

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE A		
Date:	8 th September 2016	NON-EXEMPT

Application number	P2015/4193/FUL
Application type	Full Planning
Ward	Mildmay
Listed building	No
Conservation area	Newington Green
Development Plan Context	Newington Green Conservation Area Cycle Route (Local) Rail Safeguarding Area Rail Safe Guarding – Channel Tunnel Link
Licensing Implications	None
Site Address	37C and 37D Mildmay Grove North, London, N1 4RH
Proposal	Demolition of existing two storey building and walkway and erection of part two, part three storey building containing 4 residential self-contained units (2x1bed, 1x2 bed and 1x3 bed) with amenity space and B1 office space at ground floor level and associated cycle storage space refuse storage, alterations to boundary wall, erection of staircase and alteration to window of 37C Mildmay Park.

Case Officer	Joe Aggar
Applicant	Ms Gillian Singer

1. RECOMMENDATION

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the front of 37C and 37D Mildmay Grove.



Image 2: Aerial photograph showing the front of 37C Mildmay Grove.



Image 3: view looking east along Mildmay Grove North



Image 4: view looking to the front of 37 Mildmay Grove North

4. Summary

- 4.1 There is an extant permission on the site for a similar development (P121617). This full planning application seeks to vary elements of the previous approval. The main

amendments include the removal of the basement and lightwells, a reduction in B1 office space and reconfiguration of the ground floor residential unit.

- 4.2 This application seeks the demolition of existing two storey building known as 37d and the walkway structure. No. 37d is two storeys in height. The ground floor is currently in use as an office (B1 use) and the first floor is currently used as a self-contained flat. No. 37c is considered to be in use as a residential dwelling. The application proposes the erection of part two, part three storey building containing 4 residential self-contained units (2x1bed, 1x2 bed and 1x3 bed) with amenity space plus 81sqm of B1 office space at ground floor level with a new stairway to the rear of 37c and associated cycle storage space and refuse storage, alterations to boundary wall.
- 4.3 Although the proposal would result in the loss of 5.3sqm of office floorspace, it is recognised that the loss is relatively minor, while a qualitative improvement will be secured. Taking this on balance, there is no policy objection to this new proposed development. Furthermore, the area is residential in character and the site is located within The Newington Green Conservation Area.
- 4.4 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the property is considered acceptable and results in a compact development that sits comfortably without detracting significantly from the character and appearance of the conservation area.
- 4.5 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015) for the proposed residential units.
- 4.6 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013 and the proposal is car free.
- 4.7 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDING

- 5.1 The application site is located to the north of Mildmay Grove North close to the junction of Mildmay Park. The application site contains two buildings, no 37d and 37c. No. 37d lies on the east side of the site and is two storeys in height high and fronts onto Mildmay Grove North. This property is set back from the established building line. It has a crossover and onsite parking to the front of the building. Directly opposite the site is the sunken railway line. This creates a visual buffer between the formal terraces located on Mildmay Grove North and Mildmay Grove South.
- 5.2 The eastern boundary of the site directly adjoins the rear gardens of 49 and 51 Mildmay Park and the northerly boundary of the site adjoins the rear garden of number 53 Mildmay Park. The upper floor is currently in residential use (1x1 bed flat). The ground floor is in commercial use as office (B1 use) space. No. 37c lies on the west side of the site, is three storeys high and in residential in use. It is attached to 37d via a covered walkway and adjoins the residential property at 37j Mildmay Grove North. No. 37c is accessed from Coloney Mews.

- 5.3 The site is located within the Newington Green Conservation Area and the buildings are not listed. The surrounding area is largely residential in character. It has a mixture of architecture, including Georgian, contemporary and Industrial style buildings.

