



AGENDA FOR THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in Council Chamber - Town Hall on **8 July 2014 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 30 June 2014

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

Committee Membership

Councillor Khan (Chair)
Councillor Klute (Vice-Chair)
Councillor R Perry (Vice-Chair)
Councillor Chowdhury
Councillor Fletcher
Councillor Gantly
Councillor Kay
Councillor Nicholls
Councillor Picknell
Councillor Poyser

Wards


- Bunhill;
- St Peter's;
- Caledonian;
- Barnsbury;
- St George's;
- Highbury East;
- Mildmay;
- Junction;
- St Mary's;
- Hillrise;

Substitute Members

Councillor Convery
Councillor Makarau Schwartz
Councillor O'Sullivan
Councillor A Perry
Councillor Poole
Councillor Smith
Councillor Spall
Councillor Ward
Councillor Wayne
Councillor Williamson

- Caledonian;
- Junction;
- Finsbury Park;
- St Peter's;
- St Mary's;
- Holloway;
- Hillrise;
- Holloway;
- Canonbury;
- Tollington;

Quorum: 3 councillors



A. Formal Matters **Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meeting 1 - 2

B. Consideration of Planning Applications **Page**

1. Goodinge Community Centre, 21 North Road, London, N7 9GQ 5 - 60

C.	Consideration of other planning matters	Page
1.	Planning Enforcement and Appeal Performance: Fourth Quarter and Year End 2013/14	61 - 90

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Committee - 17 June 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 17 June 2014 at 7.00 pm.

Present: **Councillors:** Khan (Chair), Klute (Vice-Chair), Fletcher, Gantly, Kay,
Nicholls, Picknell and Poyser
Also Present: **Councillors:** Russell, D. Ward and Wayne

Councillor Robert Khan in the Chair

1 **INTRODUCTIONS (Item 1)**

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

2 **APOLOGIES FOR ABSENCE (Item 2)**

Apologies were received from Councillor Rupert Perry.

3 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

There were no declarations of substitute members.

4 **DECLARATIONS OF INTEREST (Item 4)**

There were no declarations of interest.

5 **ORDER OF BUSINESS (Item 5)**

The order of business would be as per the agenda.

6 **MINUTES OF PREVIOUS MEETING (Item 6)**

RESOLVED:

That the minutes of the meeting held on 5 June 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

7 **APPOINTMENT OF PLANNING SUB-COMMITTEES (Item 7)**

RESOLVED:

- 1) That the Sub-Committees be confirmed as five member Sub-Committees and that the terms of reference be noted.
- 2) That the allocation of seats was determined in accordance with the advice in the report.
- 3) That councillors Rupert Perry, Chowdhury, Gantly, Fletcher and Poyser be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- 4) That Councillors Klute, Nicholls, Kay, Khan and Picknell be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.

Planning Committee - 17 June 2014

- 5) That Councillor Rupert Perry be appointed Chair of Planning Sub-Committee A and Councillor Klute be appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- 6) That Councillor Poyser be appointed Vice-Chair of Planning Sub-Committee A and Councillor Nicholls be appointed Vice-Chair of Planning Committee B for the current municipal year or until their successors are appointed.
- 7) That it be noted that any member who was a member or substitute member of the Planning Committee could substitute at any meetings of either Sub-Committee if they had not been appointed as a member of the Sub-Committee.

The meeting ended at 7.07 pm

CHAIR

COMMITTEE AGENDA

**1 GOODINGE COMMUNITY CENTRE 21 North Road London
N7 9GQ**

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N7 9GQ**

Ward: Holloway

Proposed Development: Demolition of existing single storey Goodinge Community centre building. Redevelopment of the site to provide a 6 storey building comprising of a community centre at ground floor level and 23 residential units on upper levels. Residential units comprised of 16 x 2 bed flats and 7 x 3-bed flats.

Application Number: P2014/0950/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Nathaniel Baker

Name of Applicant: Housing Development and Regeneration - Ms Geraldine Medrano

Recommendation:

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	08 July 2014	

Application number	P2014/0950/FUL
Application type	Full Planning Application
Ward	Holloway Ward
Listed building	No Listing. Site adjoins boundary of Grade II Listed Hungerford School.
Conservation area	None
Development Plan Context	None
Licensing Implications	None
Site Address	Goodinge Community Centre, 21 North Road, London, N7 9GQ
Proposal	Demolition of existing single storey Goodinge community Centre building. Redevelopment of the site to provide a 6 storey building comprising a community centre at ground floor level and 23 residential units on upper levels.

Case Officer	Nathaniel Baker
Applicant	New Build and Regeneration Team, London Borough of Islington.
Agent	HTA Design, Riette Oosthuizen

1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET

Photograph 1: Aerial Photograph of site.



Note that the site to the South of the application site has been redeveloped as part of the Market Estate.

Photograph 2: Angled Aerial Photograph



Note that the site to the South of the application site has been redeveloped as part of the Market Estate.

Photograph 3: View of existing Community Centre from North Road looking up Goodinge Road with the Grade II Listed Hungerford Primary School in background.



Photograph 4: View of existing Community Centre from Goodinge Road with Market Estate building in background (on the opposite side of North Road).



4

SUMMARY

- 4.1 The planning application proposes a contemporary development which is supported in townscape/design terms. The application re-provides and slightly expands the existing community centre addressing planning policy which safeguards such social infrastructure.
- 4.2 The scheme delivers good quality housing including a high proportion of affordable housing (72%) and accessible accommodation to address housing needs within the borough.
- 4.3 Residents concerns relate to the scale, density and design of the development together with the impact upon neighbour amenity, anti-social behaviour, views and the Grade II listed building.
- 4.4 The scale and massing of the development is in keeping with the surrounding built form, although high, the density level of the residential accommodation is acceptable and the development represents a high quality contemporary building that would not detract from the setting of the Grade II listed building. Furthermore, the proposal would not be overbearing or result in an unacceptable loss of outlook to the neighbouring occupiers, while the Daylight/Sunlight survey shows that there would be no significant impact upon the neighbouring properties. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the required mitigation.

5

SITE AND SURROUNDING

- 5.1 The proposed development is located within the Holloway ward at the junction of North Road and Goodinge Road. The site covers an area of approximately 0.07 hectares and is square in shape.
- 5.2 The site is currently occupied by a single storey building which is the Goodinge Community Centre. To the rear of the site is an external area of private space. The community centre is currently accessed from a recessed entrance on the corner of North Road and Goodinge Road. The existing facilities consist of an entrance foyer, a hall, a meeting room, a kitchen and toilets.
- 5.3 The site is situated at the junction of North Road and Goodinge Road. Both roads are Islington maintained by the Council as the highway authority. Goodinge Road provides access to housing at Goodinge Close but is not a through road.
- 5.4 To the south of the site is the Market Estate residential development which is a recently completed large scale housing redevelopment. The building is 6 storeys in height facing onto North Road.
- 5.5 To the immediate north and west of the Community Centre are the car parking spaces for the Bridge and Hungerford Schools which are entered from North Road and exited from Goodinge Road. Beyond the parking area is the

playground serving the school and then the school buildings further to the north and west.

- 5.6 The site is not located within a conservation area, nor does the site contain any listed buildings. The three to five storey high Hungerford School building (to the north) dates back to 1895, was designed by T.J Bailey for the London School Board and is Grade II statutory listed.
- 5.7 The site is well served by public transport being located close to two frequent bus services. The site has a PTAL rating of 5 (very good). Three trees are located on the public footway along each frontage: one on North Road, one on Goodinge Road and one on the corner of both roads. These trees are LBI owned.

6 PROPOSAL (IN DETAIL)

- 6.1 The proposed development is for the demolition of the existing single storey community centre and the erection of a building standing at part one storey, part five storey and rising to six storeys comprising of a new community centre across the whole of the ground floor with 23 mixed tenure residential units within an L shaped building facing onto North Road and Goodinge Road.
- 6.2 In total the proposal provides for 23 residential units of which 17 would be affordable housing and 6 private units. Within the affordable housing provision 13 units would be provided as social rent tenure (10 x 2 bed, 3 x 3 bed units) and 4 units within the shared ownership tenure (4 x 2bed units). The 6 private units are comprised of 4 x 3 bed and 2 x 2 bed units.
- 6.3 The development therefore proposes a housing split of 72% affordable housing and 28% private housing (measured by habitable room). Within the affordable housing provision 79% is proposed as social rent tenure and 21% as intermediate/shared ownership tenure (measured by habitable room).
- 6.4 The proposed community centre location at ground floor would be accessed from Goodinge Road and includes two halls (capable of being made into 1 large hall), an external courtyard which is capable of being covered, kitchen, offices, foyer, meeting room and toilets. Its floor area measures 379 square metres (an uplift of 104 square metres).
- 6.5 The proposal includes communal cycle parking and refuse and recycle storage. The proposed units are designed to comply with lifetime homes and Islington Accessible Housing standards. The application proposes 3 x 2 bedroom units as wheelchair accessible units (11% by habitable rooms). The proposed units are Code for Sustainable homes level 4 compliant and the community centre would achieve a BREEAM rating of 'excellent'.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **850051** - Erection of a single storey community centre building – Granted Conditional Permission (29th May 1984).

