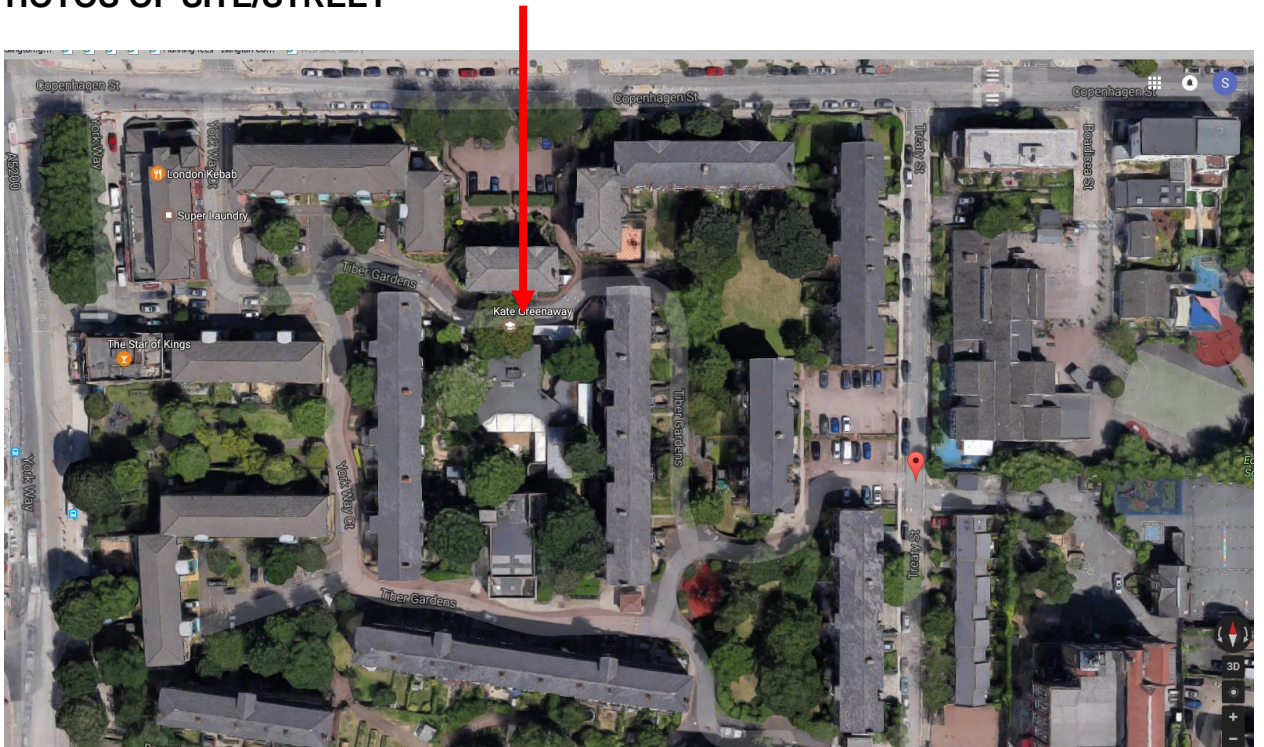


Image 1: Aerial view of application site



Image 2: Street view of application site.

4. SUMMARY

- 4.1 Planning permission is sought for the erection of 2 no. single storey extensions for use as a classroom and an office. The office extension would be located to the northern boundary adjacent the main entrance of the school in the location of the existing buggy storage, which will be reduced in size, and the classroom pod extension would infill an under used gap between the main school building and an existing extension to the east. The proposal is considered acceptable in design terms and would relate positively to the form and materials of other existing buildings on the school site.
- 4.2 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, increased sense of enclosure, overlooking or loss of light and balanced against the provision of an improved education facility it is considered acceptable.
- 4.3 The open space to be lost is a used gap between the main school building and extension to the east. The proposal would not result in loss of playground space or garden space.

