

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



PLANNING SUB COMMITTEE A		AGENDA ITEM:	B3
Date:	Thursday, 7 November 2019	NON-EXEMPT	

Application number	P2018/3395/FUL
Application type	Full Planning
Ward	Tollington
Listed building	Not Listed
Conservation area	N/A
Development Plan Context	Local Cycle Route Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	75 Hanley Road, London, N4 3DQ
Proposal	Erection of a ground and first floor extensions to the rear of the existing D1 building and associated external alterations including perimeter timber fencing and canopy to rear play area and associated alterations.

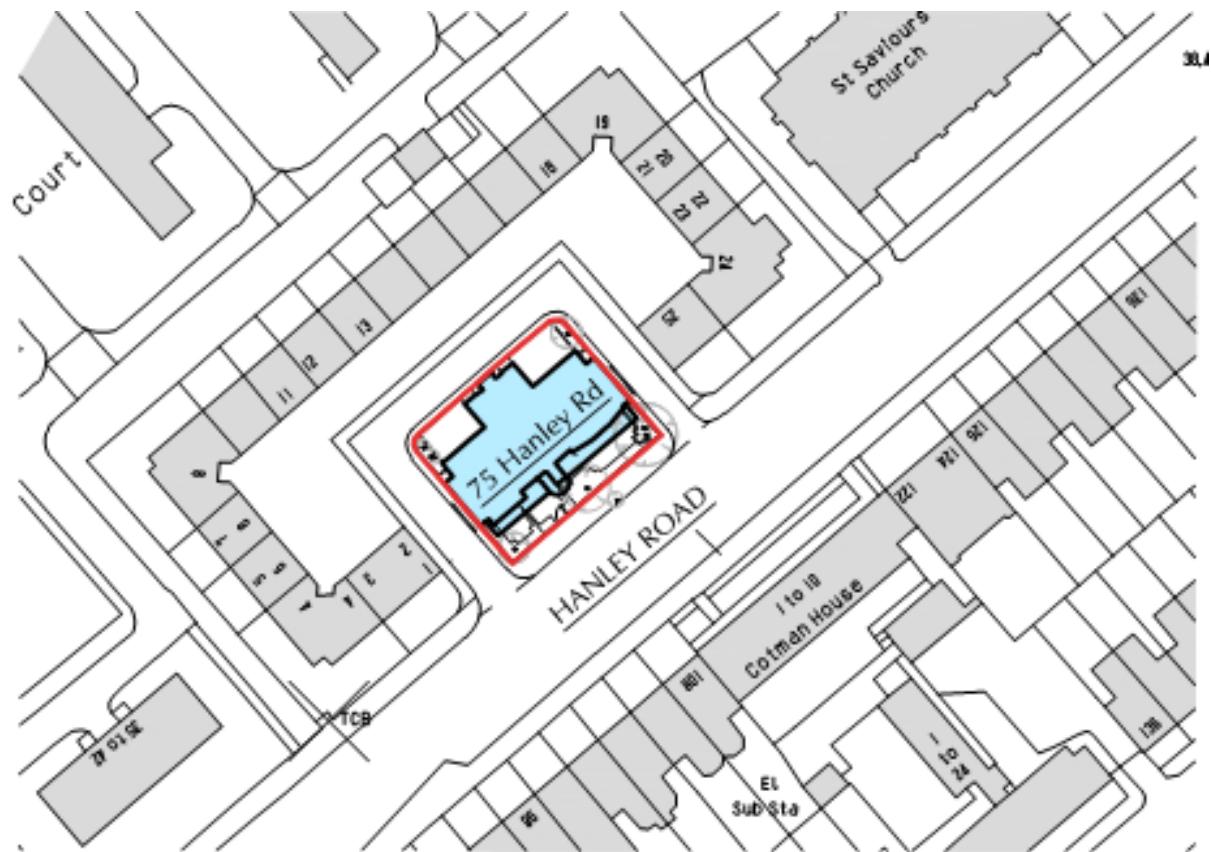
Case Officer	Ross Harvey
Applicant	Crouch End PreSchool Ltd
Agent	Ms Ghazala Hussain - DRK PLANNING LTD

1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Image 2: Aerial view of front elevation



Image 3: Aerial view of rear elevation



Image 4: View to the front of the application site



Image 5: View to the rear of the application site looking north



Image 6: View to the rear of the application site looking south

4. SUMMARY

- 4.1 Planning permission is sought for the erection of ground and first floor rear extension to the existing D1 building and associated external alterations including perimeter timber fencing and canopy to rear play area for a new children's nursery at ground and first floor level (D1 Use Class).
- 4.2 The main considerations in this assessment include the impact of the proposals on the character and appearance of the host building and wider streetscene as well as safeguarding the amenity levels of the adjacent and nearby residential properties.
- 4.3 The extensions facilitate an additional 57m² of D1 floor space, previously used as an NHS mental health day care centre. The applicant has advised that the site has been vacant since March 2016. Although the new occupier is for a children's day nursery, the proposals do not constitute a change of use as, in planning terms, this falls within the same use class. The provision of additional D1 floorspace is generally supported within the Council's Development Management Policies, provided that it is served well by public transport, is of appropriate and inclusive design, is complementary

to the character of the surrounding area and does not result in adverse impacts to neighbouring residential properties. In this instance, the D1 use is already established and therefore considered acceptable in principle. The proposed additional D1 floorspace is considered appropriate in scale and would remain subservient to the host property.