6. PROPOSAL (IN DETAIL)

- 6.1 The application site contains two buildings. The majority of the proposal relate to No 37d, a two storey building, which is currently in use as commercial space on the ground floor and self-contained flat on the first floor. This building is proposed to be demolished and replaced with a part two, part three storey building containing 4 residential self-contained units (2x1bed, 1x2 bed and 1x3 bed) with amenity space plus 81sqm of B1 office space at ground floor level. The application also proposed associated cycle storage space and refuse storage plus alterations to boundary wall.
- 6.2 To the rear of no.37c is a walkway structure that appears to connect the two buildings on the application site. This is proposed to be removed and a spiral replacement staircase erected. A rear second floor window at no. 37c is proposed to be altered to a college style window.
- 6.3 There is an extant permission on the site for a similar development (P121617). This full planning application seeks to vary elements of the previous approval. This includes the removal of the basement and lightwells, reduction in B1 office space and reconfiguration of the ground floor residential unit. The scale and design of the ground, first and second floors match that of the extant scheme.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 The following is the application history is considered relevant:
- 7.2 37D Mildmay Grove North, planning application re: P2015/1481/PRA for the '*Prior Approval for change of use of office space [B1a] on the first floor to residential use [C3] to provide one 1 x bed residential unit*' was APPROVED. (Decision attached as appendix 4).
- 7.3 37C and Ground & First Floor 37D, Mildmay Grove North, London N1 4RH, (Previously known as 37C & 37D, Mildmay Grove North, London N1), planning application re: P2015/0069/S73 for the '*Material minor amendment to Planning application P121617 dated 22 January 2014 to remove the basements (B1 use). At ground floor, add door to west facade, duplex apartment to be changed to 1-bed apartment, light wells omitted and replaced with landscaping (south side), east facade slot window replaced with two larger windows. First floor, internal alterations to layout, second floor, internal alterations to layout, Roof, PV located on the roof and roof lights removed*' was WITHDRAWN.
- 7.4 37C & 37D, Mildmay Grove North, planning application re: P121617 for the '*Demolition of existing two storey office building and erection of three storey plus basement building to house 4 residential units (1x1bed, 2x2 bed and 1x3 bed) and 80sq B1 unit.*' was APPROVED on 22/01/2014. This proposal seeks to amend this approval. (Decision attached as appendix 3).

- 7.5 37C Mildmay Grove North, planning application re: P991545 for the 'Conversion to create one x 1 bedroom and one x 2 bedroom flat including single storey ground floor extension, roof terrace with stair enclosure and removal of existing external steel staircase and w.c.'s' was APPROVED on 12/10/1999.
- 7.6 37C Mildmay Grove, planning application re: P930156 for the 'Erection of building of four storeys one of which is principally a void to provide a work-home (combined residential/B1 Business Use) and involving a roof terrace and integral garage.' was APPROVED on 28/9/93.

ENFORCEMENT:

- 7.7 37C Mildmay Grove North, enforcement reference re: E/2012/0022 for the 'unauthorised works to the property in addition to P121617'. Closed 23/11/2012.

PRE-APPLICATION ADVICE:

- 7.8 37D, Mildmay Grove North, planning application re: R120596. The broad principles of a redevelopment of the site for mixed use residential/ B1 were established. The applicant was reminded that any loss of B1 floorspace would be contrary to Council policy. The level of amenity for the rear bedroom was raised as a concern, as was the need to address the impact of the development on the amenities of the neighbouring occupiers along Mildmay Park.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 46 adjoining and nearby properties at Colony Mews, Mildmay Grove North, Mildmay Park and railway land from Mildmay Park to Newington Green on the 15 December 2015. A site notice and press advert were also displayed. Consultation expired on the 7th January 2016 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report 9 responses have been received from the public with regard to the application including the South Mildmay Tenants Co-operative. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Undue noise, dust and dirt and damaged gardens (10.43)
 - Overlooking (10.23-10.24)
 - Antisocial behaviour of tenants on proposed terraces (10.25)
 - Contravenes conservation area guidelines (10.13-10.14)
 - Roof terraces should not be granted permission (10.13)
 - Noise levels (10.25)
 - Loss of light (10.22)
 - Unpleasant smell from bin store (10.44)
 - Loss of views (10.43)
 - overshadowing (10.22)

Internal Consultees

- 8.3 **Design and Conservation:** The Newington Green Conservation Area extension has been designated since the approval of P121617. Roof terraces visible from the street

or public views will likely not be permitted. The scale of the development is undesirable but not so harmful as to justify refusal.

- 8.4 **Planning Policy:** there are no policy objections to the proposed new development.
- 8.5 **Tree Preservation Officer:** there are no arboricultural reasons to recommend refusal.
- 8.6 **Highways:** 'Drop off bay' not required for the new office as unloading and loading could be carried out on the stretch of double yellow lines outside the building. The crossover should be removed, this secured via a financial contribution by the applicant.

