

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street

PLANNING SUB COMMITTEE A		
Date:	19 DECEMBER 2016	NON-EXEMPT

Application number	P2016/2468/FUL
Application type	Full Planning Application
Ward	Mildmay Ward
Listed building	Not Listed
Conservation area	Newington Green conservation area
Development Plan Context	Newington Green conservation area
Licensing Implications	None
Site Address	121 Mildmay Road Islington N1 4PT
Proposal	Retention of 2 no. self-contained flats (1 no. two-bed and 1 no. three-bed).

Case Officer	Sandra Chivero
Applicant	Haden West & Stewart
Agent	Ben Mayfield – Norton Mayfield Architect

1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;
- 1.2 Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Application Site



Image 1: Aerial View of site

Application Site



Image 2: Existing Street view of Application Site



Image 3: View from the rear of 121 Mildmay Road.

SUMMARY

- 4.1 The application seeks planning permission for the retention of the conversion of a former single family dwelling house (C3) into 2 self-contained flats. The main considerations are the acceptability of the proposed residential use of the site, impact the character and appearance of the conservation area, amenity, and quality of accommodation, transport and affordable housing contributions.
- 4.2 The proposed standard of residential accommodation is considered adequate and the proposal raises no concerns in relation to transport. The applicant has agreed to make the full required small sites affordable housing. The development will be car free and this will be secured by condition.
- 4.3 The proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels.
- 4.4 While there is no provision of private outdoor amenity space to the upper flat B, the occupants will have access to the front garden and the nearest amenity space (Newington Green) is located 0.12km away. On balance it is considered that as the resulting residential accommodation is satisfactory in all other aspects and the conversion overall is considered acceptable in principle.
- 4.5 Due to design, materials and appearance the set in infill to the position of the bricked door opening, rendered and painted to match the adjacent is considered sympathetic to the host building. It is therefore considered that the character and appearance of the surrounding Conservation Area would be preserved.
- 4.6 Overall, the proposed development is considered acceptable and the conversion to 2 no. residential units is compliant with policy.

SITE AND SURROUNDING

- 5.1 No. 121 is the end property of a Victorian terrace of three-storey townhouses. The land at the rear of the site is occupied by 2 no. dilapidated outbuildings fronting on to Wolsey Road. (Planning permission was recently granted for the erection of a new four-bedroom single family dwelling house in place of the dilapidated outbuildings.) Directly adjacent and south of land at the rear of the application site is a row of terraced housing oriented perpendicular to Mildmay Road, which forms a period row on Wolsey Road. To the west no. 123 Mildmay Road bounds the property and to east the site fronts on to Wolsey Road and the rear garden of no. 119 Mildmay Road located on the opposite side of the road across the highway. The existing building is not listed but the site is located within the Newington Green Conservation Area. The surrounding area is predominantly residential in character.

PROPOSAL (IN DETAIL)

- 6.1 The proposal comprises of the retention of the conversion of a single family dwelling house (C3 use class) into 2 no. self-contained flats (1 no. two-bed and 1 no. three-bed). The three-bed unit is located at lower ground and ground floor levels and the two-bed unit is located at first and second floor levels.
- 6.2 Revision 1: Drawings received on 29 November 2016 showing sub division of garden and spiral staircase omitted from the proposal. The upper two bed flat B will no longer have access to private outdoor amenity space. The amended drawings also show possible location of the cycle store for the family unit in the rear garden and the possible location of the upper two bed unit flat B to behind the boundary wall to Wolsey Road.
- 6.3 Revision 2: Drawings received on 01 December 2016 showing the existing door fronting Wolsey Road blocked up and the infill will be rendered and painted to match adjacent, but would be set to show the position of the original door. The amended drawings also show the existing to be obscured to 1700mm above pavement level.

RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 May 2016: Planning application (Ref. P2015/2213/FUL) Approved at Committee for Demolition of existing derelict outbuildings and erection of a new four-bedroom single family dwelling house including excavation of the site with associated landscaping and provision of wall hung cycle racks and refuse storage. *Decision Notice has not been issued as the Affordable House Contributions Unilateral Agreement requires to be signed first.*
- 7.2 April 2015: S73 Application (Ref. P2015/0626/S73) Approved for variation of Condition 2 (Approved Plans) of Full Planning (Householder) application reference: P2013/5100/FUL dated 17 February 2014 to include the raising of the height of the rear addition by 500mm from what was previously approved under planning ref P2013/5100.
- 7.3 March 2015: Planning permission (Ref. P2015/0518/FUL) Granted for the creation of a new porch portico to the entrance on the front elevation.
- 7.4 December 2014: Planning permission (Ref. P2014/4027/FUL) Granted to create 2 no. additional window openings to the east (side) elevation and installation of 2 no. associated timber frame windows.
- 7.5 October 2014: Planning permission (Ref. P2014/3552/FUL) Granted to creation of new metal staircase and platform allowing access from the rear first floor level to the garden level of the unit, creation of French doors and

glazed balustrade at rear first floor level and alterations to the rear elevations upper floor window.

- 7.6 June 2014: Planning application (Ref. P2014/1543/FUL) for various external alterations including addition of porch; arched window openings to the gable end; a rear and top floor roof terrace; rear stair; modifications to existing rear window and new material facing to existing rear extension Withdrawn.
- 7.7 February 2014: Planning application (Ref. P2013/5100/FUL) Granted for the demolition of the existing part-width two storey rear extension and replacement with a larger two-storey extension at lower ground and upper ground floor levels including fenestration at lower ground floor level to create a new door opening.
- 7.8 August 2013: Planning application (Ref. P122008) for the demolition of existing derelict outbuilding; erection of side and rear extensions (at ground and lower ground floors) and conversion of existing dwelling to provide 4 self-contained residential units including erection of a new build 4 bedroom house on the end of Wolsey Road terrace Dismissed following a non-determination appeal (Ref. APP/V5570/ A/13/2193155).
- 7.9 October 2011: Planning application (Ref. P110716) Refused for demolition of non-original extensions and replacement with a two-storey extension; Conversion of main house from 2x two-bed flats to 2x two-bed flats and 1x one-bed flat. Provision of 2x two bed flats fronting Wolsey Road. Demolition of vacant outbuilding and garage and erection of a contemporary dwelling house (three-storeys over basement). The reason for refusal was as follows:

REASON: The proposal is considered to be an over development of the site resulting in substandard residential accommodation by virtue of cramped residential units and associated gardens. The proposal is therefore contrary to the standards for new residential accommodation set out in the 2011 London Plan; the standards for outdoor amenity space set within the Planning Standard Guidelines (2002); Policy CS9 (Protecting and enhancing Islington's built and Historic Environment) and Policy CS12 (Meeting the Housing Challenge) of the Islington Core Strategy 2011; Policies H6 (Garden Land), H7 (Standards and Guidelines), H8/H9 (The Conversion of Existing Property) and H10 (New Development) of the Unitary Development Plan (2002).

- 7.10 A subsequent appeal was dismissed under ref. APP/V5570/A/11/2167424/NWF.

ENFORCEMENT:

- 7.11 121 Mildmay Road, 121A Mildmay Road and Rear of 121 Mildmay Road. June 2016: Enforcement Case (Ref. E/2015/0325) Open re. Without planning permission, the material change of use of the land from a single dwelling house to use a three self-contained units of residential accommodation.

- 7.12 May 2015: Enforcement Case (Ref. E/2015/0111) re. for the raise in height of the rear addition Closed following granting of planning permission on 9 April 2015, under ref. P2015/0626/S73 as such the breach was regularised.
- 7.13 August 2014: Enforcement Case (Ref. E/2014/0492) re. Unauthorised demolition in a Conservation Area Closed as planning permission was granted on 17.02.14 under ref. P2013/5100/FUL to regularise the works.

CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 142 adjoining and nearby properties along Wolsey Road, Mildmay Road and Mildmay Park on 16 August 2016. Site and Press notices were displayed on 25 August 2016. The public consultation of the application expired on 15 September 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 four objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Change of use of annex (Paragraph 10.5)
 - Removal of residential style front door and window on Wolsey Road (Paragraph 10.7)
 - Prevention of egress onto rear flat roof at first floor level (Paragraph 10.9)
 - Splitting of garden (Paragraph 10.13)
 - Inappropriate positioning of a bedroom window (Paragraph 10.13)
 - Anomalous position of garden for Flat B relative to Flat A (Paragraph 10.13)
 - Lack of consultation on conversion into 3 flats (Paragraph 10.25)
 - Cumulative impact of unauthorised works (Paragraph 10.26)
 - Disregard for planning laws (Paragraph 10.26)
 - Developer has not complied with conditions of previous development (Paragraph 10.26)
 - Incremental changes in plans subvert the planning process (Paragraph 10.26)
 - Overdevelopment (Paragraphs 10.26 and 10.27)
 - Spiral staircase positioning (Paragraph 6.2, 10.13 and 10.29)
 - Conflicting data regarding garden size (Paragraph 10.29)
 - The east elevation views are inaccurate (Paragraph 10.30)
 - Waste storage and collection areas not defined for two properties (Paragraph 10.31)
 - Re-building of the demolished front boundary wall (Paragraph 10.32)
 - Replacement of trees felled without consent (Paragraph 10.32)

- 8.3 An **objection was also received from Cllr Caluori** raising concerns regarding unauthorised conversion of the property, site history of overdevelopment, developer acting in bad faith and failure to fulfil his obligation in regard to existing planning permission.

External Consultees

- 8.4 **None**

Internal Consultees

- 8.5 **None**

RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Designations

- 9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Newington Green Conservation Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Conversion
- Neighbouring Amenity
- Quality of accommodation
- Affordable housing small sites

Conversion

10.2 It is proposed to retain 2 no. self –contained flats 1no. two-bed unit and 1no. three-bed unit converted from a single family dwelling house (C3 use class). The intensification of residential use (C3 use class) is considered acceptable in principle at this location which is in residential use (C3 use class).

10.3 It is also considered that the addition of residential unit (C3 Use) would be appropriate and compatible with the existing surrounding residential properties. The provision of additional housing at this location would be supported by policy CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through provision of additional housing in suitable locations as in this instance.

10.4 The size of the property is 233.62sqm (including non-original extension). The proposal would therefore comply with policy DM3.3 which states that the conversion of residential units into a larger number of self-contained units will normally only be permitted where the total floor area is in excess of 125sqm (gross internal). The resulting units would further accord with the policy's requirement to provide at least one three bedroom and one two bedroom unit for properties with a floor area in excess of 140sqm.

10.5 Concerns have been raised regarding the change of use of the annex to residential accommodation. The existing annex is shown on historic drawings as ancillary space to the existing dwelling house. Whilst it had an entrance directly to the street it could also be accessed from the main dwelling. The use of the annex as additional living space is not considered to result in a formal change of use of the space. The application therefore cannot be refused for this reason.

Conservation, Design and Appearance

10.6 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.

- 10.7 Concerns were raised regarding removal of residential style front door and window on Wolsey Road. Amended drawings were received showing the side window fronting Wolsey Road retained in its position but would incorporate obscure glazing. The amended drawings also show the side door to Wolsey Road bricked up and the infill will be rendered and painted to match adjacent, but would be set to show the position of the original door. Due to design, materials and appearance this alterations to the side elevation is considered sympathetic to the host building and would not detract from the streetscene. It is therefore considered that the character and appearance of the surrounding Newington Green Conservation Area would be preserved

Neighbouring Amenity

- 10.8 The site would remain in residential use and is therefore considered not to result in harmful noise disturbance. The conversion of the site is also not considered to give rise to overlooking nor loss of privacy to the neighbouring residential properties. The residential use compatible with the surrounding residential properties is therefore considered not to prejudice the residential amenity of neighbouring properties. This would be in line with policy DM2.1 which requires development to provide good level of amenity.
- 10.9 Concerns have been raised regarding prevention of egress onto flat roof at rear first floor level. The flat roof area at rear first floor level is not permitted to be used as outdoor amenity space whatsoever. This is secured via a condition attached to the S73 Application Ref. P2015/0626/S73 approved in April 2015 for the Removal or Variation of Condition 2 (Approved Plans) of Full Planning (Householder) application reference: P2013/5100/FUL dated 17 February 2014 to include the raising of the height of the rear addition by 500mm from what was previously approved and the current plan do not proposed any access.

