

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



PLANNING SUB-COMMITTEE A		
Date:	18 th June 2019	NON-EXEMPT

Application number	P2019/0223/FUL
Application type	Full Planning Application
Ward	Hillrise
Listed building	No
Conservation Area	No
Development Plan Context	- Local cycle routes - Article 4 Direction A1-A2 (Rest of the Borough)
Licensing Implications	No
Site Address	73 Fairbridge Road, London N19 3EP
Proposal	Retrospective application to change the use of the property from a single dwelling house (C3 use) to be retained as a mixed use; comprising of residential (C3) & childcare(D1) uses for a temporary period of 2 years.

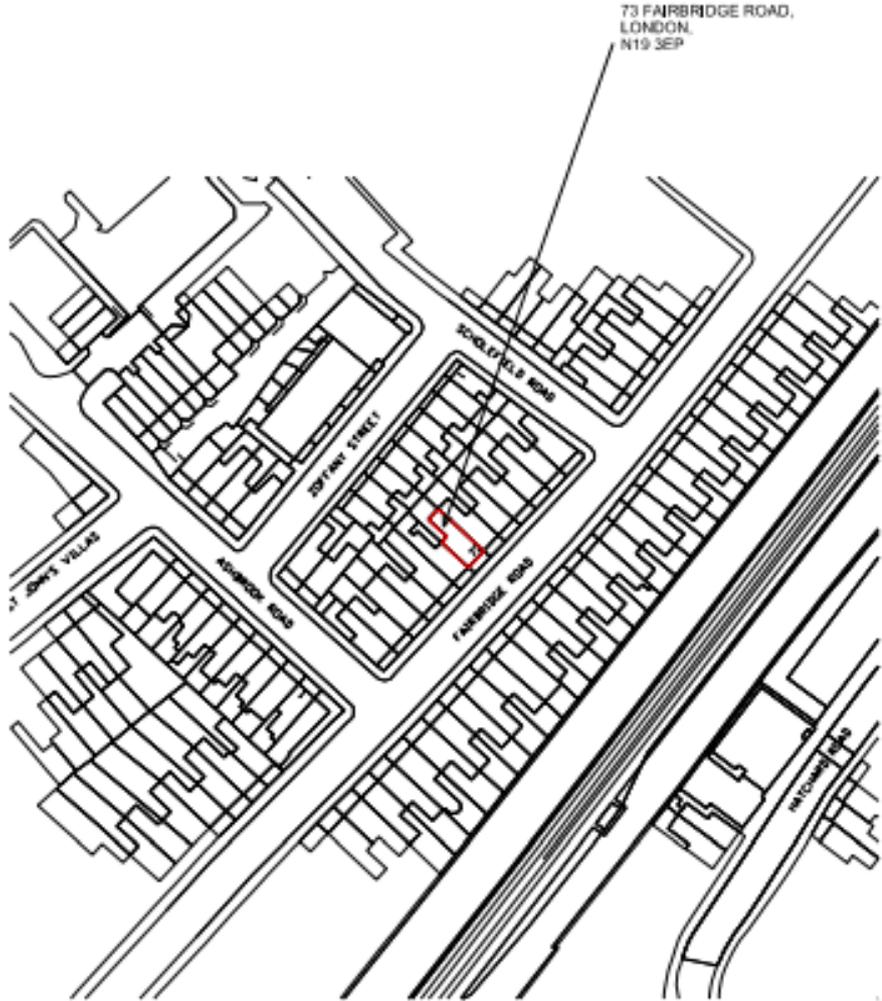
Case Officer	Daniel Jeffries
Applicant	Little Haven Childcare Ltd. - Mr Adewale Olujinmi
Agent	Little Haven Childcare Ltd. - Mr Adewale Olujinmi

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to:

- 1.1 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



Image 2: Aerial view in southerly direction

4. SUMMARY

- 4.1 Planning permission is sought for the retention of the existing use of the host building as a mixed use, part childcare facility (D1) and part residential (C3), on second floor, property. In land use terms, the loss of the residential floorspace within the host building is considered to be contrary to the Council's policies in this regard. Notwithstanding the above, the use childcare facility is considered to be broadly acceptable in land use terms, subject to compliance with the specific requirements of Policy DM4.12.
- 4.2 The application is brought to committee as the proposal would result in the loss of residential floorspace which is contrary to the Council's policies.
- 4.3 The issues arising from the application are the principle of the loss of the residential floorspace, the introduction of a childcare facility, and whether it meets the needs of its users, the impacts on the amenity of neighbouring properties, and the impact on the local highway network.
- 4.4 The loss of the existing residential floorspace, ordinarily would not be acceptable in land use terms. However, the introduction of a childcare facility and loss of the pre-existing residential use is considered on balance to be acceptable. This is on the basis that the use is on a temporary basis, for a maximum of 2 years (notwithstanding the applicant's 3-year proposal), after which time it would revert to a single dwellinghouse, to allow for the applicant to find alternative locations and subject to restrictive conditions to control the use of the facility including the hours of use and the number of children. It is therefore on balance compliant with the Council's policies and would preserve the amenity of neighbouring properties.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5. SITE AND SURROUNDINGS

- 5.1 The application site consists of the two storey mid-terraced property, with roof level accommodation above to the north west of Fairbridge Road. The surrounding area is characterised as predominately residential in nature.
- 5.3 The application building is not listed nor is it within a Conservation Area. The only constraints associated with the application site are the local cycle routes and Article 4 Direction A1-A2 (Rest of the Borough).

6. PROPOSAL (in Detail)

- 6.1 Retrospective planning permission is sought for the retention of the use of the host building as a mixed use residential and childcare facility from the previous use of the building as a single dwellinghouse. Permission is sought on a temporary basis of 3 no. years to allow sufficient time to find an alternative location and premises for the childcare facility.
- 6.2 The application has been submitted as a result of an enforcement investigation following a complaint raised about the unauthorised use of the host property. The application seeks to retain the existing use as a mix of both residential and childcare facility, for a temporary period of 3 no. years. The enforcement investigation has identified that the host property has been in its current use since August 2009, incrementally expanding in terms of the number of employers and children. A Planning Contravention Notice was served by the Council's Enforcement Team on 15th August 2018 for the applicant to provide additional information to establish whether a breach of planning legislation had occurred.

- 6.3 The applicant has confirmed that childcare facility currently employs a total of 9 no. people. This total involves 5 no. people employed on a part time basis, and 4 no. people on a full time basis, which includes an apprentice and 2 no. people whose children use the facilities. The submitted Planning Statement notes that 27 no. families currently use the facilities on a part and full-time basis. The opening hours commence at 7.30am and close a 6.00pm Monday-Friday, noting that there a few children who are dropped off early, however, most children are dropped off at 8am and collected between 4.30pm and 6pm.



Image 3: Photograph showing the internal arrangement showing the front room at ground floor level

- 6.4 The host property is arranged so that the main living and sleeping areas for the residential use are located at the top (second) floor which is occupied by the applicant during the week, as well as his children at weekends. The main bathroom (first floor) and kitchen (ground floor) are shared by the staff and the applicant during the week, and the sole use by the applicant and his children at weekends. The ground and first floor are used for the childcare aspect of the development, forming 4 no. rooms, including the 2no. living rooms at ground floor and 2 no. bedrooms at first floor. The applicant has confirmed that the childcare facility is registered by Ofsted for 20 no. children with an age range from 3 no. months to 5 no. years, with 10 no. children per room.



Image 4: Photograph showing the internal arrangement to the rear room at ground floor level

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

73 Fairbridge Road

7.1 None

ENFORCEMENT

7.6 E/2018/025- Unauthorised change of use from C3 residential to D1 pre-school nursery (case ongoing) – served a Planning Contravention Notice on 15th August 2018 for the applicant to provide additional information to establish whether a breach of planning legislation had occurred. Requested a planning application be submitted to seek to regularise the development.

PRE-APPLICATION ADVICE:

7.7 None

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 21 no. occupants of adjoining and nearby properties on Fairbridge Road and Zoffany Street on 8th April 2019, and site and press adverts were displayed. The public consultation of the application expired on 5 May 2019.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 1 no. objection in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Retrospective nature of the application (paragraph 10.33)
- The inappropriate nature of a childcare facility in a residential area (paragraphs 10.3 to 10.15)

- Noise and disturbance to neighbouring properties along Zoffany Street, including use of rear garden (paragraphs 10.21 to 10.23)
- The time period requested for the retention of the existing use is too long (paragraph 10.24)
- Standard of the childcare facility, particularly the size of the rear garden (paragraphs 10.9, 10.10, 10.14 and 10.15).