External Consultees

- 8.9 **Network Rail:** acceptable subject to conditions and informatives.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.4 The site has no designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

The main issues arising from this proposal relate to:

- Land Use
- Design, appearance and impact on the Conservation Area

- Impact on the amenity of neighbouring residents.
- Quality of Accommodation
- Small Site Contribution and Carbon Offsetting
- Community Infrastructure Levy
- Highways
- Trees
- Other Matters

Land Use

- 10.1 The application site consists of two buildings, a two storey building front Mildmay May Grove North and a three storey building fronting Colony Mews to the west. The site is not located in an Employment Growth Area or Town Centre. The site is within the Newington Green Conservation Area. The proposal includes the demolition of the existing two storey building which presently comprises an office use at ground floor and residential unit at first floor level known as 37d. The lawful planning use of no. 37c is not definitive from the relevant planning history. The floor plans show the building as one residential dwelling. The purpose in assessing this application is not to establish the lawful use of the property. However, it is clear that it is in use as a single family dwelling and has been since 2002, based on VOA records. Furthermore, the loss of this element of the site has been established by the extant permission.
- 10.2 A similar planning permission was granted permission in January 2014 (P121617) at planning committee to that as proposed under this application. The purpose of this revised application is for the reduction to the commercial floorspace, primarily through the removal of the previously approved basement element (P121617). This area included office space and part of the living accommodation to a self-contained unit.
- 10.3 Since the granting of planning permission P121617, a prior approval application (P2015/1481/PRA) was granted for prior approval to convert approximately 83sqm of office space to a one bed flat at first floor level of no. 37d Mildmay Grove North. As a result there has been a reduction in the amount of commercial space. The existing internal floor space of the commercial unit at ground floor level is 86.3sqm. The new total gross internal floorspace is 81sqm, resulting in the loss of 5.3sqm of B1 floor space.
- 10.4 The policy priority for employment floorspace is to secure uplift, or at least avoid net loss in redevelopment. The council supports new employment floorspace throughout the borough, as set out in policy DM5.1. Policy DM5.2 seeks to resist the net loss of employment floorspace throughout the borough, not just in Town Centres and Employment Growth Areas. The loss of 5.3sqm of office floorspace is approximately 6% of the total existing B1 floor space. However, it is recognised that the loss is relatively minor, while a qualitative improvement will be secured. Taking this on balance, there is no policy objection to this new proposed development.

Design and Appearance

- 10.5 The Newington Green Conservation Area is largely made up of late Georgian and early Victorian terraces. There are also important commercial uses in the area which contribute to its character. Against that contextual background, it is necessary to set out the policy approach to development and works.
- 10.6 On Mildmay Grove North and Mildmay Grove South the mid nineteenth century terrace groups comprise three storeys over basement. This immediate area is characterised by different forms of development including the mews to the rear. The

site is highly prominent when viewed from Mildmay Grove North. Policy CS9 of Islington's Core Strategy (CS), 2011 and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (LP), 2013, accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness.

- 10.7 These policies carry forward the statutory requirement that special regard be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework ('the Framework') as to the treatment of development that affects heritage assets.
- 10.8 The Islington Urban Design Guide (IUDG) states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.9 Approved scheme P121617 represents a fallback position of very considerable weight previously approved at planning committee. In effect, the principal aspect of the current scheme which differs in design terms from the approved scheme is the omission of lightwells and basement. The massing, bulk and design would be similar to that of the approved. However, the scheme as a whole also needs to be considered given the designated extension to the conservation area and the duty to have special regard to conservation area.
- 10.10 The Council has supplemented these national and local development plan policies by adopting special policies that will operate within the Newington Green Conservation Area (CADG). The council will encourage the removal of intrusive or poor quality twentieth century buildings and extensions where such proposals conserve and enhance the significance of the conservation area. Removal of intrusive or poor quality twentieth century buildings and extensions is likely to be a public benefit. It is considered the extant building at no. 37d and situation on site is not of good quality and therefore the proposal to bring the site forward for redevelopment is welcomed.
- 10.11 When considering demolition, all opportunities should be taken to enhance the significance of the conservation area. The council will require new buildings to be of high quality contextual design so that they conserve or enhance the conservation area's significance.
- 10.12 The NPPF states 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'
- 10.13 A contemporary approach has been taken distinct from the Victorian terraced dwellings. The elevations of the building are characterised by floor to ceiling windows and brick which provides a contextual and robust appearance within the conservation area. The scheme is considered acceptable in terms of the scale and mass of the proposed building and in terms of the relationship with adjoining buildings and the immediate area. The proposed new building is similar height to no.37j and steps back and down toward the properties on Mildmay Park to the east. The CADG states balconies will not be granted if visible from the street. The proposal includes a