- 4.4 The proposed extensions have been designed to match the existing appearance of the property. Overall they would be considered appropriate in scale, and would read as obvious additions to the property, whilst remaining subservient to the original building. The use of matching brickwork would be considered appropriate.
- 4.5 Whilst concerns have been raised regarding impact on neighbour's amenity, officers consider that the development would not appear unduly overbearing from surrounding properties, nor would they result in any loss of daylight/sunlight to any residential buildings. The first floor rear elevation will replace existing full height fenestration with high level windows, ensuring no overlooking occurs to the residential properties within Hanley Gardens to the rear of the application site. Concerns have been raised regarding potential noise issues. The Council's Acoustic Officer has not objected to the proposals, subject to further details of perimeter fencing to the side and rear and a canopy to the rear play areas being submitted and approved, as well as outdoor play areas being limited to the hours of 0900 and 1700 Monday to Friday.
- 4.6 Issues relating to parking have also been raised. The proposals do not include any parking within Hanley Gardens. Drop-off and pick-up arrangements are to be limited to being from Hanley Road. Waste collection will be undertaken on a weekly basis, with the refuse vehicles utilising the Hanley Road as a stopping point. Similarly, site servicing and deliveries are proposed to occur 3-5 times a week and would utilise parking bays along Hanley Road as a stopping point for unloading.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is situated on the north-western side of Hanley Road and comprises a three storey mixed use building with 3no. residential units on the second floor level. The ground and first floors have been described as being previously used as a mental care-day centre but have been vacant since March 2016. The application site forms part of a group of buildings of similar architectural character within the Hanley Gardens Estate. The application relates to the ground floor and first floor only.
- 5.2 The property is not situated within a conservation area, nor does it contain any locally or statutorily listed buildings. The surrounding area consists predominantly of residential uses within a mixture of modern and late 19th century terrace properties. St Saviour's Church is situated immediately to the north east of Hanley Gardens. In terms of public transport availability, Crouch Hill Station is located approximately 480m (walking distance) east of the application site and is serviced by London Overground. Bus routes are also available along Hanley Road, which provide regular services to the National Rail and London Underground via Finsbury Park Station.

6. PROPOSAL (in detail)

- 6.1 Planning permission is sought for two rear extensions to the property at ground and first floor level to facilitate the creation of additional D1 floorspace associated with a new child care facility (day nursery). The ground and first floor levels have been vacant since March 2016, however the existing lawful use remains as D1 (Non-residential institutions). The new children's day care nursery would therefore not comprise a change of use of the host property.
- 6.2 The new day care nursery would accommodate up to 98 children between the ages of 0-4 years old. A total of no.25 staff will also be accommodated on site. Within the building, a range of alterations would occur, with the nursery and toddler accommodation being situated at ground floor level and early years, visual and performing arts at first floor level. The plans indicate that the building will be fully accessible, with the existing lift being upgraded to be suitable for fire evacuation. 3no. external play areas are proposed, with two being to the front of the building and

the third located at the rear to the east of the stair shaft. The rear external play area (play area 3) will be enclosed by perimeter fencing and a canopy. Similarly, boundary treatments are proposed to the front external play areas. The existing boundary wall will remain at the front of the property, but the steel railings will be replacing by timber screens along the side boundaries. At the front, the steel railings will be retained but improved by the proposals. The proposed operating hours of the new nursery would be limited to between 07:30am and 18:30pm Monday to Friday.

- 6.3 Primary entrance to the children's nursery would be via the front of the building. Immediately adjacent to the primary entrance is a storage area with capacity for 32no. buggies. Secondary access would be available from the rear of the property, similar to the existing arrangement.
- 6.4 The proposals would result in the loss of 6no. existing car parking spaces to the rear of the property which are accessed via the Hanley Gardens roadway. These parking spaces were associated with the ground and first floor D1 unit. The parking spaces would be displaced by extensions to the property, an outdoor playspace and external storage/waste enclosures. It is not proposed to replace the car parking spaces being lost by the proposed development. There is no in principle objection to the loss of these car parking spaces to create more functional and useable play spaces for use by the nursery. The application site is well serviced by public transport in the form of nearby tubes, overground and local bus services to facilitate access to the site.
- 6.5 Proposals also include the installation of 4no. cycle stands within the front of the property immediately adjacent to the entrance gate, and 4no. cycle stands to the rear of the building. Whilst external to the building, all cycle stands are shown within the boundary of the site and would be in the form of uncovered sheffield stands.
- 6.6 Waste storage is shown to the rear of the property within a secure timber enclosure. Waste collection will be undertaken on a weekly basis, with the refuse vehicles utilising the Hanley Road as a stopping point. Similarly, site servicing and deliveries are proposed to occur 3-5 times a week and would utilise parking bays along Hanley Road as a stopping point for unloading.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 6.7 P2018/1819/FUL - Application for the external alterations and extension to the rear of the existing building at ground and first floor. Withdrawn by applicant 03/09/2018