Internal Consultees

- 8.4 **Inclusive Design:** raised objections to providing an accessible environment.
- 8.5 **Planning Policy Officer:** raised objections and considers the proposal to be contrary to the Council's policies given the loss of the single dwellinghouse and inclusion of a childcare facility in a residential area.
- 8.6 **Pollution Officer:** raised no objections to the proposal.
- 8.7 **Enforcement:** confirmed that following an enforcement investigation recommending to the applicant to regularise the use of the host property but only on a temporary basis.
- 8.8 **Childrens Services Officer:** has not commented on the application.

External Consultees

8.7 **None**

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- 9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 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:
- Local cycle routes
 - Article 4 Direction A1-A2 (Rest of the Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

9.12 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 and Conservation
- Neighbouring Amenity
- Accessibility
- Highways

Land use

1.1 Policy DM3.2 seeks to ensure the loss of existing self-contained housing will be resisted unless the housing is replaced with at least equivalent floorspace. Paragraph 3.17 of the Development Management Policies (2013) confirms that to address Islington's housing needs, existing housing should be retained, except where housing will be re-provided on the site in accordance with the above policy.

1.2 The proposal consists of the top floor of the host property, forming 2 no. rooms, being used and occupied by the applicant as a residential unit. This is along with the shared use of the kitchen and bathroom facilities. The remaining part of the host property is currently being used by the childcare facility, including two rooms on both the ground and first floor (approx. 100 sqm), as well as the rear garden.

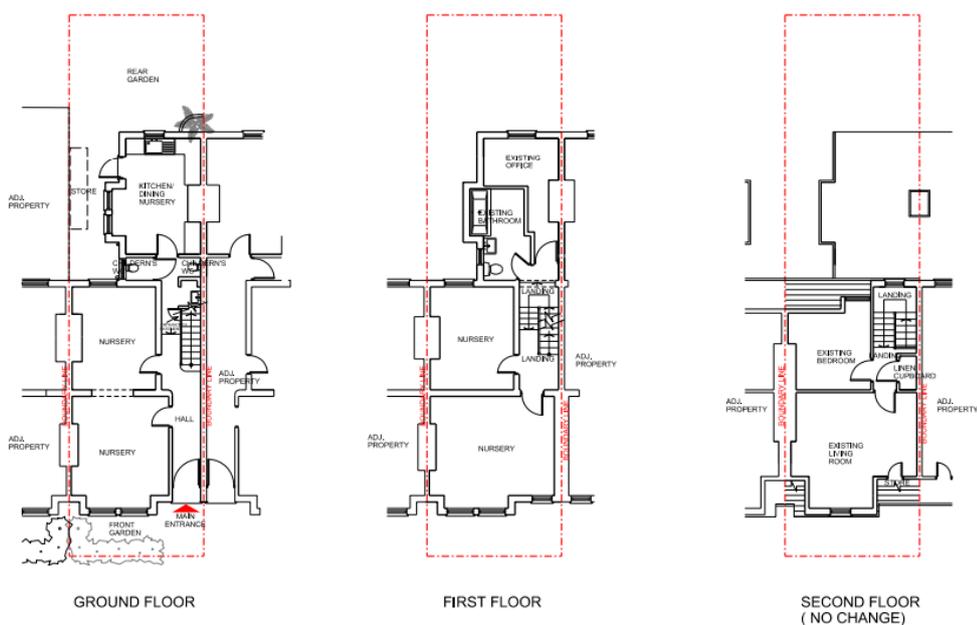


Image 5: Existing layout of the host building



Image 6: Photograph of one of the top floor rooms used as residential floorspace

- 1.3 Therefore, the proposal would result in the partial loss of the use of the host building as a 3 bedroom single family dwelling house, with only a small portion of the building being used for residential purposes. Given that no additional residential floorspace has been provided within this application to off-set this loss, the proposal is considered to be contrary to the Policy DM3.2.
- 1.4 The conversion of the property from a single dwelling to a mixed use which incorporates a smaller residential unit also fails to comply with Policy DM3.3 as the conversion does not allow for a brief number of self-contained units but only allows for a larger number off self-contained units but only allows for childcare facilities. In addressing both Policy DM3.2 and DM3.3 regard should therefore be had to the exceptional circumstances of the facility that is being provided and the benefits of that provision.
- 1.5 In terms of the retention of the use of the host building as a childcare facility, Part C of Policy 4.12 of the Development Management Policies is most relevant, relating to new social infrastructure. The policy advises that new social infrastructure must the following requirements:
- i) *be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
 - ii) *provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
 - iii) *be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
 - iv) *complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses*