balcony and a terrace which can be considered contrary to guidance in the strictest terms. However, these are integral to the design and offer private amenity space for any future residents. Also consideration is given to the weight of the extant scheme which offers the same design. This represents a strong fallback position. Given the similar nature of the scheme as proposed to the approved scheme, the proposal is considered acceptable.

- 10.14 The replacement building would at the least preserve the character and appearance of this conservation area and would comply with policy 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy, policies DM2.1 and DM2.3 of the Council's Development Management Policies 2013 and guidance in the CADG and IUDG.

Neighbouring Amenity

- 10.15 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.

Sense of Enclosure and Outlook

- 10.16 The main properties to consider in terms of amenity are the residential properties to the east and west. In particular the rear windows of no. 49 and 51 Mildmay Park which would face directly onto the proposed building and the side elevational windows of 37j and 37c Mildmay Grove North.
- 10.17 The previous extant decision (P12617) granted in January 2014, is a material consideration and carries substantial weight. The previously approved scheme was part three, part two storeys in height. This represents the same mass, bulk and height as proposed under this application. The previous scheme was not judged to impinge on the living conditions of Nos. 49 and 51 Mildmay Park or 37c or 37j in terms of outlook or sense of enclosure.
- 10.18 The ground floor of the proposed building would extend to the eastern boundary and further south of the site. This boundary is shared with the rear gardens of the properties at 49 and 51 Mildmay Park. The gardens are approximately 11m deep. The proposed building would have an additional storey compared to the existing building at second floor level. The first floor would be set back from the eastern boundary and the second floor would be set back further again. At second floor level there would be a distance of approximately 16m between the second floor and the rear elevations of the properties along Mildmay Park. The scheme would be two storeys on the boundary with these properties and the building line would be brought forward to the southern edge of the site. Whilst this massing would be appreciably extended from the existing building in situ this is not considered to cause undue sense of enclosure or outlook.
- 10.19 No. 37c which forms part of the application site is distinctly separate. The floor plans show the building is used as a single residential unit. No. 37c's rear elevation would directly face the western boundary of the new building proposed at 37d. No.37J is a separate residential dwelling. From views to the east of these properties the mass and bulk would be increased to three storeys and the building would have a larger footprint than existing. However there would be a 5m gap maintained and as such this is not considered to unacceptably harm the outlook from these properties.

Sunlight/Daylight

- 10.20 A Daylight and Sunlight Study dated 09th February 2012 has been submitted which relates to the previous scheme. Nonetheless this is relevant in terms of daylight to properties on Mildmay Park. The BRE assessment details that all of the rooms in these properties would continue to have acceptable levels when assessed in terms of Vertical Sky Component. None of windows would have reductions in VSC in excess of 20% in compliance with the BRE Guidelines.
- 10.21 In terms of light to 37j, there are first and second floor habitable rooms on the easterly elevation facing the proposed building. The VSC as proposed for both these rooms is over 27%, which complies with BRE guidelines and is evidence that the occupiers of 37j would not notice a significant difference to light levels within either room. It is stated by one objector at 37j that two further windows are not shown in the results to the side elevation of the property. These have been identified in the objections as serving a stairwell, corridor and bathroom. These are not habitable rooms and therefore are not taken into consideration within the assessment. There would be no loss of amenity to the areas served by these windows.
- 10.22 Overshadowing has been raised as an objection. However, the results of the daylight and sunlight assessment and taking into account the previous decision, which is extant as a material consideration there is not an unacceptable impact as to warrant the refusal of this application on such grounds.