PRE-APPLICATION ADVICE:

- 7.2 The proposed development has been subject to pre-application discussions with both planning officers, local residents and other stakeholders such as the Islington Design Review Panel.
- 7.3 Initial proposals included two options, the first (as taken forward in this application) was for development of the Goodinge Community Centre site. The second option explored at a feasibility stage was a wider development taking into account a number of other sites in the locality. This development relies on a number of different landowners.
- 7.4 The development of this single site has been taken forward but it is acknowledged that the development should complement and have regard to the future development potential of neighbouring sites in the area.
- 7.5 During consideration of the initial proposals thought was given to relocating the Hungerford Children's Centre to this site alongside a new Community Centre and residential accommodation. On evaluation it quickly became apparent that it would be unfeasible to adequately accommodate all of those uses on the site given its constrained nature, the limited availability of land, and the need to cater for growth of demand for both the children's centre and community centre.
- 7.6 The protection of the community land use through re-provision which would accommodate existing activities and allow room for growth was identified as a key planning policy requirement for the development proposals.
- 7.7 It was understood that private housing would be required to provide financial subsidy to the affordable housing and community centre re-provision.
- 7.8 The scale of the building was originally discussed at 5 storeys, this was amended to six storeys at a later point. Whilst the height is taller than many adjacent buildings it is noted (as encouraged by the informal planning guidance) that there are a number of development sites in the area and notably the six storey Market Estate building to the south has been recently developed. There is therefore no requirement that this building should be of a lower height and therefore limit the efficient use of this and adjoining sites in the future given the potential for change.
- 7.9 The applicant was also made aware that a key matter for consideration would be the effect of the development on the amenities of surrounding residential units. It was identified that any application would need to be submitted and supported by a full BRE sunlight/daylight assessment.

ENFORCEMENT

7.10 None.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 286 adjoining and nearby properties at North Road, Clock View Crescent, Goodinge Close, Hungerford Road and Chris Pullen Way on 03rd April 2014. A site notice and press advert were displayed on 10th April 2014. The public consultation on the application therefore expired on 1st May 2014. 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 the writing of this report a total of 9 responses had been received from the public with regard to the application. These included 6 objections and 3 in support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Objections:

- Objections to the scale of the development in relation to how this will affect light provision, outlook and undue sense of enclosure of adjoining residential occupiers (paras 10.46 – 10.60);
- Objections to the proposed development in relation to the impact on the privacy of adjoining residential occupiers from overlooking (paras 10.46 – 10.48);
- Objections to the increased residential density in the area with reference of the cumulative effects of recent developments including the Market Estate (paras 10.30 – 10.35 and 10.115);
- Objection to the impact of the development on the historic visual interest of the Grade II listed Hungerford School (para 10.17);
- Objection to the scale of the proposed development and the architectural detailing, building considered to be out of scale with its surroundings (paras 10.15 and 10.23 -10.29)
- Raised concerns over the consultation undertaken by the Local Planning Authority on the development proposals (paras 8.1 and 10.114): and
- Consider that the new community centre and additional number of homes will exacerbate existing anti social behaviour that they consider is occurring in the locality (para 10.117).

Non-planning Issues:

- Objection to the impact on views across the site enjoyed by residents of existing properties in the area (para 10.113); and
- Financial loss from impact on the view from neighbouring properties (para 10.116).

Support:

- The centre is a thriving hub that brings the community together;
- It would be a shame for the site to be used just for housing;
- Good design and soundproofing will ensure that any noise will be kept to a minimum;
- The community centre was there before the neighbouring residential properties were built or bought;
- The community centre is attended by multiple community groups and also hosts local TA meetings, anti-social behaviour meetings, community police panel meetings, local issue meetings and is a good practice centre;
- The new centre would accommodate more people from within the community, a wider variety of projects and achieve more goals, whilst improving disabled access;
- A low maintenance building would cut costs to providers; and
- The proposal would provide useable space for storage and recycling refuse.

External Consultees

- 8.3 **L.B Camden Council** – have raised no objection.

Internal Consultees

- 8.4 **Access Officer** – The officer has made various comments on the proposal through the pre-application and application stage to require amendments to the plans to provide appropriate levels of access and inclusive design. These comments include the requirement for two lifts within the residential core serving the wheelchair accessible housing, the provision of wheelchair housing within the private sector accommodation, details of furniture layouts, hoist routes to bathrooms and questions over travel and transport needs of mobility impaired residents, visitors and centre users (on-street parking, safe drop-off, storage and charging facilities for mobility scooters and accessible cycle storage). Conditions here proposed within the recommendation to require compliance with accessibility standards and policies.
- 8.5 **Design and Conservation Officer** – No objection to the six storey height. However, concerns raised regarding perceived scale and bulk, mainly due to the prominence of the top storey. The building form appears rigid and the

corner emphasises the scale which is beyond the prevailing heights in the area. Recessing the top corner element to bring it in line with the other recessed parts at that level would provide a more coherent form and would assist in softening the top.

The use of brickwork is welcomed and the use of texture and cut outs on the brickwork will provide a simple but elegant solution to break the volume and articulate the elevations. Suggests different brick, such as dark engineering brick, at ground floor level to provide a better sense of 'base, middle and top' and highlight the different ground floor use.

The visualisations seem to indicate some shallow reveals. It will be important to have deep reveals here to properly articulate the elevations and break the mass. Reveals of a minimum of 18-20cm should be conditioned. The quality of the glazing (to windows and balustrades) and frames will also be very important.

8.6 **Energy Conservation Officer** – considered the overall strategy and is largely satisfied with the approach. The proposed energy statement for the development is an acceptable response to planning policy and the attainment of code level 4 for the residential units and BREEAM 'excellent' for the community centre is welcomed. Officer identified that the communal heating system may further improve CO2 equivalent reductions and that a revised energy statement should be submitted.

8.7 **Transport Planning Officer** – notes that the residential cycle parking provision was insufficient by one space and that details of the type of storage should be submitted and the family bike/trailer area clearly defined with something to securely lock these to. Furthermore, there is no provision for staff cycle parking.

It is noted that the proposal is car free in accordance with policy. However, residents transferring to the proposal would maintain the right to a parking permit.

Details of delivery/servicing arrangements and paving materials are required to be submitted. In addition to this, the relocation of a lamp column and a bench are required, which would be at the expense of the works covered by the applicant and the relocation discussed with the Council's Highways Department.

8.8 **Tree Preservation / Landscape Officer** – notes that there are no tree or landscape reasons to refuse the application but would recommend that any approval be subject to conditions ensuring mitigating replanting for the tree loss proposed and any subsequent tree loss to facilitate construction.

Whilst the principle of the loss of the street tree is considered acceptable, subject to its replacement with two further street trees, the need for its removal is questioned.

The retention of the school trees running along the north and west boundaries of the site is achievable but optimistic. It is likely that the majority of these

trees would be required to be removed/relocated. These trees are of amenity value and whilst their replacement within the immediate vicinity of the site is acceptable this would have to be secured through condition/legal agreement, with the CAVAT value of any tree lost used to provide replacement planting.

8.9 **Street Environment Manager** – Proposal looks acceptable.

8.10 **Sustainability Officer** – noted that the proposal was unlikely to provide a sufficient Sustainable Urban Drainage System (SUDS). However, the provision of a green roof was welcomed.

Other Consultees

8.11 Members' Pre-application Forum –2nd December 2013.

8.12 Design Review Panel – At pre-application stage the proposal was considered by the Design Review Panel on the 10 December 2013. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The panel's observations are attached at Appendix 3 but are summarised below:

- The Panel generally supported the provision of community facilities and housing on site.
- The Panel would prefer a wider redevelopment scheme.
- The Panel felt the civic nature of the building should appear as its primary function.
- Panel members were concerned that the North Road elevation appeared primarily as a closed facade with almost 50% dedicated to storage with the rest being taken up by the constrained residential entry and a very guarded "grill-like" hall facade. Given the lack of ground floor activity in the new blocks across the street, it was highlighted that this is an important opportunity to get activity visible from the street.
- The Panel felt that the two separate entries for the residential tenures were understandable as the default option but they were concerned that this also constrained the ability to get active community presence onto the street.
- Panel members noted that the residential element was delivering a standard perimeter block morphology mimicking the new block across the street where the 5/6 storey block came straight down to the back of pavement street edge.

8.13 Since the scheme was presented to the Design Review Panel (DRP) the following amendments were made to address the Panel's concerns:

- Alterations to the ground floor elevation including additional glazing, removal of metal grills and the use of engineering brick to define the community centre;

- The set back of the ground floor community centre at the corner to create an overhang;
- Articulation and detailing added to main and flank elevations;
- Glazed tiling added to elevations of recessed fifth floor elements; and
- Addition of a communal heating system with roof top plant.