Quality of residential accommodation

- 10.10 It is proposed to retain 2 no. self –contained flats 1no. two-bed unit and 1no. three-bed unit converted from a single family dwelling house (C3 use class). The three-bed unit is located at lower ground and ground floor levels and the bedrooms to the two bed unit are located at first and second floor levels. The bedrooms to the two bed unit are located at lower ground floor level and the kitchen/living/ dining space is located at Ground floor level. The bedrooms to the three bedroom unit are located at second floor level and the kitchen/living/ dining space would be located at first floor level.
- 10.11 As shown in the table 2 below the resulting residential unit would also meet the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

Table 2 - Gross Internal Area required

Dwelling type	Dwelling permutation (bedroom (b)/persons-bed spaces (p))	Required GIA (sqm)	Proposed GIA (sqm)	Required Outdoor Amenity Space (sqm)	Proposed Outdoor Amenity Space (sqm)
Flat A	3b/6p	95	137.37	30	36
Flat B	2b/3p	70	93.91	15	0

- 10.12 The resulting units are in excess of the required minimum space standards applicable to the unit's size by 68.62sqm. While the flats are oversized, this is a minimum standard. In addition, the generous floor space allows provision of residential accommodation of good quality with a logical and functional layout as well as the provision of dual aspect. In addition, the generous bedrooms, living spaces and storage space also meet the minimum room size requirements stipulated within the Development Management Policies.
- 10.13 Concerns have been raised regarding the inappropriate window fronting the pavement as well as the rear bedroom window to Flat A fronting the rear garden to Flat B. Amended drawings have been submitted showing the spiral staircase omitted from proposal and the rear garden will no longer be subdivided and will only be used by the Flat A. This is considered to address the concerns raised regarding the splitting of the garden and overlooking to Flat A from the rear garden. Further amended drawings were received showing the window bedroom window fronting Wolsey Road obscure to 1700mm above pavement level. This has been secured by a condition which also requires this window to remain fixed shut. This is also considered to minimise undue loss of privacy to the future residential occupants.
- 10.14 As shown in Table 2 above the provision of 36sqm of outdoor amenity space for Flat A would accord with policy 3.5 of the Development Management Policies required minimum standard of 30sqm of amenity space for family units. It is regrettable that the upper Flat B would not have access to private outdoor amenity space. However, the unit has access to the front garden (20sqm) and is located 0.12km away from the nearest amenity space at Newington Green.
- 10.15 Overall, the scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

Inclusive Design

- 10.16 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
- 10.17 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), 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 local wheelchair housing standards.
- 10.18 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 Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.19 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.20 In this instance, given that the application is to convert an existing building, the provision of level access is considered to be impractical and the lack of such a provision is not considered sufficient grounds for a recommendation of refusal. A condition has been attached requiring the scheme to comply with Category 1.

Affordable Housing and Financial Viability

- 10.21 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough. The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should

provide a statement with their application with a justification for not providing the full financial contribution. In this instance the applicant has agreed to make the full £50 000 affordable housing contribution. This fully satisfies the requirement of CS12G and the Affordable Housing Small Sites Contributions SPD. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.

- 10.22 Concerns have been raised regarding to failure to fulfill the obligation for the scheme approved in May 2016 under ref. P2015/2213/FUL for the erection of a new dwelling to the land at the rear of the site. At the time of the submission the applicant agreed to make the required affordable housing contributions, however, they delayed signing the affordable housing contributions agreement. While this is regrettable, the current application is assessed on its merits and cannot be refused because a previous agreement was not signed.