Overlooking

- 10.23 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. There are proposed windows to the north, east and west elevations to the proposed building at 37d which gives the potential for overlooking. The windows to the north and east elevation are opaquely glazed. This mitigates overlooking to properties on Mildmay Park and over private amenity spaces. It is noted there is a terrace at second floor level with views looking east over the rear elevations of Mildmay Park. It is considered appropriate to attach a condition relating to screening to ensure there is no loss of privacy.
- 10.24 The new building at 37d would be in close proximity with those at 37c and 37j. The most impacted property would be 37c, the rear of which would face directly onto the western elevation the new building at 37d. One of the second floor rooms to 37c is a bathroom. This is not habitable and consideration is given only to habitable rooms. The other second floor window has been altered to a college style window to overcome views, details of which have been reserved by condition. At first floor level to no. 37c there is a kitchen and living area. As such, screening details are recommended for the first floor western elevational window of the proposed new building to overcome any overlooking to no. 37c.

Noise

- 10.25 The proposal is largely residential led with the inclusion of office space. A development of this nature is not considered to cause sufficient noise in terms of increased numbers of people or activity as to warrant refusal of the application and is conducive to the surrounding area. A condition is attached to the use of the office relating to operating hours and deliveries to ensure no harm arises. In any event, the Council take noise problems seriously, and if there were excess noise levels generated these can be dealt with under noise and environmental health regulations.

- 10.26 Overall, the application would not warrant refusal in terms of neighbouring amenity. The proposed development would not cause demonstrable harm to the amenities (including daylight, sunlight, outlook or increased sense of enclosure) of adjoining occupiers in accordance with policy DM2.1 of the Development Management Policies.

Quality of Accommodation

- 10.27 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.28 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 and are a material consideration.
- 10.29 The proposal would provide four additional units, three of which would meet the minimum requirements in terms of gross internal area at 43sqm, 54sqm and 63sqm. The 3b5p at 82sqm would fall short of the required gross internal area of 86sqm. In terms of that family unit this would conflict with the NDSS. However, the space standards should be applied with a degree of flexibility in a manner that recognises their overall aims and objectives. This unit provides a family unit with useable and well laid out space. Also any future occupiers would have the benefit from outdoor amenity space which increases the overall floor area. Consequently, there would only be a modest shortfall in relation to the NDSS standards, which would be insufficient in itself to withhold planning permission.
- 10.30 In consideration of this shortfall, the extant permission contained a 3b5p unit of the same size. The extant permission represents a strong fallback position and is considered to have significant weight in the assessment. The remaining units would be dual aspect and afforded good levels of outlook and light in accordance with policy CS9 (part F) and part D of Development Management Policy DM3.4.
- 10.31 Private amenity spaces are proposed in the form of balconies and roof terraces. The 2bed and 3bed residential units would have access to some form of private outdoor amenity space. The overall provision is considered acceptable and largely compliant with Development Management Policy DM3.5.

Accessibility

- 10.32 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25th March 2015

- Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
 - Deregulation Bill received Royal Assent 26th March 2015
- 10.33 Islington is no longer able to insist that developers meet its own SPD standards for accessible housing; therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.34 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 10.35 Given the scale and scope of the development a condition is attached to ensure the proposed development complies with Category 2 as recommended by condition.

Small Sites Contributions and Carbon Offsetting

- 10.36 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision. The applicant submitted a viability report which was independently assessed. The independent assessor concluded that the appraisal demonstrates that the scheme can support an affordable housing contribution of £35,000.
- 10.37 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: flats (£1000 per flat). This application proposes four new flats which would total £4,000. The applicant has submitted a draft agreement to pay sum in respect of affordable housing and carbon offsetting with the independent financial viability concluding the respective sums can be paid. If Members resolve to grant planning permission no decision would be issued until the Unilateral Undertaking was complete.

Highways

- 10.38 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. A condition is attached to restrict rights to apply for on onsite parking for residential purposes. The crossover outside the site would be redundant and monies required to reinstate the pavement are secured as part of the legal agreement.
- 10.39 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being

sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. There is provision for bike parking at ground floor level. A condition requesting further details in order to comply with policy.