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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.3 The site has no designations under the London Plan 2011, Islington Core Strategy 2011 and Development Management Policies 2013.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment

- 9.5 An EIA screening was not submitted. However the site is less than 0.5ha in size and whilst it is a development of an urban location/nature, its general characteristics are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011).

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land use
- Design and heritage considerations
- Density
- Accessibility
- Landscaping and trees
- Neighbouring amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and transportation
- Planning obligations/mitigations

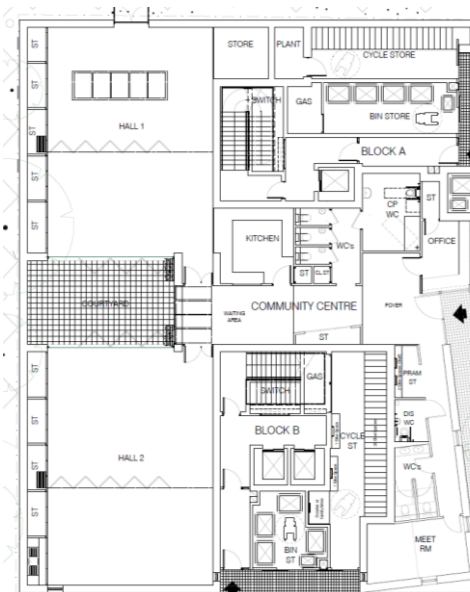
Land-use

- 10.2 The site is currently used as a community centre (D1 non residential institution use class).
- 10.3 The proposed redevelopment scheme includes the re-provision of a new community centre at ground floor level and 23 residential units (C3 dwellinghouses) on upper floors.
- 10.4 A key reason for this development proposal is to provide new and enhanced community facilities in the area. The existing community centre provides a wide-ranging service and is successful in providing activities for all age groups, ethnicities and abilities as is supported by consultation responses in support of this proposal. The new community centre has been designed with a view to expanding the services on offer enabling improvements and greater community use for the benefit of the local community.
- 10.5 The below floor plans show the existing and proposed community centre:

Existing:



Proposed:



10.6 The proposed community centre is larger than the existing centre in terms of the amount of internal space (gain of 104 square metres). This is achieved by the development encompassing almost the whole of the footprint of the site. The existing community centre has an external area to the rear of the site. It was felt in consultation with the community centre operators that within the limited footprint of the site it would be preferred to have this space as an internal space within the community centre. The new community centre (384 square metres) would comprise of:

- A managers' office overlooking the entrance and the foyer (8.5 sqm)
- Two community halls (101 sqm, 102 sqm) which can be connected via a naturally lit courtyard (32.8 sqm)
- A large entrance foyer (12.8 sqm)
- A sheltered external entrance from Goodinge Road
- A kitchen with a serving hatch (15.5 sqm)
- An internal mobility / pram/cycle storage area (4.2 sqm)
- A large meeting room (16.28 sqm)
- Six toilets, two of which are accessible
- Built in storage capacity
- Refuse waste storage area

10.7 Policy DM4.12 of the Islington Development Management Policies Document provides protection for social and strategic infrastructure and cultural facilities and applies to this proposal in order to protect the existing community centre. This policy (particularly part A) is key to the assessment and acceptability of this proposal:

A. The Council will not permit any loss or reduction in social infrastructure uses unless:

- *A replacement facility is provided on site which would, in the council's view, meet the need of the local population for the specific use; or*
- *The specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:*
 - i. That the proposal would not lead to a shortfall in provision for the specific use within the local catchment;*
 - ii. That there is either no demand for another suitable social infrastructure use on the site, or that the site/premises is no longer appropriate for social infrastructure uses; and*
 - iii. Any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.*

10.8 The proposal provides a facility which complies with part i of this policy in terms of providing an onsite replacement facility which would meet the needs of the local population. The proposed new community centre in terms of floorspace and design can accommodate all existing activities of the centre and allow for future growth. The multi-purpose centre would provide a high

quality accessible building. The existing building is of an age where it is starting to deteriorate and it is considered that a new centre will benefit the local community.

- 10.9 The applicant has confirmed that during the period of construction of the development the user groups of the community centre would be temporarily relocated to various local community centres. These include, but are not limited to Nailour Hall Community Centre (Blundell Street), The Underground Youth Centre (Piper Close), Williamson Street Community Centre (Parkhurst Road) and Lorraine Estate Community Centre (Biddestone Road). The applicant would provide a coach service during the construction period to transport a number of the user groups to their temporary locations. This temporary re-provision is welcomed during the development of the site and is secured in the heads of terms of the Directors' Agreement.
- 10.10 Policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability and inclusivity needs. It is considered residential accommodation fulfilling these requirements would be an acceptable additional use for the site subject to the successful re-provision of the community centre as demonstrated.

Design and Heritage Considerations

- 10.11 The existing community centre building at the site is single storey in height with a red tiled hipped roof and yellow brick elevations broken-up by red brick detailing. The building has a relatively inactive frontage with a set back entrance facing onto North Road and two further limited openings onto Goodinge Road. The site incorporates a small grassed area to the rear and backs onto the school playground and parking areas serving both The Bridge and Hungerford Primary Schools. Young trees and shrubs extend around the north and west elevations of the site and there are two street trees to both North and Goodinge Roads.
- 10.12 The proposal would involve the demolition of the existing building at the site and no statutory protection exists for the building to protect it from demolition. The existing community centre is of little architectural merit and therefore its loss, in design terms is not resisted.
- 10.13 The proposal would introduce a part six storey, part five storey, part single storey building encompassing the entire site. The six storey element would have an 'L' shaped footprint, wrapping around the North Road and Goodinge Road frontages, with the single storey element set to the rear of this. The image below, looking south toward North Road, shows the heights of the building:



10.14 The full six storey element of the proposal is realised on the south east corner of the building where North Road and Goodinge Road meet, with the fifth floor elements either side of the corner would be set back from the frontage and constructed in different materials. At ground floor level, the community centre footprint tapers in to where it meets each residential core, creating an overhang. The single storey element to the rear is of a flat roof design and completes the square footprint of the site. The image below details the North Road elevation:



10.15 This side of North Road is predominantly made up of two storey high buildings with a school playground to the north and west of the site. The resultant building would therefore be most apparent in views along North Road and from part of York Way immediately to the west of the site. Longer views from the wider locality would be predominantly screened by existing built form. Notwithstanding the open nature of this corner location, the six storey height of the building would be comparable to that of the Market Estate buildings to the south, the buildings on York Way to the west, the Bridge School building to the north west and would be set below the spire heights of the Grade II Listed Hungerford Primary School Building.

- 10.16 As part of the assessment of the proposal and through extensive discussions, it was identified that a communal heating system was required to satisfy energy and environmental policy. A number of design options were explored with the roof top plant the least disruptive to the other elements of the proposal. The applicant has detailed that the roof top plant is of the minimum floor area and height required to house the plant equipment for the communal heating system. The proposal also includes two lift overruns. The plant room and lift overruns would align along a north south axis, leaving a clear separation between each of the overruns. Although visible in some longer views, due to their minimal scale, their set back from the main frontages and as they would be partly screened by the parapet surround, the plant room and lift overruns are considered to be acceptable.
- 10.17 It is noted that some concern has been raised regarding the setting of the Grade II listed building at Hungerford Primary School and the scale and massing of the proposed building. At its closest point the application site is located over 55 metres from the main school building and although of a greater height and massing, by reason of this separation and due to the scale of the building being comparative with that of other surrounding built form, the proposal would not detract from the setting or significance of the listed building. Additionally the scale and height sits below the listed building's spires.
- 10.18 The single storey to the rear of the proposal would be largely screened in views from the public realm by the six storey element, with limited views afforded from the north or west of the site across the school playground.
- 10.19 Concern has been raised by the Design and Conservation Officer regarding the perceived scale and bulk of the six storey corner height of the building, suggesting that this should be set back to match the rest of the fifth floor.
- 10.20 The applicant has sought to respond to this and the questions raised to the pre-application scheme by the Design Review Panel (DRP), which suggested that the building be viewed as a single civic block, by stating that the intention of the corner element is to express the civic nature of the building as a single identity.
- 10.21 The submitted proposal introduces a larger balcony opening and two window openings at fifth floor level, with regular openings from first to fourth floor level, all with deep reveals. The punctuating openings, deep reveals and scale of the openings visually break-up the extent of facing brickwork on the corner, particularly at fifth floor level resulting in a more light weight appearance, which helps to reduce the massing of the corner element.
- 10.22 The section below shows the heights of the buildings looking west along North Road and the separation to the listed building:



10.23 The 'L' shaped layout of the six storey element would have a perimeter block appearance wrapping around the two street frontages. It was noted by DRP panel members at the pre-application stage that this design mimics that of the Market Estate block opposite the site, where the 5/6 storey block comes straight down to the back of pavement street edge.