Highways and Transportation

- 10.23 The proposed residential scheme would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads. This would be in line with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.
- 10.24 Amended drawings have been submitted showing possible locations for cycle storage for the residential accommodation. A condition has been attached requiring the submission of details of the layout, design and appearance (shown in context) of the bicycle storage area(s) to be submitted and approved in writing by the Local Planning Authority within 3 months of the decision. The storage shall be covered, secure and provide for no less than 5 cycle spaces. This would be in line with the requirements of policy DM8.4 of the Development Management Policies.

Other Issues

- 10.25 Concerns were raised regarding lack of consultation of conversion of property into three flats. It is stated that the unit was turned into at least three flats, yet permission is sought for the retention of two flats. The applicant has confirmed that the existing unit is in use as 2 no. self-contained flats and was in use as such before they purchased the flats in 2013. There are no Council records that confirm the lawful use of the premises as 3 no. self-contained flats. The local planning authority can only consult on works which form part of a formal submission. The Council have therefore consulted on the proposal the application is seeking planning permission for.
- 10.26 Concerns have been raised regarding the developer not complying with previous development, disregard for planning laws and changes in plans subverting the planning process and cumulative impact of unauthorised works

including overdevelopment. A reference has been made to a previous application refused on over-development and was dismissed on appeal. Unauthorised works have been part of enforcement investigations. The works have been regularised with planning permission. With regards to concerns raised regarding proposals submitted under separate planning applications, the Council do not have powers to control how the applicant submits the application. The Council has a duty to assess each application on its own merits against relevant policies.

- 10.27 The previous application (Ref. P110716) proposing to convert the main house into 3 self-contained units 2x two-bed flats and 1x one-bed flat; provision of 2x two bed flats fronting Wolsey Road as well as erection of a contemporary dwelling house (three-storeys over basement) was dismissed on appeal in October 2012 (Please see attached Inspectorates Decision). The Inspector concluded that the proposal would result in harm to living conditions of future occupiers arising from overdevelopment of the site and a consequent lack of suitable private amenity space. In particular, the proposed development was considered not to make adequate provision for private amenity space for future occupiers. The layout was considered to be cramped in relation to surrounding development and the utility of the garden/patio areas as living space was reduced as a consequence of overlooking.
- 10.28 A follow up planning application (Ref. P122008) for the “demolition of existing derelict outbuilding; erection of side and rear extensions (at ground and lower ground floors) and conversion of existing dwelling to provide 4 self-contained residential units including erection of a new build 4 bedroom house on the end of Wolsey road terrace” was appealed under non-determination and dismissed by the Inspectorate on design grounds. It should be noted that the cumulative impact of the 2 separate applications is less than the previous developments dismissed on appeal.
- 10.29 Concerns have been raised regarding conflicting data regarding garden size. It is annotated on the drawings submitted under application ref. P2015/2213/FUL that the existing garden area to no. 121 Mildmay Road is 33sqm. However, this did not include the area where the spiral staircase was positioned hence the difference with the drawings submitted under the current application which gives a total area of 36sqm inclusive of this area.
- 10.30 It is stated by the neighbour that the concerns previously raised regarding the inaccuracies to the Wolsey Road elevations still stand. As previously clarified by the architect, the new extension to the main property angles off to the north-west, therefore it is only partially revealed in the existing and proposed Wolsey Road (east) Elevations.
- 10.31 No details of refuse and recycling were shown on the submitted drawings. A condition has been attached to the application requiring the submission of the details of refuse and recycling arrangements within 3 months of the decision.

10.32 Concerns have been raised regarding the re-building of the demolished front boundary wall and replacement of trees that were felled without consent. These works do not form a part of the current scheme.