ENFORCEMENT

- 7.6 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 58 occupants of adjoining and nearby properties at Hanley Road and Hanley Gardens. The public consultation exercise expired on 25 November 2018. A site notice and press advert in the Islington Gazette were also displayed.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. During the initial round of public consultation, a total of 14 no. objections, 1 no. support and 1 no. general comment had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Hanley Gardens contains a private road that should be for the use of residents only (**para 10.36-10.45**)
- Increased noise disturbance, particularly outdoor play area 3. (**para 10.30-10.34**)
- Additional parking stress within Hanley Gardens and surrounding streets (**para 10.36-10.45**)
- Nursery not an appropriate use (**para 10.2-10.8**)
- Overdevelopment (**para 10.9-10.20**)
- Overlooking/loss of privacy (**para 10.27-10.29**)
- Impacts to green landscaped spaces (**para 10.55**)

- 8.3 The general comment raised concerns in relation to the inclusion of nesting boxes/bricks for swifts. A condition is attached to securing the installation of bird boxes.
- 8.4 The applicant was made aware of the substantial objections received from neighbouring properties, and provided additional information in order to overcome these concerns. The application was therefore subject to a second round of consultation, which expired on 12 June 2019. During this additional round of consultation, one objection was received from an individual that objected during the initial consultation. No additional concerns were raised.

Internal Consultees

- 8.5 **Design and Conservation Officer:** No objections
- 8.6 **Children, Employment and Skills Services:** Invited to comment but no specific objections raised in response to the current application.
- 8.7 **Crime Prevention Officer:** No objections raised. This should be the primary entry and exit to the building allows for a natural path directly to the reception area. Normally the main gates to a nursery is supervised by a member of staff during the drop off and pick up period which I would encourage as a management strategy. Outside of these periods I would recommend a video/audio control system direct to reception for visitors and an encrypted FOB access control for staff members. A minimum of two magnetic locks on the primary gate situated two thirds from the top and bottom of the frame to be fitted with a pull weight each of 1200lbs. Self-locking and self-closing mechanism to be fitted. Any 'push to release' button to exit this gate should be protected in a way to prevent a child from activating and far enough away from the gate to prevent a person reaching through the railings to allow access. If this gate is being replaced, then I would recommend a security rating of LPS1175 SR2. Consideration must be given to the potential risk of climbing over it or crawling under it. Being the same height of the current boundary treatment would be beneficial as it is approximately 1.8 meters tall. No issues with current boundary treatment in height and protection but wold advise that a tidying up of the current wisteria that is present and pruning of the internal hedges will be required.
- 8.8 The boundary fences within the main path which have the gates present to allows access into the front play areas are not ideal due to them being so close to the main exit gate. If these are required for escape from these areas, then they will need protecting in a way that an adult can open them but a child cannot.
- 8.9 Main front door to be security rated to LPS 1175 SR2. With access control for the reception to allow movement into the building. This will also work well with any 'lock down' procedures that are in place during an emergency.
- 8.10 Any ground floor window which are openable or ones that can be reached by climbing should be security rated to PAS24:2016. Any ground floor door should be security rated to PAS24:2016. Fire escapes on either side of the building in Hanley Gardens are not ideal due to the fact they create a blind corner for people to loiter in and also gives them cover to attack a vulnerable door. If a security rated product could be fitted here, then I would advise that this is utilised if not then any glazing on the door should be reinforced with P2A laminate protection.

- 8.11 The bin stores have been made a separate part of the building and access from the public realms and as a result of this they should have a 'robust and fit for purpose' door which is self-locking and a self-closing.
- 8.12 **Acoustic Officer:** The unit had been operating by the NHS for Islington Recovery & Rehabilitation Services. There is a complaint listed where squatters had gained access to the empty building and rough sleeping but otherwise no complaints listed.
- 8.13 The application includes 3 external play areas for nursery children. Two are on the Hanley Road façade and one is on the rear to Hanley Gardens. The proposed rear play area is currently used for parking spaces and is to be converted for children aged 2 and under. A fence is marked and it is advised that the fence is solid with an absorptive inner face to reduce reflection. As they have assumed the noise reduction provided by a fence in the report but not provided any details it is advised that an AOD condition is included requiring details to be submitted and agreed. They also propose a partial canopy over the play area to acoustically screen the resi flats on the 2nd floor.
- 8.14 The play areas on the Hanley Road façade are behind a fence and hedge. Again this detail should be included in any condition. This could be worded:
"Prior to the commencement of the use hereby permitted details of fencing and canopy to the external play areas shall be submitted to and approved in writing by the Local Planning Authority. The fencing and canopy shall thereafter be installed and operated in accordance with the details approved unless the Local Planning Authority agrees in writing to any variation."
- 8.15 To minimise the impact for nearby residents the following hours of use condition is advised for the external play areas:
"The external play areas hereby approved shall not operate outside the hours of 0900 and 1700 hours Monday to Friday."
- 8.16 **Inclusive Design Officer:** No objections to updated drawings, in accessibility terms. Suggested the inclusion of a disabled parking bay to be created outside the application site in accordance with current standards.
- 8.17 **Highways Officer:** No objections to securing disabled parking bay outside the site as requested by Inclusive Design. Contests that lowering the kerb is required if space is secured at the end of the parking bay. No comments regarding lack of designated pick/up drop/off for vehicles.