10.24 Moving onto the detailed design, and the materials, the main publicly visible frontages of the five storey and the six storey corner elements of the proposal would be formed of a light coloured stock brick with a Flemish bond pattern. The extent of brick work would be punctuated by windows and balconies with deep reveals (Condition 3) and perforations in the brickwork. Both flank elevations would have a limited amount of windows, to reduce overlooking to the school site and would include the use of projecting and perforated brickwork, which will provide a simple but elegant solution to break the volume and articulate the elevations.

10.25 The inner elevations of the 'L' shape would utilise the same brick as the main elevations but with a simpler stretcher bond (less intricate than a Flemish bond) pattern due to the limited visibility of these elevations. The recessed fifth floor elements of the proposal would have glazed tile elevations, which together with the set back would give a more light weight appearance to these elements and mark them out as subservient to the main massing of the building.

10.26 Both DRP panel members and the Design and Conservation Officer have noted that the ground floor community centre use did not have enough presence due to a continuation of the upper floor brickwork, a lack of a canopy or an overhang and lack of active frontage on North Road. The proposal was amended to include:

- an off-set tapered layout to the corner element of the community centre that creates two overhanging elements;
- the use of a darker coloured engineering brick to demarcate the community use; and
- the introduction of high level glazing running around the ground floor unit.

The resultant ground floor relates to the uppers floors while providing a clear reference to the community centre use and maximises its active frontage to both North Road and Goodinge Road.

- 10.27 The single storey rear element would continue the simple lower level brick elevation, introducing a green roof and an opening over the courtyard with a perforated wall detail serving the courtyard.
- 10.28 The overall quality of materials and finishes is considered to be key to the success of the proposal. Conditions are attached with regard to submission of material samples prior to commencement to ensure that a building of appropriate high quality would be delivered.
- 10.29 The resultant building would introduce a high quality contemporary building that would be of an acceptable scale and massing and would be in keeping with the emerging townscape of the locality. The building would appear as a single coherent structure, with an emphasis on the junction of North Road and Goodinge Road, whilst also emphasising the civic use of the ground floor.

Density

- 10.30 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The redevelopment scheme proposes a total of 23 residential dwellings comprised of 79 habitable rooms (hr).
- 10.31 Density is expressed as habitable rooms per hectare (hrh) and is calculated by dividing the total number of habitable rooms by the gross site area. The site covers an area of approximately 0.07 hectares. However in line with the guidance of the London Plan for mixed use schemes such as this the site area for residential uses is calculated as 0.059 hectares.
- 10.32 The site has a public transport accessibility level (PTAL) within the range of 5 (very good). In terms of the character of the area, this would be defined as urban by the London Plan definition. The London Plan for areas of the PTAL rating identifies the suggested residential density range of 200-700hrh.
- 10.33 The proposed development has a residential density of 1339hr/ha, which is significantly above the density range of the London Plan policy.
- 10.34 In assessing this it is necessary to consider that the London Plan policy notes that it would not be appropriate to apply these limits mechanistically with local context and other considerations to be taken into account also when considering the acceptability of a specific proposal.
- 10.35 Assessing the proposal against the London Housing SPG (2012), which sets out other considerations where proposals exceed London Plan density figures, the proposal would provide high quality accommodation and a significant proportion of affordable housing whilst also providing a new larger community centre. It is considered that the benefits of the proposal, together with the high accessibility level of the site, mitigation to help accommodate the increase in population by way of financial contributions towards playspace and open space, as well as new social infrastructure secure compliance with London Plan policy 3.4 and paragraph 1.3.41 of the London Housing SPG (2012).

Accessibility

- 10.36 The development is required to achieve the standards of the Islington Inclusive Design SPD together with the requirement that 10% of residential units are wheelchair accessible units. The application provides 3 units as wheelchair accessible units (3 x 2 bed units) amounting to just over 11% as measured by habitable room. The units provided are all within the social rent tenure and provide accommodation suitable for smaller families. While we would typically look for provision across a range of tenures, given the high proportion of social rent units and limited site size to accommodate 2 lifts in each access core, the offer in this particular case is considered to be acceptable (Condition 11).
- 10.37 Amendments have been carried out during the consideration of the application in response to comments of the Council's Access Officer. All 23 units have also been designed to achieve the Lifetime Homes Standards (Condition 12).
- 10.38 With regard to the ground floor community centre, this would provide level access, ground floor accessible W.Cs and would be in accordance with the Islington Inclusive Design SPD (Condition 13).

Landscaping and Trees

- 10.39 The site currently has a small grassed area to the north of the community centre with the adjoining playground area to the north and west supporting a number of trees in close proximity to the site boundary. Both the Goodinge Road and North Road elevations have two street trees, a total of four.
- 10.40 The street trees and perimeter trees surrounding the site contribute positively to the visual amenity of the locality, playing an important role in providing a demarcation of the school site and visual break to built form within the immediate vicinity.
- 10.41 The proposal would involve the removal of the most southerly of the street trees on Goodinge Road to ensure that there is adequate pavement width to provide a suitable means of access to the proposed community centre. Whilst the loss of this tree is regrettable, should it be retained the proximity of the proposed development would be likely to impact upon the future of this tree. The loss of the tree is considered to be acceptable, subject to its replacement with two new street trees, which has been agreed by the applicant and would be secured through the Directors' Agreement.
- 10.42 The submitted Arboricultural Impact Assessment sets out that all of the eleven perimeter trees at the school site would be retained. The Council's Tree and Landscape Officer has noted that this is optimistic and it is likely that during construction a number of the trees, if not all of them would be damaged and/or lost. However, the loss of these trees could be considered acceptable subject to their replacement or relocation within the school site. This will be addressed by a condition (Condition 21) and in the Directors' Agreement (paragraph 7 of the Heads of Terms).

- 10.43 Although there would be a loss of soft landscaping at the site, which consists solely of a rear grassed area, the proposal would include a courtyard area and an area of green roof over the single storey element. However, the current external area is under utilised and of little bio-diversity value. Furthermore, following public consultation a door has been added to the north elevation of the community centre that would lead onto the school parking area to the north and could therefore facilitate the future shared use of school amenity space outside of school hours (if appropriate in the future).
- 10.44 The proposed green roof would have a significant biodiversity value and to ensure this a condition (Condition 8) is attached which prescribes a substrate depth of 120-150mm to maximise benefits for biodiversity, sustainable drainage and cooling. Furthermore, bird and bat boxes would also be conditioned (Condition 14).
- 10.45 By reason of the retention and/or replacement of all the trees at the site, the introduction of a green roof, the future potential for shared use of amenity space and the wider benefits of the proposal, the proposal is considered to be acceptable with regard to landscaping, open space, bio-diversity and trees.

Neighbouring Amenity

- 10.46 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.47 Overlooking / Privacy Policy identifies that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.48 The proposal is set across the highway and over 20 metres away from the nearest residential units and therefore no unacceptable loss of privacy would result.
- 10.49 Overbearing The proposed building would be set a clear distance from the nearest residential properties and due to its location at the junction of two roads and next to an extensive school play area, space would remain around the building. By virtue of this, the proposed building would not be overbearing to the neighbouring occupiers.
- 10.50 Daylight and Sunlight The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the

2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.

- 10.51 Daylight the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

- 10.52 Sunlight the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

- 10.53 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Sunlight and Daylight Losses for Affected Properties Analysis

- 10.54 Residential dwellings within Market estate, Block 1 have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.
- 10.55 Due to the orientation of dwellings within this block to the proposed building and the solar path of the sun the development will not have an effect on sunlight provision to these dwellings.
- 10.56 In relation to daylight, vertical sky component tests in accordance with BRE guidelines have been carried out and show that all units will retain VSC values exceeding minimum requirements (i.e would retain existing or continue to retain 27% VSC or greater).
- 10.57 The report concludes that the retained levels of daylight to neighbouring residential properties will be very good for an urban location and the impact of the scheme will not be harmful.

- 10.58 The applicant has detailed that due to the distance from the application site of other properties, these are unlikely to be affected by the development. Given the results of the Daylight/Sunlight Assessment in relation to the Market Estate Block 1, this is accepted.
- 10.59 Overshadowing The BRE guidelines states that to appear adequately sunlit throughout the year at least half of an amenity space should receive at least 2 hours of sunlight on 21st March.
- 10.60 The submitted Daylight/Sunlight Assessment details that on 21st March all of the surrounding amenity spaces would receive at least 6 hours of sunlight to over half of the space. Although the school playground to the north would be the most affected, the overshadowing would be most apparent in the morning but that shading would be located predominantly over a parking area and access road. The overshadowing would then all but cease by midday.