SUMMARY AND CONCLUSION

Summary

- 11.1 The intensification of residential use is considered acceptable in principle at this location which is in residential use would be appropriate and compatible with the existing surrounding residential properties.
- 11.2 The conversion of the site use of the rear garden is also not considered to give rise to noise disturbance, overlooking or loss of privacy to the neighbouring residential properties. The residential use compatible with the surrounding residential properties is therefore considered not to prejudice the residential amenity of neighbouring properties.
- 11.3 The failure to provide sufficient private outdoor amenity space for the upper unit B is regrettable. However, the resulting residential accommodation which would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels is considered acceptable in principle.
- 11.4 The applicant has agreed to make the full required small-site affordable housing contributions.
- 11.5 The bricked up door opening set in to reveal the position of original door and incorporating of render to match adjacent is considered sympathetic to the host building. The character and appearance of the surrounding conservation area would be preserved.
- 11.6 Overall, the proposal is acceptable and broadly in accordance with the Development Plan Policies.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details 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:

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.

The Heads of Terms are:

- £50 000.00 contribution towards affordable housing within the Borough

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 1329-NMA-XX-ZZ-DR-B-00001 P2, 1329-NMA-XX-00-DR-B-00100 P2, 1329-NMA-XX-01-DR-B-00100 P3, 1329-NMA-XX-02-DR-B-00100 P3, 1329-NMA-XX-03 -DR-B-00100 P3, 1329-NMA-XX-LG1-DR-B-00100 P3, 1329-NMA-XX-RF-DR-B-00101 P3, 1329-NMA-XX-ZZ-DR-B-00200 P2, 1329-NMA-XX-ZZ-DR-B-00201 P3, 1329-NMA-XX-ZZ-DR-B-00202 P3, 1329-NMA-XX-00-DR-A-00101 P2, 1329-NMA-XX-01-DR-A-00101 P1, 1329-NMA-XX-02-DR-A-00101 P1, 1329-NMA-XX-03-DR-A-00101 P1, 1329-NMA-XX-LG1-DR-A-00101 P4, 1329-NMA-XX-RF-DR-A-00101 P2, 1329-NMA-XX-ZZ-DR-A-00200 P2, 1329-NMA-XX-ZZ-DR-A-00201 P4, 1329-NMA-XX-ZZ-DR-A-00202 P2; LETTER DATED 16 JUNE 2016 FROM NORTON MAYFIELD ARCHITECTS (REF.

	<p>1329-PL-DAS).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
2	Car free development restriction
	<p>Car-Free Development: All future occupiers of the single family house hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure that the development remains car free.</p>
3	Category 1 Condition
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 1 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing 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 secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
4	Cycle Parking Provision (Details)
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority within 3 months from the date of the decision. The storage shall be covered, secure and provide for no less than 5 cycle spaces.</p> <p>The bicycle storage area(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.</p>

	<p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
5	<p>Window fronting Wolsey Road</p> <p>CONDITION: Notwithstanding the approved drawings the ground floor window fronting Wolsey Road shall be obscurely glazed and fixed shut within three months of the decision. The window shall be maintained as such unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirms that the window could open to a degree, which would not result in undue overlooking to the residential accommodation.</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 loss of privacy to the future residential dwellings.</p>
6	<p>Refuse/Recycling (Details)</p> <p>CONDITION: Notwithstanding the approved drawings the details including layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s) shall be submitted to and approved in writing by the Local Planning Authority within three months of the decision.</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p>
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	The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
2	Section 106
	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.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: 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.</p> <p>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</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Car free development
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality of Design and Housing Developments
- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing
- Policy 3.11 Affordable Housing Targets
- Policy 3.13 Affordable Housing Thresholds
- Policy 6.13 Parking
- Policy 7.2 An Inclusive Environment
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

B) Islington Core Strategy 2011

- Policy CS10 (Sustainable Design)
- Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

- Policy DM2.2 Inclusive Design
- Policy DM3.1 Mix of housing sizes

Policy DM3.4 Housing standards
Policy DM3.5 Private outdoor space
Policy DM3.7 Noise and vibration (residential uses)
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM9.2 Planning Obligations
Policy DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

London Plan:

- Accessible Housing in Islington
 - Affordable Housing Small Sites Contributions SPD
 - Planning Obligations and S106
 - Inclusive Design in Islington SPD
- Housing