External Consultees

- 8.18 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.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Sub Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.2 National Planning Policy Framework (NPPF) (2019): 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 The National Planning Policy Framework 2019 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.
- 9.4 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.
- 9.8 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

- 9.9 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.

9.10 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:

- Article 4 Direction A1-A2 (Rest of Borough)
- Local Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

9.11 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 including sunlight/daylight and noise pollution
- Transport including servicing and deliveries
- Other issues

Land Use

10.2 The current lawful use of the property is D1 at ground and first floors (formerly occupied by a mental care day centre) and 3no. self-contained residential units at second floor. The proposals are limited to ground and first floor, with access to the residential units remaining unchanged. The proposals involve extensions to the rear of the property at ground and first floor and associated alterations. These extensions are to facilitate additional D1 floorspace to allow for the use of the site as a children's day nursery for a total of 98 children between the ages of 0-4 years old and 25 members of staff. The proposed children's day nursery would operate Monday to Friday between the hours of 07:30am and 18:30pm, with outdoor play areas limited to between 09:00am and 17:00pm. These operation hours would be secured by condition on any permission being granted.

10.3 Section 55 of the Town and Country Planning Act 1990 (as amended) identified the types of development and or building operations which require planning permission. Under subsection the operations or uses of land not to be taken for the purposes of the Act (planning permission not required) have been described. Part (f) states '*in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class*'. With this in mind, the conversion of the property from a mental health day care centre (D1) to a children's nursery (D1) is not classified as a change of use and therefore can be implemented without planning permission.

10.4 In addition, in reviewing the history of the application site it is evident that a condition has not been imposed on any previous planning permissions limiting the D1 use to a particular operation or applicant. Planning permission is therefore only required for the physical extensions to the property and associated alterations including boundary treatment works, waste, cycle and buggy storage. The proposals therefore require assessment in terms of their design and potential impacts on neighbouring residential amenities.

10.5 Development Management Policy DM 4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded day nursery would represent. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- 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.
- 10.6 Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states '*development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*'.
- 10.7 The proposed increased floorspace is considered marginal in the context of the building itself, representing an uplift of 57m² within a building that has an existing floorspace area of 464m² at ground and first floor levels. Notwithstanding the increased floorspace proposed, the extensions and associated works are considered minor within the context of the host building and therefore unlikely to result in significant harm beyond the existing situation in land use terms. It is also noted that the existing building could accommodate up to 98 children (36 under two's and 62 over two years old) in accordance with Ofsted requirements, and that the proposed physical alterations and their associated uplift in floorspace are for the purpose of improving the quality of accommodation provided rather than an intensification of the use. Whilst it cannot be controlled, the proposed layout would be considered suitable for future occupiers on the basis that the Council's Children, Employment and Skills Services Department were consulted and raised no objections to the proposals and the new facilities overall compliance with Ofsted requirements.
- 10.8 In light of the above, it is considered that the proposed extensions and associated works to the property and increase in D1 floorspace is acceptable in land use terms.

Design

Site and Policy Context

- 10.9 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 10.10 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.11 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.12 Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions 'should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement' and 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building'.

- 10.13 In terms of the visual appearance the guidance advises that ‘there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate’.

Scale and Massing

- 10.14 The application site is not situated within a conservation area. However, the buildings fronting Hanley Gardens are relatable to each other in terms of their overall scale and architectural detailing, as it is understood that they were constructed as part of a wider scheme in the 1980’s, which appear to have only been subject to minor alterations over time. It would be considered that buildings within Hanley Gardens are relatively uniform in terms of their overall character and architectural detailing. With this in mind, it is acknowledged that the building at the application site appears to contain a number of architectural features which do somewhat distinguish it from the other buildings within Hanley Gardens. Of particular note is the concrete circulation core to the rear.