Quality of Resulting Residential Accommodation

- 10.61 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.62 Unit Sizes All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. A condition is attached to the officer recommendation requiring the attainment of the minimum floor to ceiling height of 2.6 metres (Condition 3).
- 10.63 Aspect/Daylight Provision Policy DM3.4 part D sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'.
- 10.64 Of the 23 residential units, 20 are dual aspect, which includes all of the 16 social rented tenure. The 3 x 2 bed units which are single aspect are southerly facing and provided with southerly facing balconies onto North Road.
- 10.65 Amenity Space Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 sq metres on upper floors and 15 sq metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 sq metre is required on upper floors and 5 sq metres on ground floor level.
- 10.66 All of the proposed units are provided with private amenity space in the form of balconies or a terrace. All but 1 of the units comply with the minimum requirements for upper floor units. This shortfall is by 1 sq metre.
- 10.67 Overlooking/Privacy The layout of residential units and window placement effectively ensures that there would not be undue overlooking between proposed residential units.

- 10.68 Refuse Dedicated refuse and recycling facilities/chamber are provided for the residential uses. The location and capacity, and management of these facilities have been developed in consultation with the Council Street Environment Department and is acceptable.
- 10.69 Playspace Although the proposal does not include the provision of any on-site playspace this is mitigated through a financial contribution (paragraph 4 of the Heads of Terms).

Dwelling Mix

- 10.70 The scheme proposes a total of 23 residential units with an overall mix comprised of:

Dwelling Type	Social Rent (No. / % HR)	Policy DM3.1 Target Mix	Intmd (No. / %)	Policy DM3.1 Target Mix	Private (No. / %)	Policy DM3.1 Target Mix
One Bedroom	0 / 0%	0%	0 / 0%	65%	0 / 0%	10%
Two Bedroom	10 / 77%	20%	4 / 100%	35%	2 / 33.3%	75%
Three Bedroom	3 / 23%	30%	0 / 0%	0%	4 / 66.6%	15%
Four Bedroom	0 / 0%	50%	0 / 0%	0%	0 / 0%	0%
TOTAL	13		4		6	

- 10.71 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.
- 10.72 For the social rent units there is provision across the 13 units of both 2 and 3 bedroom units. However this mix when compared to the target social rent dwelling mix does depart in so far as there are more smaller units and less larger units. This is both a conscious decision by the applicant and a response to the site constraints (ground floor community use).
- 10.73 Recent changes in housing legislation to address the under occupation of social housing have created a greater demand for smaller social housing units. The applicant, LBI Housing propose this dwelling mix to allow mobility

within the social housing sector to accommodate these national changes to the welfare system.

- 10.74 Supporting text of policy DM3.1 within Development Management Policies relates to this objective stating 'There may be proposals for affordable housing schemes that are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation). In these situations deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington'.

Affordable Housing and Financial Viability

- 10.75 The London Plan, under policy 3.11 identifies that boroughs within their LDF preparation should set an overall target for the amount of affordable housing provision needed over the plan period in their area and separate targets for social rented and intermediate housing and reflect the strategic priority accorded to the provision of affordable family housing. Point f) of this policy identifies that in setting affordable housing targets, the borough should take account of *"the viability of future development taking into account future resources as far as possible."*
- 10.76 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that *"50% of additional housing to be built in the borough over the plan period should be affordable and that provision of affordable housing will be sought through sources such as 100% affordable housing scheme by Registered Social Landlords and building affordable housing on Council own land."* With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the *"maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver **at least** 50% of units as affordable subject to a financial viability assessment the availability of public subsidy and individual circumstances on the site."*
- 10.77 Policy CS12 confirms that an affordable housing tenure split of at least 70% social rent housing and a maximum of 30% intermediate housing should be provided.
- 10.78 The Affordable Housing Offer The proposed development would provide a total of 23 residential units (both for private sale and affordable housing). Of the 23 units (79habitable rooms, hr), 17 of these units (57 hr) would comprise affordable housing. Affordable housing provision is typically calculated with reference to the number of habitable rooms provided and in this instance the scheme would provide 72% affordable housing. The scheme provides 74% affordable housing if measured by units however habitable rooms is considered a more accurate measurement of the division of a residential development between different tenures on account of the typical requirement for larger units in the social rent tenure.

- 10.79 Within the affordable housing provision there is a split between social rent and intermediate housing. The policy requirement is for at least 70% of the provision to be social rent and a maximum of 30% as intermediate/shared ownership. A higher percentage provision of social rent tenure is not considered to be of concern given the identified housing needs for this type of accommodation nor is it contrary to this policy given its specific wording that at least 70% will be social rent. The proposed affordable housing is split 79% social rent and 21% intermediate/shared ownership (by habitable rooms).
- 10.80 The affordable housing offer on this site in terms of the quantity, quality and mix is considered to make a positive contribution to the housing needs of the borough. As stated previously, the proposal has been developed in part with a view to help encourage the efficient use of Islington's housing stock.
- 10.81 The proposal fails to provide 100% affordable housing as sought by policy CS12 for developments on Council's own land. The proposed mix includes private housing to financially support the delivery of the affordable housing element and the community centre. Notwithstanding this cross subsidy role, it is the applicant's contention that the scheme would still be unviable were it not for the use of public funds to support the affordable housing delivery.
- 10.82 In accordance with policy requirements, a financial assessment has been submitted with the application to justify the proportion of affordable housing offered. In order to properly and thoroughly assess the financial viability assessment, the documents were passed to an independent assessor to scrutinise and review.
- 10.83 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy/grant input to address the shortfall between the revenues generated by the development and the costs of providing it. The independent assessor has considered the information submitted and has agreed that the scheme would be unviable without such a subsidy. This is attached as a redacted version of the Council's independent advisor's report at Appendix 4.
- 10.84 In conclusion it is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing is unviable. However the applicant LBI Housing is not a commercial developer and obviously in line with Council objectives, is primarily seeking to deliver housing and a community centre to meet identified needs.
- 10.85 In terms of the policy situation, when reading the full breadth of policy CS12, it is clear that viability is a consideration in assessing and establishing the affordable housing provision on a development. In addition it is apparent that 100% affordable housing schemes will be sought from development on Council land. However, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that considerable public subsidy/grant funding is required to support the lower provision including the provision of other benefits such as the community centre re-provision (and expansion).

10.86 It is not considered that it would be reasonable to require in planning terms an additional amount of public subsidy/grant funding to be committed to the scheme to provide a 100% affordable scheme. Considerable weight needs to also be given to the 79% offer put forward which will make a significant contribution towards CS12 policy requirement for 50% of new housing built over the plan period (2011-2017) to be affordable. It is apparent that it would be a matter for the applicant LBI Housing to consider what level of public subsidy they wish or can commit to the scheme taking into consideration the wider delivery of affordable housing within the borough. In addition it is noted that the necessary re-provision of the community centre places a significant financial constraint on the development that affects the affordable housing offer.

Sustainability

10.87 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would reach Code for Sustainable Homes level 4 (residential) in line with policy. It is also projected that the community centre will attain a BREEAM (other buildings) rating 'excellent' in line with policy. Conditions 6 and 7 would secure these standards.

10.88 London Plan policies 5.10 and 5.11, Islington Core Strategy Policy CS10 and Islington Development Management Policies policy DM6.5 promote urban greening and enhancing biodiversity. The London Plan 2011 policy 5.13 considers development should utilise Sustainable Urban Drainage Systems (SUDS) unless practical reasons prevent this, and should aim for Greenfield runoff rates.

10.89 The proposal significantly reduces the amount of open space for run-off at the site, and whilst introducing an area of green roof, it is likely that this would not represent a substantial area to mitigate the run-off from the development. However, given the limited site area available for Sustainable Urban Drainage System (SUDS) it is considered that the green roof should be of a sufficient depth to help reduce water run-off at the site. Condition 8 requires details of the green roof to be submitting, ensuring that a sufficient substrate depth is achieved.

10.90 Conditions are recommended to ensure:

- the water use target is met (Condition 24); and
- bird and bat boxes to be provided (Condition 14);

Energy Efficiency and Renewable Energy

10.91 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 30% relative to total emissions from a building which complies with Building Regulations 2010 (40% where connection to a

Decentralised Heating Network in possible). Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).

- 10.92 This site is not located within an area served by an existing district heating network. Policy DM7.3 of the Development Management Policies document identifies in part D that major development should connect to a Shared Heating Network linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible. It has been accepted that this is not a feasible option in the short term during the construction of the development. In such cases, policy 5.6 of the London Plan and Islington's Environmental Design SPD set out that a site wide CHP should be provided, or where not feasible then a communal heating (and cooling where relevant) system should be installed.
- 10.93 The scheme, based on use of high performance building fabric, high efficiency heating systems and controls, low energy lighting and PV renewables achieves an initial projected 19.58% reduction in total CO2 emissions versus an equivalent 2010 part L building regulations compliant scheme. The applicant has presented an argument that although a 30% rating has not been achieved other efficiencies have been reasonably explored and found to not be feasible (as set out within the energy strategy).
- 10.94 The Energy Officer has considered the overall strategy and is largely satisfied with the approach. The provision of a Communal Heating System has been agreed with the applicant and the Energy Officer, which may result in further reductions in CO2 emissions at the site as the above projection did not include the communal heating system. A condition (Condition 15) is recommended requiring the provision of such a system and the submission of a revised energy strategy and this is considered to maximise CO2 emission reductions.
- 10.95 A draft Green Performance Plan (GPP) has been submitted and is considered to be acceptable. A final GPP is required as part of the Directors' Agreement.