Trees

- 10.40 The development will require the removal of two evergreen trees/shrubs onsite and would impact upon the semi mature sycamore tree which appears to be growing in the adjacent rear garden of 45 Mildmay Park. It is apparent that the neighbouring tree is highly unlikely to be able to co-exist with the proposal due to its proximity to the development and the negative impact of construction activities. This tree is a constraint due to its third party ownership but it is not worthy of the imposition of a TPO due to its limited amenity contribution and proximity to the existing structure. Any impact on the tree would not be a reason to withhold planning permission.
- 10.41 There is a street tree adjacent to the site but this is of a distance that it should be unaffected. There is scope for the planting of two trees as indicated on the proposed plans at the front of the development to mitigate the proposed tree loss, appropriate re-provision is sought through a landscaping condition. As such there are no arboricultural reasons to recommend refusal of the application.

Other Matters

- 10.42 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.
- 10.42 Unfortunately whilst the disruption associated with construction works is regrettable, it would not be a reason to withhold planning permission. A condition is attached to control any disruption that may be caused through a construction management plan.
- 10.43 Representations have been received relating to the loss of views. The loss of a view is not a material planning consideration. As such any loss of views would hold little weight in the assessment of the application.
- 10.44 There is a designated bin store for refuse. This is considered acceptable in terms of its positioning. Whilst it may be unfortunate bins may generate smell this would not be reason to refuse the application on planning grounds.
- 10.45 Due to the proximity to the railway line to the south comments have been received Network Rail. Conditions are attached which have been recommended by Network Rail.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

The Heads of Terms are:

£35,000 contribution towards affordable housing

£4,000 towards carbon off-setting.

£6,480.20 for pavement reinstatement

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 001; 030' 031; 032; 033; 487.001; 487.002487.003; 101 C; 102 B; 103 D; 104 A; 151 A; 200 B; 201 B; 300 D; 301 C; 302 B; 303 D; 034; Sunlight and Daylight Report; Tree Survey; Energy and Resources Statement. REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Materials
	CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any

	<p>superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; and e) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	<p>Refuse and Cycle Store</p>
	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the refuse and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</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>
5	<p>Landscaping (Details)</p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) soft plantings: including grass and turf areas, shrub and herbaceous areas; c) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; d) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; e) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and f) the provision of two trees; g) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of</p>

	<p>the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
6	Sustainable Design
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>
7	Opening Hours and Delivery
	<p>CONDITION: The B1 (office) use hereby approved shall not operate except between the hours of 07:00hr and 20:00hr on any day.</p> <p>No deliveries shall be made to the premises outside the above hours of operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	Screening
	<p>CONDITION: Before the first occupation of the residential units, screening around the roof terrace at second floor level shown on drawing 103 D shall be submitted and approved by the Local Planning Authority and shall be maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	Car Free
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except :</p> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of units designated in this planning permission as "non car free"; or</p> <p>(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
10	Construction Method Statement
	<p>CONDITION: No development shall take place on site, including any works of</p>

	<p>demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless any alteration is first agreed in writing with the Local Planning Authority. The Statement shall provide for:</p> <ul style="list-style-type: none"> (i) the parking of vehicles of site operatives and visitors; (ii) (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) measures to control the emission of dust and dirt during construction; (v) a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>REASON: in the interests of neighbouring amenity</p>
11	Foundation design
	<p>Condition: Unless the maximum depth of any part of the foundations is less than two metres, details of the design of the foundations and other works proposed below existing ground level shall be submitted prior to the start of construction in writing and approved by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.</p>
12	Site investigations near to HighSpeed1
	<p>Condition: Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: No such information has been provided and is required in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.</p>
13	Demolition
	<p>Condition: No demolition activity shall take place until the proposed methodology has been submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Demolition activity shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p>

	Reason: No such information has been provided and demolition activity could pose a risk to the safety, security and operation of HighSpeed1.
14	Excavations
	<p>Condition: Prior to the start of construction activity engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p> <p>Reason: No such details have been provided. To ensure that the stability HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
15	Imposed Loads
	<p>Condition: Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change</p> <p>Reason: To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
16	Vibration
	<p>Condition: Prior to the start of construction details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.</p> <p>Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring</p> <p>Reason: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.</p>
17	Access
	<p>CONDITION: The residential unit shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) Category 2.</p> <p>Evidence that the appointed Building Control body has assessed and approved the above requirements are met shall be submitted to and approved in writing</p>