5. SITE AND SURROUNDING

- 5.1 The application site is occupied by a flat roofed single storey modern building with various single storey additions. The buildings are in educational use as a primary school. The site is bounded by modern residential blocks to the east and west. The residential units are located in close proximity (within one 1m)

to the school site boundary. To the rear (south) the site backs on to the rear gardens of properties on Tiber Gardens and a Community Centre. The site fronts on to a road and directly opposite is a modern residential block which also forms a part of Tiber Gardens. The immediate surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect 2 no. single storey extensions for use as a classroom for 2 – 3 year olds and office space for staff. The office extension (8sqm) would be located to the northern boundary adjacent the main entrance in the place of the reduced buggy storage and hard landscaping. The classroom pod extension (23sqm) would infill a gap between the main building and an extension and would be built on a resin bounded path to the unused gap between the main school building and the existing extension to the east.
- 6.2 The school is proposing to increase the number of children by a maximum 27 pupils, up to 3 no. under 2 years, up to 8 no. 2-3 years, up to 16 no. 3-5 years as part of the funded 15 hours free schooling for 2-3 year olds and 30 hours free schooling for 3-5 year olds where the parents satisfy the requirement to earn below £99k to be entitled to funded places. The additional classroom will allow the under 2 year olds to move from their current existing classroom into the infill pod and this will free up a larger classroom for other school years to move in to which will result in a more efficient use of classroom space.
- 6.3 The resulting structures would be constructed of a timber frame with a flat roof and would be clad in vertical western red cedar boards to match the nursery school buildings. The doors and windows would be powder coated aluminium to match existing doors and windows to existing nursery school buildings.
- 6.4 The resulting extensions would create additional educational (D1 Use) floor space.

Revisions

- 6.5 Revised drawings were received during the course of the application are as follows:
- Revised drawings nos. KGN – 4/1301, KGN – 1501, KGN – 1201, KGN – 2/1201 received on 28 February 2017 show the infill extension positioned to the south-eastern side of the site under the covered area omitted from the proposal. The revised drawings were not consulted on as they reduced the number of extensions proposed.

7. RELEVANT HISTORY:

Planning Applications

- 7.1 May 2013: Planning application Ref. P2013/0838/FUL Granted for Erection of 1 no. detached, single storey timber frame 8sqm garden room building to extend facilities in nursery school site.
- 7.2 June 2013: Planning application ref. P122319 Granted for Single storey extension to Kate Greenaway Nursery School.
- 7.3 February 2012: Planning application ref. P112677 Granted for Construction of a canopy to the play area on the eastern side of the application site.
- 7.4 November 2011: Planning application ref. P111858 Granted for Erection of a single storey extension.
- 7.5 October 2006: Planning application ref. P061342 Granted for New boundary fencing along eastern boundary onto rear of flats at 2-58 Tiber Gardens. Small extension to main nursery building. Erection of buggy stores and a single storey workshop along northern boundary of site fronting onto Tiber Gardens. Alterations to fence and boundary walls along northern frontage of site on Tiber Gardens.
- 7.6 May 2003: Planning application ref. P023092 Granted for Erection of single storey extension to nursery (140 sq.m.).
- 7.7 September 2002: Planning application ref. P021995 Granted for Erection of a canopy to the building and ancillary works. Applicants Plan Nos: BW141/01 (x2 - Existing and Proposed) Drawing no.1 and 2, Mr. Plastic specifications, Photos and site location plan.
- 7.8 December 1990: Planning application ref. 891495 Granted for Provision of landscaping works and new car parking (Phase 7 8 and 9)

Enforcement

- 7.9 None

Pre-application Advice

- 7.10 It was advised that the additional storey which had been proposed may result in daylight/sunlight issues to neighbouring properties.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 169 adjoining and nearby properties at Copenhagen Street, Tiber Gardens and York Way, on 19 October 2016. Further letters were sent out on 26 October 2016 with the correct proposal. Site notices and press adverts were also displayed on each consultation. The public consultation of the application therefore expired on 24 November 2016,

however it is the Council's practice to continue to consider representations made up until the date of a decision. At the time of the writing of this report 4 objections and a petition had been received from the public with regard to the application. The issues raised are summarised as follows:

- Noise (Paragraph 10.12)
- Loss of privacy (Paragraph 10.10 – 10.13)
- Loss of light (Paragraph 10.10 – 10.13)
- Enclosure (Paragraph 10.12)
- Increased traffic (Paragraph 10.15 – 10.16)
- Encroachment on to neighbouring property gardens (Paragraph 10.10)
- Consultation prior to submission (Paragraph 10.17)
- Nursery should relocate (Paragraph 10.18)
- Cheaper to occupy empty space or build new spaces(Paragraph 10.18)
- Disturbance during building works (Paragraph 10.19)
- Proposal a precursor to future 2-storey expansion (Paragraph 10.20)

External Consultees

8.2 **None**

Internal Consultees

8.3 **Design and Conservation:** The Design and Conservation Officer does not object to the current proposals. It is stated that they are in line with the pre-application discussions and have removed the additional storey which had felt may result in daylight/sunlight issues to neighbouring properties. It is further stated that the design is in keeping with the existing school buildings and will provide much needed extra space for the nursery.

8.4 **Tree Officer:** The tree officer requires a Tree Survey or Impact Assessment for the site in relation to the previously proposed infill extension positioned to the south-eastern side of the site under the covered area. The Tree Officer advised that the removal of the protected tree (T4) without any overriding justification and/ or mitigation is contrary to policy DM6.5. This extension has now been omitted from the proposals.

9. RELEVANT POLICIES

9.1 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

9.2 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.

- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016 (Consolidated with Alterations since 2011), 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.

Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Kings Cross Pentonville Key Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 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
- Design
- Neighbouring Amenity
- Trees and Sustainability

Land-use

- 10.2 The two extensions providing a total area of 31sqm would be permanent structures and their purpose is to create additional teaching space for the children and an office for the nursery. The nursery school need to create addition classroom space for 2-3 year olds and an office for the space. The classroom and office would be for use during school opening hours only.

- 10.3 The school is proposing to increase the number of children by a maximum of 27 pupils. It is stated that the number of children is based on OFSTED's Early years inspection handbook and the guidelines within. The additional classroom will allow the under 2 year olds to move from their current existing classroom into the infill pod, this will free up larger classrooms for the other year groups to move in to, for a more efficient use of class room space.
- 10.4 The proposed use of D1 floor space is compatible with the existing use of the school which is also in D1 Use and is supported in principle. Overall the proposal is considered to accord with Policy 3.18 of the London Plan 2016 which supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of the new pod classroom can be classified as the provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013.
- 10.5 The classroom pod extension would be positioned in the un-used gap between the main school building and the existing extension to the east. The office extension would be positioned in place of the reduced buggy storage. The school has confirmed that the proposal would not result in loss of playground space. The proposal would therefore not be in breach of separate guidance issued by the Department of Education about the loss of playing fields known as Section 77, by the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. A Section 77 application is therefore not required.

Design

- 10.6 The proposed extensions are considered acceptable in terms of materials, bulk and appearance. The timber clad extensions would also be in keeping with the contemporary form and materials of the existing main nursery school building and extensions which also incorporate timber cladding.
- 10.7 The scale and massing of the proposed structures is considered to be appropriate within this context. The proposed extensions remain subordinate to the host building and the adjacent modern residential blocks to Tiber Gardens.
- 10.8 The proposed single storey extensions would not be prominent when viewed from the street. The proposal is therefore considered not to significantly harm the visual amenity of the surrounding area.
- 10.9 Overall the proposal would accord with policy DM2.1 Development Management of the Development Management policies (2013) which requires new development to respect and respond positively to existing building and wider context.

Neighbouring Amenity

- 10.10 The proposed extensions would not be positioned adjacent to or directly facing habitable windows of neighbouring properties and they would be set away from neighbouring gardens.
- 10.11 The proposals, given its location, size and scale are considered not to result in overshadowing, overlooking, loss privacy, loss of light, over-dominance, increase sense of enclosure nor loss of outlook to neighbouring residential properties.
- 10.12 The proposed classroom and office are also not considered to result in unreasonable noise disturbance to the nearby residential properties. The classrooms and office are for use during school hours and are not for use out of school hours/ community use. The proposal also does not incorporate additional machinery plants for example air conditioning units.
- 10.13 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

Trees and Sustainability

- 10.14 Concerns were raised regarding the removal of protected tree (T4) in order to erect an extension to the south-eastern side of the school building under the canopy. It was considered that the removal of the protected tree without any overriding justification and/or mitigation is contrary to policy DM6.5. The applicant provided amended drawings omitting this extension from the proposal. This is considered to address the concerns raised regarding loss of a protected tree.