Highways and Transportation

- 10.96 The Site has a 'Very Good' Public Transport Accessibility Level (PTAL 5), and is located within a Controlled Parking Zone (CPZ). The site is in close vicinity to a number of bus stops, Caledonian Road and Holloway Road Underground Stations and Caledonian Road and Barnsbury Overground Station.
- 10.97 Public Transport Implications. The site is currently used as a community centre and is highly accessible. The infrastructure provision in the area naturally encourages the use of public transport.
- 10.98 The development would give rise to additional demands on transport infrastructure in terms of an increased floor area at the community centre and the introduction of residential occupiers and their visitors relative to the existing situation. Due to the increased number of site users it is considered necessary to make a financial contribution in order to mitigate the impacts on

surrounding transport infrastructure (see Recommendation A, paragraph 2 of the Directors' Agreement Heads of Terms).

- 10.99 Vehicle Parking Residential occupiers would not be eligible to attain onstreet car parking permits for the surrounding CPZ in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure. The exceptions to this would be where, in accordance with Council parking policy, persons occupying the residential development are living in residential properties within Islington prior to moving into the development, have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. In this case, in the interests of reasonableness and not to deter movement within the borough of existing residents they will be able to transfer and attain a permit.
- 10.100 Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.
- 10.101 These two exceptions may result in limited vehicular parking on surrounding roads, however by virtue of the Council's policy, that is not considered to be harmful.
- 10.102 Delivery and Servicing Arrangements A condition is attached (Condition 17) to the officer recommendation requiring details of servicing arrangements for the residential and community centre uses on the site to be submitted prior to the commencement of those uses.
- 10.103 Cycle Parking The scheme shows the provision of 53 secure and covered residential cycle spaces contained within the two residential cores and 2 secure and covered cycle spaces within the community centre.
- 10.104 Since the comments received from the Transport Planning Officer two staff cycle parking spaces; a demarcated area for the mobility scooter storage/charging point and family bicycle/trailer space have been provided. The provision meets the minimum standards for both the residential and community centre uses.
- 10.105 Waste/Refuse The proposal includes the provision of a refuse store within each of the two residential cores and a separate store for the community centre. The Council Street Environment Service has been consulted on the proposal and are satisfied that the refuse storage would be acceptable. A condition (Condition 9) is attached which requires the facilities to be provided prior to first occupation of the development.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.106 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.

10.107 The proposed development generates a requirement for s106 contributions towards transport and public realm, public open space improvements, children and young people's play and informal recreation, sport and recreation and the re-provision of two street trees.

10.108 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval. The agreement will include the following agreed heads of terms:

- Onsite Affordable Housing provision (72% by habitable rooms, split 79% social rent tenure and 21% shared ownership/intermediate);
- Contribution of £37,367 towards transport and public realm improvements;
- Contribution of £36,517 towards public open space improvements;
- Contribution of £43,500 towards children and young people's play and informal recreation;
- Contribution of £16,512 towards sport and recreations facilities;
- Contribution of £1600 towards removal of street trees and provision of two new street trees;
- CAVAT value of any trees removed, as identified by an approved Arboricultural Method Statement;
- Repair and re-instatement of footways and highways (subject to conditions surveys);
- Compliance with Code of Employment and Training including delivery of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks;
- Compliance with the Code of Local Procurement;
- Removal of Car Parking Permits;
- Compliance with the Code of Construction Practice, plus monitoring fee (£1900);
- Provision of two accessible parking bays or a contribution of £4000 towards bays or other accessible transport initiatives;
- Contribution towards offsetting any projected residual CO2 emissions from the development based on updated Energy Strategy (currently at £56,575);
- Submission of community centre user group relocation strategy, bus/coach service and notification of user groups;
- Submission of a Green Performance Plan;
- Submission of Travel Plan; and
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

10.109 No financial contribution to community facilities has been taken on the basis of the community space re-provision on the site.

- 10.110 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London'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. CIL will be payable to the London Borough of Islington after the planning consent has been implemented and will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).
- 10.111 Affordable housing is subject to relief for CIL liability. It is for the applicant to claim for "social housing relief" after the planning service has confirmed the chargeable amount in the Liability Notice.

National Planning Policy Framework

- 10.112 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

Other Matters

- 10.113 In the representations received comments are made regarding the proposed building blocking views from the neighbouring residential properties. It should be noted that in respect of planning there is no right to a view. However, the neighbouring properties would retain an acceptable level of outlook, daylight and sunlight.
- 10.114 The representations received have raised concern over the consultation by the Local Planning Authority on the development. The Council has exceeded the statutory consultation requirements which set out that the immediately adjoining sites should be notified along with a site notice being displayed. The Council sent out a total of 286 letters notifying residents in the wider area.
- 10.115 Representations have been received which identify that the proposed density of the development should be considered in the context of other recent major developments in the area (including the Market Estate) and that cumulatively these developments constitute a level of development which should not be supported in the area. Planning legislation is clear in that each development proposal is to be considered on its merits against planning policies and material considerations.
- 10.116 Loss of financial value to neighbouring properties has been raised as objections, however, financial value is not a material planning consideration and as such has not been assessed here.
- 10.117 The representations received consider that the proposed community centre and additional homes would exacerbate existing anti-social behaviour in the locality. The community centre currently carries out a number of operations which seek to reduce anti-social behaviour in the area and the proposal

includes the reprovision of the community centre with a greater floor area. Furthermore, the development would introduce a greater level of actual and perceived overlooking to the street, which could help further reduce anti-social behaviour.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal ensures that social infrastructure is adequately replaced on the site in the form of a new larger community centre to the benefit of the local community.
- 11.2 The resultant building would introduce a high quality contemporary building with a scale and massing that would be in-keeping with the existing and emerging townscape of the locality.
- 11.3 The proposal delivers good quality housing including a high proportion of affordable housing and inclusive accommodation. This delivery positively addresses the priorities of the Council for tackling the borough's housing challenge.
- 11.4 The proposal has also responded positively to sustainability and energy efficiency policies of the Council and will deliver agreed planning obligations to invest in surrounding infrastructure to mitigate additional population growth.
- 11.5 Appropriate consideration has been given in the layout and detailed design of the proposal to the amenities of neighbouring existing properties.

Conclusion

- 11.6 It is recommended that planning permission be granted subject to conditions and director level agreement securing the 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 a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development 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:

1. On-site provision of affordable housing in line with submission documents including a provision of 72% affordable housing divided between 79% social rent tenure and 21% shared ownership/intermediate. All measured by habitable rooms.
2. A contribution of £37,367 towards transport and public realm improvements within the vicinity of the site.
3. A contribution of £36,517 towards public open space improvement works within the vicinity of the site.
4. A contribution of £43,500 towards children and young people's play and informal recreation facilities in the vicinity of the site.
5. A contribution of £16,512 towards sport and recreation facilities within the vicinity of the site.
6. A contribution of £1600 towards the removal of one street tree (on Goodinge Road) to facilitate access to the new community centre, the reinstatement of the tree pit once the tree has been removed and the provision of two new street trees on Goodinge Road. The works to be carried out by the Council's Arboriculture Team.
7. Where any trees are proposed to be removed following the submission and approval in writing of an Arboricultural Method Statement, the CAVAT value of each tree shall be confirmed by the Council's Arboricultural Team and provided to the Council. The works to replace the trees will be carried out by the Council's Arboricultural Team.
8. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
9. Compliance with the Code of Employment and Training.
10. Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5,000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.

11. Compliance with the Code of Local Procurement.
12. Removal of eligibility for residents' parking permits.
13. Compliance with the Code of Construction Practice, including a monitoring fee of £1,900 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
14. The provision of 2 accessible parking bays or a contribution of £4,000 towards bays or other accessible transport initiatives.
15. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £56,575); Total amount to be confirmed by the Council's Energy Conservation Officer after approval of Condition 15 (Energy Strategy).
16. Prior to the demolition of the existing community centre a strategy for the temporary relocation of user groups, including coach/transfer systems shall be submitted and approved by the Local Planning Authority and the user groups notified of the strategy.
17. Prior to the demolition of the existing building a Green Performance Plan shall be submitted to and approved by the Local Planning Authority.
18. Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
19. Council's legal fees in preparing the Directors' Agreement and officer's fees for the preparation, monitoring and implementation of the Directors' Agreement.