	<p>by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To ensure the units are accessible and visitable.</p>
18	Overlooking
	<p>CONDITION: Prior to the first occupation details of screening or opaque glazing to the second floor bedroom window and living room as shown on drawing 301D shall be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter.</p> <p>REASON: To ensure no overlooking to neighbouring occupiers.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Surface Water Drainage
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
3	Signage
	<p>Please note that separate advertisement consent application may be required for the display of signage at the site.</p>
4	Section 106
	<p>SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
5	Discussions with HS1

	<p>The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property.</p> <p>Contact: HS1 Ltd, 12th floor, One Euston Square, 40 Melton Street, London, NW1 2FD Safeguarding@highspeed1.co.uk</p>
6	Details to be provided
	<p>The further details bulleted below shall be submitted in writing for approval by the Local Planning Authority in consultation with HS1. The development shall then be carried out only in compliance with the approval unless previously agreed in writing by the Local Planning Authority in consultation with HS1:</p> <ul style="list-style-type: none"> • Horizontal distance from the building foot print to HS1 nearest tunnel.
7	Protective Provisions Agreement (PPA)
	<p>The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery.</p>
8	Building Regulations and Party Wall
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London

3 London's people

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential use)

Employment

DM5.2 Loss of existing business floorspace

Health and open space

DM6.5 Landscaping, trees and biodiversity

Transport

DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Newington Green Conservation Area
- Locally Listed Building

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Conservation Area Design Guidelines (2014)
- Urban Design Guide (2006)
- Affordable Housing Small Sites SPD (2012)
- Environmental Design SPD (2012)

London Plan

- Sustainable Design & Construction SPG

APPENDIX 3 – Planning approval P121617

PLANNING DECISION NOTICE

Piercy & Co
70-74, City Road,
London,
EC1Y 2BJ

Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA
Case Officer: Sally Fraser
T: 0207 527 2493
E: planning@islington.gov.uk

Issue Date: 22 January 2014
Application No: P121617

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	37C & 37D, Mildmay Grove North, Islington, London N1		
Application Type:	Full Planning Application		
Date of Application:	17 July 2012	Application Received:	17 July 2012
Application Valid:	04 September 2012	Application Target:	30 October 2012

DEVELOPMENT:

Demolition of existing two storey office building and erection of three storey plus basement building to house 4 residential units (1x1bed, 2x2 bed and 1x3 bed) and 80sq B1 unit.

PLAN NOS:

Design and Access Statement dated July 2013, 001, 478.001, 478.002, 478.003, 030, 031, 032, 033, 020, 021, 100A, 150, 101A, 151, 102A, 103C, 104, 300B, 301B, 302, 303C, 200A, 201B, 202, 005 and 'consultation with LBI 20th March 2013.

CONDITIONS:

- 1 **3 YEAR CONSENT PERIOD:** The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2 **DRAWING AND DOCUMENT NUMBERS:** The development hereby approved shall be carried out in accordance with the following approved plans:

Design and Access Statement dated July 2013, 001, 478.001, 478.002, 478.003, 030, 031, 032, 033, 020, 021, 100A, 150, 101A, 151, 102A, 103C, 104, 300B, 301B, 302, 303C, 200A, 201B, 202, 005 and ?consultation with LBI 20th March 2013.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.

- 3 MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:
- a) solid brickwork (including brick panels and mortar courses)
 - b) render (including colour, texture and method of application);
 - c) window treatment (including sections and reveals);
 - d) roofing materials;
 - e) balustrading treatment;
 - f) any other materials to be used
 - g) boundary treatment

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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.

- 4 CONDITION: The development shall achieve a BREEAM office rating of no less than 'Excellent' and a code for sustainable homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development.

- 5 CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) an updated Access Statement detailing routes through the landscape and the facilities it provides;
- b) soft plantings: including grass and turf areas, shrub and herbaceous areas;
- c) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
- d) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- e) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
- f) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

- 6 CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington (Accessible Housing in Islington SPD) and incorporating all Lifetime Homes Standards.

REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.

- 7 CONDITION: The dedicated refuse / recycling enclosure shown on drawing no. 003/04 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

- 8 CONDITION: The B1 (office) use hereby approved shall not operate except between the hours of 07:00hr and 20:00hr on any day.