- 1.6 Whilst the assessment of the proposal in terms of impact on the local highway network is assessed later in the report, social infrastructure such as childcare facilities are required to *be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport*. Public Transport Accessibility Levels (PTALS) are a detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. The method is essentially a way of measuring the density of the public transport network at any location within Greater London. using the Transport for London. The PTAL is categorized in 6 levels, 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility. Levels 1 and 6 have been further sub-divided into 2 sub-levels to provide greater clarity.
- 1.7 Using this methodology, the application site is located a highly accessible area with very good (PTAL – 5) public transport provision. Given that the site is also located within a residential area, the proposal is considered to comply with the first part (i) of Policy DM4.12C.
- 1.8 In relation to Part C(ii), the relevant section found later within this report has assessed whether the existing childcare facilities comply with the Council's Inclusive Design policies in relation to providing an *inclusive, accessible, flexible environment*. However, *in relation to providing design and space standards which meet the needs of intended occupants* it should be noted that the existing facility is registered by Ofsted. The Office for Standards in Education, Children's Services and Skills (Ofsted) 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.
- 1.9 The mostly recent inspection report (published on 30th December 2017, following inspection on 11th December 2017) confirmed that the quality and standards of the early years provision was considered to be outstanding. The Ofsted report does not identify any areas for improvement in relation to the use of the host property, and did not identify the size of the garden as being deficient for the needs of the organisation. It is considered that, subject to the assessment in terms of the compliance with Inclusive Design, the host building provides the design and space standards which meet the needs of the facility, and this part of the policy.
- 1.10 Part C(iii) of Policy DM4.12 seeks to ensure social infrastructure *be sited to maximise shared use of the facility, particularly for recreational and community uses*. In this instance, the proposed childcare facilities would only operate during weekdays and during daytime hours, and only for registered children. Whilst it acknowledged the Council would normally seek to maximise the shared use of the childcare facility, the host property is also part used as residential property, within a residential area. Therefore, it is considered that any shared use of the facilities would likely impact the amenity and residential use of the host property and other residential properties found in the local area.
- 1.11 The assessment of any potential adverse impacts on the amenity of surrounding uses, including whether this impact complements existing uses and the character of the area, is required by Part C(iv) of the above policy. It should be noted that the immediate surrounds of the site are entirely residential in character and function. As such a non-residential use in this area, as proposed in this application, is considered to have a potential significant impact on adjacent uses including increased noise from the use and transport impacts including traffic and parking. Whilst these matters are assessed later within this report, it is important that the amenity impact on neighbouring properties, as a result of the retention of the childcare facilities are not adversely affected.

- 1.12 The existing childcare facilities has been operating at the host building, (albeit expanding incrementally) since August 2009. It should be noted that the use of the premises as a mixed use childcare/residential use would be immune from enforcement action in the event it was to continue until August 2019, it would then be operating for a continuous period of 10 years. In addition, the application seeks to retain the use existing use for a temporary period of 3 no. years, to allow for the applicant to seek alternative locations for the childcare facilities. After this period the host property would be reinstated to a single dwellinghouse.
- 1.13 The applicant has confirmed that the process to find alternative locations for the existing childcare facility has commenced and they are in the process of downsizing the scale of the facility. To date they have been in talks with the local churches in the surrounding areas, and are hoping to be able to hire a hall and move the downsized nursery to a new premises. However, they have confirmed that once a location has been identified and an agreement is in place, the childcare facility will need to be registered with Ofsted. This registering process can take up to 25 weeks, would only commence once the facility has started operating. It is considered that a 2-year temporary permission is a sufficient time period to secure alternative premises.
- 1.14 It is considered that ordinarily the proposal would be unacceptable in terms of land use, given the loss of residential accommodation. However, consideration should be given to the length of period of the existing operation of the facilities (almost 10 years), the outstanding quality of the provision provided, as confirmed by Ofsted, and that the application seeks a temporary permission to allow for alternative locations to be sought to relocate the facilities, which has already commenced. Whilst the acceptable length of the temporary period is considered below, in relation to the impact on neighbouring properties and the surrounding area, on balance, the proposal is considered acceptable in land use terms.