Image 8: Existing Rear Elevation



Image 9: Proposed Rear Elevation



Image 10: Existing West Elevation

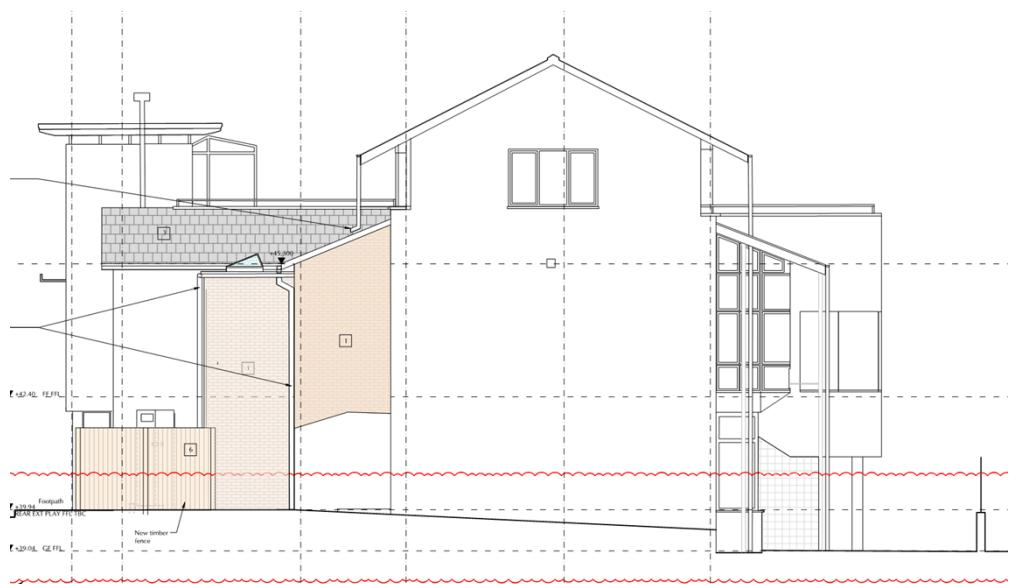


Image 11: Proposed West Elevation

- 10.15 The proposed extensions are limited to the rear of the building to a depth of approximately 1.9m at both ground and first floor level. In terms of their width, the extensions would be sited either side of the buildings circulation core, each at a width of approximately 6.8m, which equates to roughly 63% of the entire rear elevation. The first floor rear extension retains the pitched roof of the existing lightweight rear projection and would be constructed to a height that is slightly below the existing eaves level.
- 10.16 Whilst the proposals include additional bulk at the ground and first floor level rear, it would be considered that they are at a scale that are sympathetic to the overall appearance of the property and would represent a subservient addition to the host property. It is also considered that the extensions would remain sympathetic to the overall character of Hanley Gardens and would not compromise any relationship between the host property and its surrounds.
- 10.17 The host building sits adjacent to the Hanley Gardens private access road, resulting in large gaps between it and surrounding residential properties when viewed from Hanley Road. The pitched roof of the existing first floor rear projections is visible for short periods when approaching the site from a north or southerly direction. It is therefore likely that the proposed extensions may be partly visible from the Hanley Road streetscene. Notwithstanding this, given the overall form of the extensions are sympathetic to the host building and that the site is not within a conservation area, any visibility from the street would not be considered harmful in this instance.

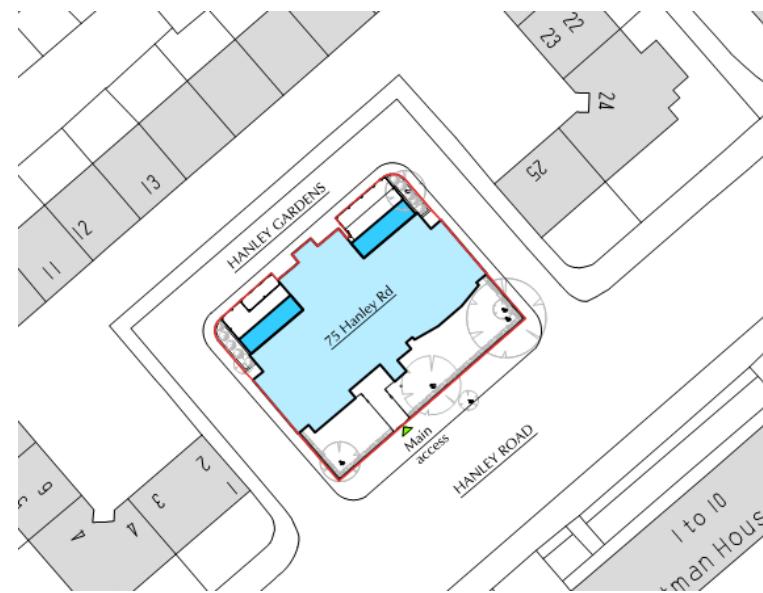


Image 12: Proposed site plan showing extensions in dark blue

Detail Design/Materials

- 10.18 In terms of the general arrangement and fenestration patterns and the brickwork present at the existing building, have been predominantly replicated within the proposed extensions. Although the fenestration pattern at the first floor rear has been replaced with brickwork to match existing, it is acknowledged that this has other benefits, including protection of neighbouring properties from adverse outlook. The reduction in fenestration would therefore be considered acceptable in this instance.
- 10.19 At ground level rear the proposals include the erection timber fencing at a height of 1.8m. The fencing area will provide screening for the external play area, waste storage and external storage enclosure. In addition, timber fencing is proposed to be installed above the side of the external play areas to the front of the property. The existing steel rails to the front boundary will be retained but re-painted. Whilst timber fencing is not typical to the area, and would normally be resisted particularly to the front of a property, it is acknowledged that it is a more effective material in providing screening. Given the sensitive nature of the use of the site, it is considered that any harm caused by the proposed timber fencing, particularly at the front of the property, is outweighed by the benefits of preserving privacy to external play areas. Details of the timber fencing as well as the proposed hedge screening will be secured by condition to ensure the proposals do not cause harm to the host property or surrounding streetscape.
- 10.20 Proposals also include the installation of a canopy above the outdoor play area no.3 to the rear of the property. The canopy would be constructed to a similar, but slightly taller, height as the boundary fence. Whilst details of the canopy have not been provided, it is considered that the appropriate detailing can be secured by condition.
- 10.21 The waste storage area is to be situated to the rear of the site. Whilst it is shown as being retained within the external storage area, details would be secured by condition to ensure the waste storage is practical and would not appear unsightly to neighbouring residents.