That, should the Director Level Agreement not be completed prior to the expiry of the planning performance agreement the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Directors' Level Agreement is not acceptable in planning terms.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	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 (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>498_PL_001, 498_PL_002, 498_PL_003, 498_PL_005, 498_PL_006 Rev B, 498_PL_007, 498_PL_008, 498_PL_009 Rev C, 498_PL_010 Rev C, 498_PL_011 Rev C, 498_PL_012 Rev B, 498_PL_013 Rev A, Planning Statement (ref: LBI-GCC-01F), Design and Access Statement (March 2014), Arboricultural Impact Assessment (ref: DFCP 2971), Energy Strategy Report (03 June 2014), BREEAM Pre-Assessment Report (02 June 2014), Code Pre-Assessment Report (November 2010 Manual, 02 June 2014), Baily Garner LLP Response to Feedback Received from LBI Energy Officer's Feedback (21 May 2014), Green Performance Plan (28 February 2014) and Daylight Sunlight Report (ref: W893/rel1).</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>
3	Materials and Samples (Details)
	<p>CONDITION: Details including drawings at a 1:5 scale and samples of all facing materials used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the development. The details and samples shall include but not be limited to the following:</p> <p>a) Facing Brickwork(s); Sample panels of proposed brickwork to be used showing the colour, texture, facebond (street elevations in Flemish bond and rear elevations in stretcher bond), pointing, perforated brickwork and ground floor engineering brick shall be provided</p> <p>b) Glazed tiles</p> <p>c) Doors</p> <p>d) Dark framed windows (Reveal depth of a minimum of 180mm)</p> <p>e) Balustrades</p> <p>f) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>a) The finished floor to ceiling heights shall be a minimum of 2.6 metres.</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	No Plumbing or Pipes (Compliance/Details)
	CONDITION: Notwithstanding the plans hereby approved, no plumbing, down

	<p>pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
5	Lighting (Details)
	<p>CONDITON: Details of any general/security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
6	Code for Sustainable Homes (Compliance)
	<p>CONDITION: The residential units hereby approved shall achieve a Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
7	BREEAM (compliance)
	<p>CONDITION: The community centre hereby approved shall achieve a BREEAM New Construction rating (2011) of no less than 'excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
8	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Prior to any superstructure work commencing on the development details of the biodiversity (green/brown) roof shown across the development shall be submitted to and approved in writing by the Local Planning Authority</p> <p>The green/brown roof shall be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 120 -150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a

	<p>maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved, shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
9	<p>Refuse/Recycling Provided (Compliance)</p> <p>CONDITION: The dedicated residential refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved 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>
10	<p>Cycle Parking (Compliance)</p> <p>CONDITION: The bicycle storage areas detailed on the plans, including the defined area demarcating the mobility scooter storage/charging point and family bike/trailer storage area, shall be provided prior to the first occupation of the development hereby approved 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>
11	<p>Wheelchair Accessible Units (Compliance)</p> <p>CONDITION: The three (3) wheelchair accessible dwellings of the development as identified in the approved documents shall be provided and fitted out prior to the first occupation of the development.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>
12	<p>Accessible Homes Standard (Compliance)</p> <p>CONDITION: The residential dwellings hereby approved within the development, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>

13	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall provide the following in accordance with the approved drawings and ensure the delivery of the following provisions:</p> <ul style="list-style-type: none"> - For each access core the passenger lift(s) serving the dwellings shall be installed and operational prior to the first occupation of residential dwellings accessible from that access core. - step free access to all accommodation and level thresholds to private gardens/terraces; and - The two accessible W.Cs in the community centres shall be installed prior to the first occupation of the community centre. <p>The development shall be constructed carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
14	Nesting Boxes (Compliance)
	<p>CONDITION: At least 4 nesting boxes / bricks for birds or bats shall be provided within the development, installed prior to the first occupation of the building to which they form part and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
15	Energy Efficiency – CO2 Reduction (Compliance/Details)
	<p>CONDITION: Prior to commencement of the development the applicant shall submit to the Local Planning Authority and have approved in writing details of:</p> <ul style="list-style-type: none"> a) A Communal Heating System (incorporating future proofing to connect to a future shared heat network); b) A revised Energy Statement, which shall provide for no less than the agreed 19.58% on-site total CO2 reduction in comparison with total emissions from a building that complies with Building Regulations 2010; and c) A cooling hierarchy and overheating modelling. <p>The final agreed scheme shall be installed and operation prior to the first occupation of the development.</p> <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 sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction</p>

	targets are met.
16	Noise Levels (Compliance)
	<p>CONDITION : For all the approved residential units sound insulation and noise control measures shall be used to achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>Such levels shall be achieved prior to the occupation of the residential units hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
17	Delivery Servicing Plan (Details)
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the residential units and the community centre including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
18	Sound Insulation Between Uses (Details)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed community centre use and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority within 3 months of implementation.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, and shall be maintained as such thereafter.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
19	Plant (Compliance)

	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
20	<p>Community Centre Management (Details)</p> <p>CONDITION: Prior to the occupation of the Community Centre details of the accessibility measures and hours of operation shall be submitted to and approved by the Local Planning Authority.</p> <p>Operations shall then comply with the details hereby approved.</p> <p>REASON: To ensure the sustainable management of the Community Centre.</p>
21	<p>Arboricultural Method Statement (Details)</p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection (or relocation) of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity.</p>
22	<p>Tree Protection – Scaffolding (Compliance)</p> <p>CONDITION: All scaffolding that is located within 2m of the crowns of established and retained trees shall have a maximum working width / project no further than 1.2m from the buildings facia or elevation and the reduced width scaffolding shall be maintained for the period of the construction of the development.</p> <p>In the case of this requirement being triggered the outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works.</p> <p>Any glass, insulation, finishing, trims, cladding, facia panels etc that are not able to be positioned or affixed due to the reduced scaffolding width shall be craned / placed into position or affixed to the building at a later stage of construction or by other means not requiring and further pruning of the trees.</p>

	REASON: To protect the long term health and amenity of the trees of amenity and environmental value.
23	Doors (compliance)
	CONDITION: The ground floor doors in the north elevation of the building hereby approved shall only be used to access the school site outside of school hours and with the prior permission of the relevant school. REASON: To ensure the sustainable management of the Community Centre.
24	Water Use (Compliance)
	CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings. REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 201 and policy CS10C and G of the Islington Core Strategy 2011.
25	Construction and Demolition Logistics Plan (Details)
	CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing environmental impacts (including (but not limited to) bird breeding seasons, noise, air quality including dust, smoke and odour, vibration) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The document should pay reference to Islington's Code of Construction Practice, the GLA's BPG on control of dust from construction sites, BS5228:2009 and any other relevant guidance. The development shall be carried out strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority. REASON: In order to secure highway safety and free flow of traffic on the surrounding road network, local residential amenity and mitigate the impacts of the development.

List of Informatives:

1	Planning Obligations Agreement
	You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.

2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>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.</p>
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>
4	Car-Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that 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, or other exemption under the Council Parking Policy Statement.</p>
5	Water Infrastructure
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	Working in a Positive and Proactive Way
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are 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>

	The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
7	Materials
	INFORMATIVE: In addition to compliance with condition 3 materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

APPENDIX 2: RELEVANT POLICIES

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

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.

Development Plan

The Development Plan is comprised of the London Plan 2011, 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 2011 - Spatial Development Strategy for Greater London

3 London's people

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.2 Improving health and addressing health inequalities
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.7 Large residential 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 3.14 Existing housing
- Policy 3.15 Coordination of housing development and investment
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.17 Health and Social Care Facilities
- Policy 3.18 Education facilities

5 London's response to climate change

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs

6 London's transport

- Policy 6.1 Strategic approach
- Policy 6.2 Providing public transport capacity and safeguarding land for transport
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking

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 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

- Policy 8.1 Implementation
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and
wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation
and demolition waste

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's
Character)

Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green
Infrastructure)

Strategic Policies

Policy CS9 (Protecting and Enhancing
Islington's Built and Historic
Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing
Challenge)

Infrastructure and Implementation

Policy CS18 (Delivery and
Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Energy and Environmental Standards

DM7.1 Sustainable design and
construction statements
DM7.2 Energy efficiency and carbon
reduction in minor schemes
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Housing

DM3.1 Mix of housing sizes
DM3.2 Existing housing
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential
uses)

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new
developments

Shops, cultures and services

DM4.12 Social and strategic
infrastructure and cultural facilities

Health and open space

DM6.1 Healthy development
DM6.3 Protecting open space
DM6.4 Sport and recreation
DM6.5 Landscaping, trees and
biodiversity

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

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:

- Adjoins Hungerford Road Grade II listed site

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Accessible Housing in Islington
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3: DRP Comments

CONFIDENTIAL



Housing & Adult Social Services
Islington Council
Northway House
257 Upper Street
London
N1 1RU