Design and Conservation

- 1.15 The host building is not listed, nor is the application site within a conservation area. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 1.16 Ordinarily the design advice found within the Urban Design Guide 2017 should be used in terms of any external alterations. However, in this instance given there are no external alterations proposed or forming part of this application, the proposal is considered to be acceptable in design terms.

Neighbouring Amenity including Noise

- 10.13 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic

design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to 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.
- 10.16 In this instance, the application site is located within a residential area, the nearest residential properties are located immediately to the northeast and southwest, nos. 75 and 71 Fairbridge Road, and to the rear (north west) at nos. 7, 8 and 9 Zoffany Street.

Daylight/Sunlight

- 10.17 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).
- 10.18 In this instance, given that there are no external alterations there are no significant losses of daylight/sunlight or outlook or enclosure to neighbouring properties.

Privacy

- 10.19 There are no external alterations proposed which would introduce new opportunities for overlooking or for additional loss of privacy over and above the pre-existing use of the host building as a residential property.
- 10.20 The rear garden would be used in a manner which is more intensive than a normal residential property and this level of activity and intensity would be viewed as a loss of privacy when controlled by limitation the hours of use and numbers. This is discussed further below in relation to noise.

Noise

- 10.21 In terms of assessing the noise impact of the proposal on neighbouring properties, it is important to consider the number of users, the hours of use and the operation of the childcare facility. As identified in the submitted supporting statement, the childcare facility commences at 7.30am and close a 6.00pm Monday to Friday. The applicant has noted that there a few children who are dropped off early, but most children are dropped off at 8am and collected between 4.30pm and 6pm.
- 10.22 The host property is arranged so that the top floor has the main living and sleeping areas for the residential use, occupied by the applicant during the week, as well as his children at weekends. The main bathroom (first floor) and kitchen (ground floor) are shared by the staff and the applicant during the week, and the sole use by the applicant and his children at weekends. The ground and first floor are used for the childcare aspect of the development, forming 4 no. rooms, including the 2no. living rooms at ground floor and 2 no. bedrooms at first floor, as well as the use of the rear garden. The applicant has confirmed that the childcare facility is registered by Ofsted for 20 no. children with an age range from 3 no. months to 5 no. years, with 10 no. children per room.

10.23 The Council's Pollution (Acoustic) Officer has concluded that there are no objections to the proposal. However, in order to control the operation of the childcare facility in the event that the application is approved, conditions have been recommended in relation to operating hours between 0730 and 1800 hours only, and in relation to the number of children that can attend the facility at any one time, restricted to 20 no. children. In terms of the rear garden, a condition has been recommended to restrict its use to between the hours of 930am and 4.30pm Monday to Friday, for a maximum of 7 no. children. It is considered that subject to these conditions, the proposal is not considered to result in any significant noise issues to neighbouring properties. Notwithstanding the above, it should be noted that these restrictions relate only to the use of the property as a childcare facility only.



Image 7: Photograph showing rear garden

10.24 Notwithstanding the above, it is acknowledged that the proposal does not strictly accord with the Council's land use policies, and would ordinarily be restricted given it results in the loss of residential floorspace in a residential area. However, the application seeks planning permission to retain the facilities for a temporary period of 3 no. years to allow the applicants the opportunity to seek alternative locations for the childcare facility. Whilst the applicant has confirmed that this process has already commenced, it is considered that an appropriate and reasonable time period would be 2 no. years to allow this process to occur and for the host building to return to single dwellinghouse used for solely for residential purposes.