Neighbouring Amenity

- 10.22 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.

- 10.23 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.
- 10.24 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. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

Daylight / Sunlight

- 10.25 The proposed extensions would be situated to the rear of the existing building fronting Hanley Road, oriented to the north of the property. The nearest residential properties are separated from the application site by the Hanley Gardens private access road, approximately 8.8m to the north east (no.25 Hanley Gardens) and 9m to the south west (no's. 1 and 2 Hanley Gardens). Given the level of separation afforded by the Hanley Gardens Private Road and its associated parking, it would not be considered that the proposed extensions would result in the loss of daylight/sunlight to habitable rooms of residential properties within Hanley Gardens. In addition, it is noted that the proposed extensions would be limited to ground and first floor level, and would therefore be significantly lower than the existing building which is three storeys.
- 10.26 In terms of their depth, the proposed extensions would not extend beyond the existing external stair score to the flats above, maintaining a separation of approximately 16m to the residential properties at the rear of the site. Whilst the proposed extensions would be oriented to the south east of properties no's.11- 16 Hanley Gardens, the level of separation provided is considered sufficient to ensure the proposals do no facilitate harmful levels of loss of daylight/sunlight.

Outlook/Sense of Enclosure/ Overlooking

- 10.27 As mentioned above, the proposed extension are limited to the rear of the host property, which is separated from surrounding residential properties by the Hanley Gardens private road. Given the level of separation provided, it would not be considered likely that the proposals would result in the loss of outlook or increased sense of enclosure to neighbouring properties within Hanley Gardens.
- 10.28 With regards to the residential units within second floor level of the application site, it is noted that the first floor extensions would be situated below the existing eaves. This height is well below window level of the second floor level and therefore no objections would be raised regarding potential loss of outlook to the residential units within the host building.
- 10.29 With regards to overlooking, it is noted that 75 Hanley Gardens currently contains large areas of fenestration at its rear elevation. The proposals would remove this fenestration within the rear elevation and the application is showing only high level obscured glazed windows. Whilst not shown on submitted drawings, a condition will be attached to ensure that these high level windows are also fixed shut. These are not for providing outlook and therefore, levels of overlooking to neighbouring properties would be reduced by the proposed development. The fencing installed at the rear would ensure no overlooking occurs from the ground floor of the property.

Noise

- 10.30 The Council's Acoustic Officer was consulted with during the assessment of the application. They noted that the unit had been operating by the NHS for Islington Recovery & Rehabilitation Services. There is a complaint listed where squatters had gained access to the empty building and rough sleeping but otherwise no other complaints have been listed.
- 10.31 The Acoustic Officer did not object to the proposals. As the proposals do not involve the change of use of the application site, conditions have only been recommended to control noise emissions from the extensions and external changes.
- 10.32 The application includes 3 external play areas for nursery children. Two are on the Hanley Road façade and one is on the rear to Hanley Gardens. The proposed rear play area is currently used for parking spaces and is to be converted for children aged 2 and under. A fence is marked and it is advised that the fence is solid with an absorptive inner face to reduce reflection. Details of the fencing and canopy to have also been suggested, to ensure these are of a type and material that would mitigate potential noise issues:
- 10.33 A third condition is recommended limiting the use of the external play areas to the hours of 0900 and 1700 hours Monday to Friday. These hours are considered appropriate given the proposed operation of the property as a children's day nursery.
- 10.34 The proposals also include the installation of 4no. heat recovery units internally fitted with ducting to external and with one condenser externally mounted. As the current noise report does not provide any information with regards to these units, it has been suggested by the Council's Acoustic Officer that a technical note be submitted providing predictions of the noise from mechanical plant i.e. any externally mounted plant along with any noise from grilles/vents from internally mounted fans or HRUs, hours of and any mitigation to confirm compliance with Islington's noise criteria. This will be secured by condition.

Lighting

- 10.35 The applicant is proposing additional low-level lighting to allow night access to the rear external store and rear play area. It has been advised that this lighting will be similar to existing, however little information has been provided. The nursery is proposed to be used between 0730 and 1830 hours and will therefore be predominantly daytime only. Any additional low-level lighting for the rear store area is likely to be used for security purposes only or in some periods of winter. Further information ensuring that unreasonable levels of light spill to neighbouring residents do not occur will be secured by condition.