No deliveries shall be made to the premises outside the above hours of operation.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity

- 9 CONDITION: The proposed areas of flat roof on the first and second floors on the easterly side of the building shown on drawing number 103C (apart from the area on drawing 103C indicated within the balustrade) shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

- 10 CONDITION: All windows shown on the north, west and east elevations, shown on the plans hereby approved as being timber or stonework panelled, obscurely glazed or as ?college? style shall be provided as such prior to the first occupation of the development

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.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

- 11 CONDITION: The uses hereby permitted shall only operate within the areas of the unit shown on the hereby approved proposed drawings.

REASON: In order to safeguard the long term use of the site.

- 12 CONDITION: The internal layout of the residential units shall remain as indicated on drawings 100A, 101A, 102A and 103C, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there are no undue impacts on the amenities of the future occupiers of the flats.

- 13 **CYCLE PARKING PROVISION (COMPLIANCE):** The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 7 bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 14 **CONDITION:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended), no boundary treatment other than that indicated on the approved drawings shall be carried out without the prior written consent of the Local Planning Authority.

REASON: To ensure the overall good design of the scheme and to protect the appearance of the street scene and the visual amenities of the neighbouring occupiers.

- 15 **CONDITION:** Before the first occupation of the residential units, the screening around the roof terrace at second floor level shown on drawing 103C shall be implemented and shall be retained as such thereafter.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

- 16 All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except :

(1) In the case of disabled persons;

(2) In the case of units designated in this planning permission as 'non car free'; or

(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: To ensure that the development remains car free

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.

The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.

- 2 **COMMUNITY INFRASTRUCTURE LEVY (CIL) (GRANTING CONSENT):** Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

- 3 DEFINITIONS: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
- 4 SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

APPENDIX 4 – Prior approval P2015/1481/PRA

PLANNING DECISION NOTICE

Planning Potential - Miss Alice Brighton
Magdalen House
148 Tooley Street
London
SE1 2TU



Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

Case Officer: Amanda Peck
T: 0207 527 3876
E: planning@islington.gov.uk

Issue Date: 10 June 2015
Application No: P2015/1481/PRA

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / proposal referred to below, at the location indicated, subject to any condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	37D Mildmay Grove North, London N1 4RH		
Application Type:	Prior Approval (Change to Residential)		
Date of Application:	01 April 2015	Application Received:	01 April 2015
Application Valid:	20 April 2015	Application Target:	12 June 2015

PROPOSAL:

Prior Approval for change of use of office space [B1a] on the first floor to residential use [C3] to provide one 1 x bed residential unit

PLAN NOS:

CONDITIONS:

- 1 Condition: The applicant is reminded that notwithstanding this decision the development is not permitted by Class J.1 (c) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) if the use of the building within Class C3 (Dwellings) of the Schedule to the Use Classes Order is begun after 30th May 2016.

Reason: In accordance with the requirements of the order, Part J.1 (c).

- 2 Condition: Suitable waste management including dedicated residential refuse / recycling enclosure(s)/facilities shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: To secure the necessary physical waste enclosures to support the development that responsible waste management practices are adhered to ensure that the highway is not unduly compromised, through its storage and collection processes

- 3 CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:

i) In the case of disabled persons;

ii) In the case of units designated in this planning permission as 'non car free'; or

iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 **INFORMATIVE 1:** In accordance with Class N (10) (a) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the development shall be carried out in accordance with the details provided and any other information agreed between the developer and the Local Planning Authority in writing (in this instance the agreement to submit Unilateral Agreement to remove future rights of occupants to hold an on-street parking permit, making the development car-free).
- 2 **INFORMATIVE 2:** The developer is requested to notify the Local Planning Authority of the completion of the change of use in writing as soon as practicable after occupation. The written notification shall include:

(1) the name of the developer,

(2) the address of the development, and

(3) the date of completion / occupation.

An optional completion notice is available to download from the Council's website www.islington.gov.uk.

- 3 **INFORMATIVE 3: Building Regulations:** It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 020 7527 2045 or by email on andrew.marx@islington.gov.uk.

4

INFORMATIVE 2: In relation to the conditions attached to this decision regarding waste management provision/facilities and cycle parking the applicant is advised that, if in meeting this condition a structure is required which requires planning permission this permission will need to be sought from the local planning authority and shall not be deemed to be granted by this decision.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A handwritten signature in black ink that reads "Karen Sullivan". The signature is written in a cursive style with a horizontal line underneath the name.

**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**