Other Matters

- 10.15 Concerns have been raised regarding increased traffic. As highlighted above the school proposes to increase the number of children by up to 27 pupils. The additional nursery places are to be offered to the local community and by the very nature of the school being local to the children, it is assumed that most children would be walked to school. In addition the school has staggered drop off times in the morning between 08.00 - 09.30 and staggered collection times between 15.30 – 18.00. Furthermore, the road in front of the school is a private road with a barrier blocking through traffic. The barrier is situated outside the block of flats numbered 2-58.
- 10.16 An informative has been attached to the application recommending the school to update its travel plan to accommodate the increase in the number of pupils and potential traffic impact to the surrounding area.
- 10.17 Concerns were also raised regarding inadequate consultation at the pre-application stage. The application is for two relatively small scale extensions and there is no statutory requirement to carry out a consultation prior to any formal submission. However, the current planning application has been fully consulted in line with statutory requirements.

- 10.18 Suggestions have been made for the nursery to relocate. It was also stated that it could be cheaper for the nursery to occupy an empty space or build a new space. This is not a material planning consideration and the application could not be refused for this reason.
- 10.19 Disturbances during building works are not a material planning consideration. The application therefore could not be refused for this reason. However, any disturbance during building works can be reported directly to the Public Protection Team.
- 10.20 Concerns were also raised regarding the proposal being a precursor to future two-storey expansion. The Council can only assess the works the application is formally seeking planning permission for. Any further submissions for other material alterations including a two storey expansion would be assessed on their own merit.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 Due to the size, scale and design of the proposed extensions are considered appropriate in this context and would not be prominent from public views.
- 11.2 The proposed use of D1 floor space is compatible with the existing use of the school which is also in D1 Use and is supported in principle.
- 11.3 Given their size, scale and location away from habitable windows to neighbouring properties the new extensions would not result in any adverse impact on the amenity of nearby residents.
- 11.4 Overall, the proposal is considered to accord with relevant policies.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions for the reasons and details 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:

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| 1 | Commencement 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. 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) |
| 2 | Approved plans list DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Site plan, KGN 3/1201, KGN 3/1202, KGN 3/1203, KGN 3/1204, KGN 4/1301, KGN 4/1201, KGN 2/1201, KGN 4/1501; Design and Access Statement. 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. |
| 3 | Materials to Match (Compliance) CONDITION: The facing materials of the extensions hereby approved shall match those as specified in the Design and Access Statement and shall be maintained as such thereafter. REASON: To ensure that the appearance of the building is acceptable. |
| 4 | Access Ramp (Compliance) CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall include: <ul style="list-style-type: none">- Have a level or ramped approach- Have a landing 1500x1500mm clear of any door swing before them.- Be clearly identifiable- Have a level threshold- Provide a clear opening width of 1000mm- Have an opening weight of no more than 30N or be power operated |

| | |
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| | <p>These measures shall be fully installed prior to the first use of the classroom and office.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p> |
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List of Informatives:

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| 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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p> |
| 2 | Travel Plan |
| | <p>INFORMATIVE: Please note that the school would be required to update its Travel Plan to accommodate the increase in the number of pupils attending the nursery and mitigate potential traffic impact to the surrounding area. For further details please contact the Travel Plan Officer directly on 0207 527 2513.</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.

Since March 2014 Planning Practice Guidance for England has been published online.

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, Consolidated with Alterations since 2011

3. London's people

Policy 3.18 Education facilities

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (Nag's Head and Upper Holloway Road)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Shops, Culture and Service

DM4.12 Social and Strategic infrastructure and cultural facilities

Health and open space

DM6.5 Landscaping, trees and biodiversity

DM6.6 Floor prevention

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Inclusive Landscape Design
- Urban Design Guide

London Plan

- Accessible London: Achieving an Inclusive Environment
- Sustainable Design & Construction