Highways and Transportation

- 10.36 The proposals result in the loss of 6no. car parking spaces to the rear of the site. Given that access into Hanley Gardens is controlled, it would be considered that the spaces lost would relate to staff parking, rather than pick-up / drop-off associated with the D1 use.
- 10.37 Core Strategy Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. The proposed development does not include any vehicular parking and is within close proximity to regular bus services along Rosebery Avenue. It is therefore consistent with this strategy.
- 10.38 Policy DM8.1 seeks to ensure that *the design of developments, including building design and internal layout, site layout, public realm and the provision of transport infrastructure, is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles.*

- 10.39 In addition, this is supported by Part B of Policy DM8.5 which seeks to ensure *parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.*
- 10.40 Given the above policy guidance, the loss of 6 no. parking spaces for is considered acceptable. It is noted that the application site has a PTAL rating of 3. However, the applicant has undertaken a parking survey to accompany the application, which concludes that sufficient car parking is available within the local area to accommodate the proposals bearing in mind the scale and intensity of the proposed nursery use in this case. There are bays on Hanley Road close to the site which allow for pay by phone as well as permit holders. Parking surveys submitted by the applicant indicate that there are 34 bays with at least 13 of those bays available. It is also noted that the CPZ only comes into operation from 08:30am, therefore the majority of morning drop off activity can lawfully take place from any of the parking bays on Hanley Road.
- 10.41 Whilst the Parking Survey does not plot each individual parking bay surveyed within the same area, it does contain spreadsheets which clearly outline the results of the survey. Given that Transport Statements and Parking Surveys would not generally be required for proposals of this type and scale, the Council is satisfied that the level of detail provided is sufficient to demonstrate that the proposed extensions would not facilitate unreasonable levels of parking stress or traffic volumes within the local area.
- 10.42 Objections raised by the public raise concerns relating to parking within Hanley Gardens, which is a private road. Whilst Hanley Gardens does appear to contain controlled access by way of a secure gate, it is not known whether this is currently utilised by residents. Notwithstanding this, whilst this cannot be controlled by Planning Officers, the use of the existing gate would work as a suitable deterrent for parking within Hanley Gardens. In addition, public access to the application site is shown as being from Hanley Road. The exit shown within play area 3 at the rear is for emergency escape only. It would therefore be considered that for convenience, parents would likely pick-up and drop-off to the front of the property.
- 10.43 No objections are raised with regards to the additional 8no. cycle stands proposed, which would further encourage active travel to the site.
- 10.44 Waste collection will occur from Hanley Road, whereby refuse/recycling bins will be transported from the enclosure at the rear of the site to the public highway. This will occur prior to morning peak hours three times a week. Such an arrangement would be considered appropriate for the incoming occupier and would not be considered to have a significant impact in terms of pedestrian and highway safety.
- 10.45 In terms of deliveries, The Service and Delivery Management Plan states that a total of 2no. deliveries will take place on Mondays and Wednesday once the facility is operating at its full capacity. It also notes that there will be exceptional circumstances where a third delivery will occur on a Friday. Whilst the hours of deliveries have not been specified, it is noted that they will be via a 'dot com' type vehicle from major supermarkets using 6m vehicles. Delivery vehicles will stop outside the site, utilising available parking bays within Hanley Road rather than via a specified loading bay. Given the scale of development proposed, this arrangement would be considered acceptable and, as it will utilise existing highways arrangements, would not be considered to cause harm to pedestrian and highway safety. It is also noted that the Site Servicing and Delivery Management Plan states that all refuse collection locations and cycle storage areas will be in accordance with relevant British Standards further ensuring acceptability in terms of pedestrian and highway safety.

Waste Management

- 10.46 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical, and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.
- 10.47 It is noted that the proposals do not facilitate a change of use and therefore waste storage and collection is likely to remain similar to existing arrangements. Waste enclosures are shown as being located to the rear of the property, similar to the existing situation. The submitted Site Servicing and Delivery Plan indicates that waste collection will occur three times a week once the day nursery is at full capacity. Refuse will be collected before the morning peak hour (prior to 08:00am). Refuse/recycling bins will be wheeled from the rear of the site to the front where they can be collected along Hanley Road.
- 10.48 Notwithstanding this, and given the internal reconfiguration and uplift in D1 floorspace, details of waste storage and collection will be secured by condition.

Inclusive Design

- 10.49 Policy DM2.2 and the Inclusive Design SPD, seeks to ensure developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this regard the Design and Planning Statement confirms that the proposal would conform to the requirements of Part M of the Building Regulations and to DDA (Disability Discrimination Act) requirements, and in terms of the refurbishment of the existing building as much as is practical.
- 10.50 The Council's Inclusive Design Officer raised a number of issues with the proposal in respect of accessibility and providing an inclusive environment for future users of the building. As such, the applicant provided additional information to address these concerns.
- 10.51 The Inclusive Design Officer has confirmed that the additional information has broadly addressed the concerns and that the facility would be broadly consistent with the Council's objectives relating to accessibility. The applicant has confirmed that the existing lift has the capacity to be upgraded for fire evacuation by way of a survey. This is welcomed. The applicants fire evacuation strategy is also considered appropriate.
- 10.52 The Inclusive Design Officer recommended that a disabled parking bay be secured on street outside the application site along Hanley Road. Whilst the applicant agreed to this recommendation, as it would be located off-site it would not be possible to secure by way of planning condition. Given that no disabled parking bays currently exist on the application site, and given the overall scale and scope of works proposed it would not be considered reasonable nor proportionate in this case to secure the creation of a disabled parking bay outside the red line of the application site, which would require highway re-instatement works, by way of a Section 106 agreement. It is considered that the proposal would be acceptable in regard to the Council's objectives in relation to Inclusive Design.