10.25 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Accessibility

- 10.26 Policy DM2.2 seeks to ensure all developments demonstrate they provide for ease of and versatility in use and deliver safe, legible and logical environments. Furthermore, Policy DM4.12C(ii) seeks to ensure *social infrastructure are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants.*
- 10.27 The Council's Inclusive Design Officer has raised concerns in relation to compliance with Council's objectives in this regard and in relation to the use of the host property as a childcare facility, in terms of providing an accessible and inclusive environment for users.
- 10.28 It is acknowledged there are concerns with the proposal in terms of providing an inclusive environment for users. However, it should be noted that the proposal relates to the conversion of an existing building, which limits the opportunities to provide accessible accommodation. However, it should be noted that the host building benefits from level access, and the childcare facility is located on the lower two floors. In addition, the application only seeks to retain the existing childcare facility on a temporary basis, after to which time it would revert to its original use as a residential property. It should also be noted, the quality of the existing childcare facility in terms of its standard of education was assessed by Ofsted, and was regarded as outstanding. The latest inspection report did not identify any issues in relation to the accessible nature or standard of the accommodation in the assessment. Therefore, it is considered that the lack of compliance with the Council's Inclusive Design policies of the proposal would not warrant the refusal of the application.

Highways

- 10.29 Policy DM8.2 seeks to ensure development meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 10.30 It is acknowledged that the use of the host property as a childcare facility, rather than the pre-existing use as a single dwellinghouse, results in an increase in the number of visits to the property in terms of the pickup and drop off, in the morning and afternoon.
- 10.31 However, as noted in the land section above, the site is located in a highly accessible area with very good (PTAL – 5) public transport provision. In addition, the roads surrounding the site are subject to CPZ (Controlled Parking Zone) Area which restricts parking during weekdays (Monday to Fridays) 8.30am to 6.30pm and Saturdays 08.30am to 1.30pm. It is considered that given the restrictions in relation to car parking, which include the restricted operation hours (apart from 1 hour in morning between 7.30am and 8.30am), as well the transport links in the area it is considered that the increased activity at the site is not considered to have a significant impact on users of the local highway network.
- 10.32 The proposal is therefore considered to be have an acceptable impact on the local highway network and is considered acceptable in this regard.

Other Matters

- 10.33 Concerns have been raised in relation to the retrospective nature of the planning application. However, the application was submitted following an enforcement investigation. Whilst ideally the application would have been made prior to the commencement of the development, the assessment is no different in terms of whether it is acceptable in terms of its compliance with the Council's policies and should be assessed on its own individual planning merits.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Planning permission is sought for the retention of the use of the host building as a mixed use childcare facility and residential property. The application seeks to retain the childcare facility use for a temporary period of 3 no. years to allow for the applicant to find an alternative location for the facility.
- 11.2 The application is brought to committee as the proposal results in the partial loss of residential floorspace and is a departure to the Development Plan.
- 11.3 The issues arising from the consultation carried out on the application are the impact of the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, including use of the rear garden, the time period that the applicant seeks to retain the existing use, revert to the original use, the standard of the accommodation and the retrospective nature of the application.
- 11.4 It is acknowledged that in land use terms, the loss of residential floorspace is considered to be contrary to policy DM3.2. There are also concerns in terms of the use of the suitability of the property as a childcare facility due to the potential impacts on neighbor's amenity in close proximity. However, subject to restrictive conditions such as the number of children using the host building as a childcare facility, as well as the rear garden, and ensuring that it is time limited to a maximum of 2 no. years, whereby it would revert back to a single dwellinghouse, it is considered that, on balance, the proposed development would be acceptable.
- 11.6 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Temporary period of consent
	<p>CONDITION: The childcare facility hereby approved shall cease on 1 July 2021 and the property then revert back to a residential use under class C3 only and thereafter only used for this purpose.</p> <p>REASON: To protect the host building use as a residential property</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement, 19001/P0101/Rev.A (Pre-Existing Drawing), 19001/P/0201/Rev.A (Existing Drawing)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Hours of operation
	<p>CONDITION: The hereby approved childcare facility shall only operate Monday to Fridays between 0900 to 1800 hours. The operation of the host building as a childcare facility shall not operate outside of these hours.</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>
3	Rear garden
	<p>CONDITION: The rear garden associated with the hereby approved development shall only be used by a maximum of 7 no. children using the childcare facility between the hours of 0930 to 1630 hours, Monday to Friday.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</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 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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, 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

Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.14 Existing housing
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.18 Education facilities
Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM3.2 – Existing housing
- Policy DM3.3 – Residential conversions and extensions
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.12 – Social and strategic infrastructure and cultural facilities
- Policy DM8.4 – Walking and cycling

3. Designations

Local cycle routes
Article 4 Direction A1-A2 (Rest of the Borough)

4. SPD/SPGS

Urban Design Guidelines
Inclusive Design SPD