Sustainability

- 10.53 Policy DM7.1 seeks to ensure development proposals integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.

10.54 The proposals will comprise the use of sustainable materials such as brickwork to match existing, aluminium for replacement windows and timber fencing. As the extensions do not facilitate the creation of new dwellings or a change of use, a Sustainable Design and Construction Statement is not required to support the application

Other Issues

10.55 Concerns were raised by local residents with regards to potential impacts to landscaped areas to the rear of 75 Hanley Road. All planting areas observed on-site by officers are shown to be retained on the proposed drawings. The ongoing maintenance of the planting areas will be a civil matter for the freeholder of the site.

10.56 The Crime Prevention Officer from the Metropolitan Police was consulted with during the assessment of the application. They confirmed that they had not objections with the current scheme from a crime prevention perspective.

11. SUMMARY AND CONCLUSION

Summary

10.57 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report.

10.58 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

Conclusion

10.59 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	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 permitted shall be carried out in accordance with the following approved plans:</p> <p>DWG.2513(02)001 Rev B; DWG.2513(02)002 Rev A; DWG.2513(02)003 Rev A; DWG.2513(02)004 Rev A; DWG.2513(02)005 Rev A; DWG.2513(02)006 Rev A; DWG.2513(02)007; DWG.2513(20)002 (Rev C); DWG.2513(20)003 Rev L; DWG.2513(20)004 Rev J; DWG.2513(20)005 Rev C; DWG.2513(21)001 Rev D; DWG.2513(21)002 Rev F; DWG.2513(21)003 Rev G; DWG.2513(21)004 Rev E; DWG.2513(21)005 Rev C; Dwg 18/2467/M/100 Rev T3; Dwg 18/2467/M/101 Rev T3; Dwg 2513(04)004 Rev C; Dwg 2513(04)003 Rev C; Design and Access Statement Rev H; Transport Planning Associated Technical Note March 2019; Statement of Community Involvement April 2019; Crouch End Pre School Community Newsletter; Noise Impact Assessment Rev E; Schedule of Accommodation January 2019; Planning Statement October 2018; Transport Planning Associated Transport Statement September 2018</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	Materials Compliance
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</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	Refuse & Recycling (Details)
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The refuse/recycling store (s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate refuse/recycling is provided and easily accessible.</p>

5	(BIRD/BAT BOXES COMPLIANCE)
	<p>CONDITION: For the hereby approved, a minimum of 3 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
6	Details of Fencing and Canopy
	<p>CONDITION: Prior to the commencement of the use hereby permitted details of fencing and canopy to the external play area 3 shall be submitted to and approved in writing by the Local Planning Authority. The fencing and canopy shall thereafter be installed and operated in accordance with the details approved unless the Local Planning Authority agrees in writing to any variation</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
7	HOURS OF OPERATION (COMPLIANCE)
	<p>CONDITION: The childrens day nursery hereby approved shall not operate outside the hours of:</p> <p>07:30am and 18:30pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	HOURS OF OPERATION OF EXTERNAL PLAY AREAS (COMPLIANCE)
	<p>CONDITION: The hereby approved rear outdoor play spaces/areas shall not operate outside the hours of:</p> <p>09:00am and 17:00pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
9	SERVICING AND DELIVERY PLAN (COMPLIANCE)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the hereby approved Transport Planning Associated Technical Note March 2019 & Transport Planning Associated Transport Statement September 2018. The development shall be constructed and operated strictly in accordance with the details so 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 ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
10	WINDOWS OBSCURE GLAZED AND FIXED SHUT
	<p>CONDITION: All windows shown on the plans hereby approved at the first floor rear elevation shown as being obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
11	<p>HOURS OF OUTSIDE LIGHTING (COMPLIANCE)</p> <p>CONDITION: Lighting associated with external play and waste/cycle storage to the rear of the property hereby approved shall not operate outside the hours of: 07:30am and 18:30pm Monday to Fridays only.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
12	<p>Air Conditioning and Heating Units</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq, Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90, Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
13	<p>Details of prams/pushchairs storage</p> <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 into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate storage facilities.</p>
14	<p>Cycle Parking Provision</p> <p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided strictly in accordance with the details shown Dwg2513(20)003 Rev L prior to the first occupation of the development hereby approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</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 2019 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 4.1 Developing London's Economy
Policy 3.16 Protection and enhancement of social infrastructure
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS 11 – Waste
Policy CS 18 – Delivery and Infrastructure

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM4.12 – Social and Strategic infrastructure and cultural facilities
- Policy DM8.5 – Vehicle Parking

3. Designations

- Local Cycle Route
- Article 4 Direction A1-A2 (Rest of Borough)

4. SPD/SPGS

Urban Design Guidelines