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: **DRP/017**

Date: 20 December 2013

Dear Geraldine Medrano,

ISLINGTON DESIGN REVIEW PANEL

RE: Goodinge Community Centre, Junction of North Road and Goodinge Road, London

Thank you for coming to Islington's Design Review Panel meeting on 10 December 2013 for review of a proposed development scheme at the above address. The proposed scheme under consideration was demolition of existing single storey building housing the Goodinge Community Centre and redevelopment of the site to provide a 5 storey L shaped building comprising of the re-provision of the Community Centre at ground floor level and residential housing on upper floors (officer's description – linked to pre-application submission ref: Q2013/3710/MJR).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), James Dunnett, Lucy Musgrave, John Romer, Thomas Lefevre and Simon Foxell on Tuesday 10 December 2013 including a site visit in the morning and a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Municipal Offices, 222 Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

- The Panel welcomed the concept of re-provision of improved community facilities and housing to the area. However, panel members were generally disappointed that the proposal is not part of a wider masterplan for the area which should look to integrate nearby community facilities and explore highways and accessibility improvements. Furthermore, concerns were raised in relation to the impact the development of this site in isolation may have on future redevelopment of surrounding sites – the Panel emphasised that it is fundamental to understand how the proposed building would accommodate future change behind it or across the street to the existing health centre or along Goodinge Road. It was stressed that this may be a missed opportunity in integrating the scheme into a wider community infrastructure.
- The Panel was not entirely convinced about the architectural solution, in particular they felt the civic nature of the building should appear as its primary function. If the community centre is integral to the housing where the housing is seen as 'extending' the identity of

the community presence and the civic character of the block, the Panel questioned why both could not be developed together. Panel members felt that the elevations were limited to the ground floor only and that the blank gable end walls had not been developed to the same level of detail. It was also pointed out that the smoothness of how the residential sat on the community centre was also regrettable as it did not give the ground floor enough presence. This was exacerbated by the low floor to ceiling height given to the halls, making the base of the building look squat. With no overhang or canopy around the building to give shelter, there were concerns that the halls may be constrained especially if they are packed with people.

- Panel members were concerned that the North Road elevation appeared primarily as a closed facade with almost 50% dedicated to storage with the rest being taken up by the constrained residential entry and a very guarded "grill-like" hall facade. Given the lack of ground floor activity in the new blocks across the street, it was highlighted that this is an important opportunity to get activity visible from the street.
- The Panel felt that the two separate entries for the residential tenures were understandable as the default option but they were concerned that this also constrained the ability to get active community presence onto the street. Panel members queried whether a single residential entry or, as a compromise, a single communal entry/'foyer' with two cores off of it deep in the plan (i.e. like the community element) could not be explored. However the Panel questioned whether the need for two separate cores was fully justified in a building of relatively small footprint.
- There was some discussion surrounding the disposition and layout of the block. Panel members noted that the residential element was delivering a standard perimeter block morphology mimicking the new block across the street where the 5/6 storey block came straight down to the back of pavement street edge. Concerns were raised that this would look out of keeping with the neighbourhood and would effectively make this junction strangely dominant especially as Goodinge is a cul de sac while routes on the other side of North Road lead to a park. The protection of the school playgrounds from residential overlooking seemed to be also reinforcing this morphology (to get double aspect apartments). The Panel queried whether other forms or ways of angling windows from play areas had been looked at.
- The Panel welcomed the intention of exploring sustainable measures for the site but questioned whether the sustainability aspirations for the site were ambitious enough for a Council project for community services.
- Panel members indicated that more detail should be provided on the residential layouts and the façade treatment of the entire proposed building and, therefore, would welcome seeing the scheme again once it is further developed.

Summary

The Panel generally supported the provision of community facilities and housing on site. They highlighted that there was a fantastic opportunity to deliver a first class facility in the area but, particularly with the Council as key stakeholder, they felt that the opportunity had not been entirely seized yet and that a wider integrated scheme should be explored. They noted that there are a series of constraints affecting the delivery of the project and questioned whether there would be any areas which could be relaxed or compromised on to allow the scheme to develop in a more positive way.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lucy', written in black ink.

Luciana Grave
Design Review Panel Coordinator/
Design & Conservation Team Manager



Viability Appraisal

Goodinge Community Centre

Background

Adams Integra have been instructed by the London Borough of Islington to comment on the viability of the proposed re-development of the site at Goodinge Community Centre, in Islington. The council will be demolishing the existing single storey Goodinge Community centre building and replacing this with a 6 storey building comprising of a community centre at ground floor level and 23 residential units on upper levels comprised of 16 x 2 bed flats and 7 x 3-bed flats of which 13 are for Social Rent, 4 for Shared ownership & 6 for Private sale. The proceeds of these sales will subsidise the development of the affordable units and the new community centre.

Our comments relate purely to the viability of the scheme and do not cover any other planning matters.

It is a Council led scheme and the applicants maintain that the schemes provide the minimum number of private houses needed to subsidise the affordable housing in order for the schemes to remain viable.

Viability is considered to be a material consideration which Local Planning Authorities are obliged to take into account in considering planning requirements.

Adams Integra have a considerable track record of assessing viability of planning gain requirements both for Local Authorities and for developers. This expertise runs to several years work for 73 Local Authorities and for a range of national, regional and local developers.

The writer of this report, David Coate, has over 25 years experience in the development industry working for Local Authorities and developers as well as RPs and consultancy. He is experienced in considering viability analysis.

The need to consider viability is a material consideration. There is no debate about the reasonableness of the Council's requirements, the nub of the issue is the impact in this case of what is required and how that affects the profitability of the scheme.

To take a view on a viability assessment put to us we have carried out a viability appraisal based on assumptions made by the applicant and using industry standard assumptions.



We have used the Homes and Communities Agency's Development Appraisal Tool (HCA DAT) which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool (HCA EAT). The scheme has been appraised against an existing use value for the land. In this case the HCA DAT assesses whether the scheme is in surplus (i.e. viable) or in deficit (not viable). The HCA DAT is widely used in viability arguments and has been used at many inquiries where viability is an issue.

The Planning Gain requirement

The key question in this assessment is could the scheme in a commercial viability sense support an additional level of affordable housing than proposed or has the most or a greater amount than can be supported in commercial viability been proposed

Reasonable Profit Level

Adams Integra has represented numerous clients in both Appeal and Local Planning Inquiry context. At those forums the level of profit a scheme should make has been the subject of debate with expert witnesses and Inspectors coming to the view that, if at all possible, schemes should make between 17.5% to 20% profit on sales over cost. We have, however, appraised this scheme using a profit level of 5% for both the private units and the affordable element as this is a Council led scheme and any "profit" would be re-input into the scheme. The 5% element refers to a builder's profit that would be required by the contractor. In our opinion these are reasonable figures to use for a development such as this.

Appraisal summary

We have carried our own appraisal of the scheme based on standard generic values but with actual values or estimates where these are given by the applicant. **In the HCA DAT social housing grant is not input – it is assessed in relation to the appraisal as a nil grant case.**

Assessment of figures

The appraisal presented with this report has been assessed by the writer with his considerable experience in this field.

Build Costs

The applicants have used build costs of £ for the residential element which equates to a build cost rate of £ /m² and £ for the community building which equates to a build cost rate of £ /m². This also includes all of the other associated works and the circulation areas. We have not seen a detailed breakdown of the build costs but we agree that when compared to BCIS figures and other similar schemes the build costs are reasonable.



Sales Values

Regarding the sales prices the Council’s appraisal assumes sales revenues of £ for the 2 bed flats and £ for the 3 bed flats.

We have carried out web based research using Zoopla and Rightmove and through talking to local estate agents.

This research indicates that the proposed sales values are reasonable

We have used the applicant’s sales figures in our appraisal.

Affordable Housing Values

We have used the social rental figures as per the applicant’s appraisal as follows:

2 Bed Flat Low rise	£	per week
3 Bed Flat Low rise	£	per week

For the shared ownership we have assumed a 40% initial share with a rent of 2.5% on the unsold equity.

Other assumptions

We have adopted a rate of 10% of the build costs to reflect the professional fees that would be incurred by the Council as per the HCA guidance.

We have used an interest rate of 7%.

We have not allowed for any S106 payments.

Land Values

The user manual of the HCA EAT states that the land value derived from the EAT should be compared to the Existing Use Value of the land to determine if a scheme is viable. We have shown the value of the site as being £ for the acquisition and site assembly. This is because the sites are already in the Council’s ownership.

Conclusions

The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme.



In this case if the results of the RLV show a positive value then the scheme is viable if not then the scheme is not viable and would require further funding in the way of social housing grant.

We have carried out an HCA DAT appraisal of the current scheme using the input values described above for the 23 unit scheme. This produced a **deficit of £**

It is our opinion that this appraisal demonstrates that the level borrowing is required to make the scheme viable and also demonstrates that any further provision of affordable housing would not be possible for the scheme to remain viable.

It is our opinion that the sales values and build costs should be monitored and any increased revenue from potential higher sales or lower build costs should be allocated towards further regeneration works within the Borough.

This scheme has been looked at in terms of its particular financial characteristics and it represents no precedent for any sustainable approach on the Council's policy base.

Author
David Coate
May 2014.

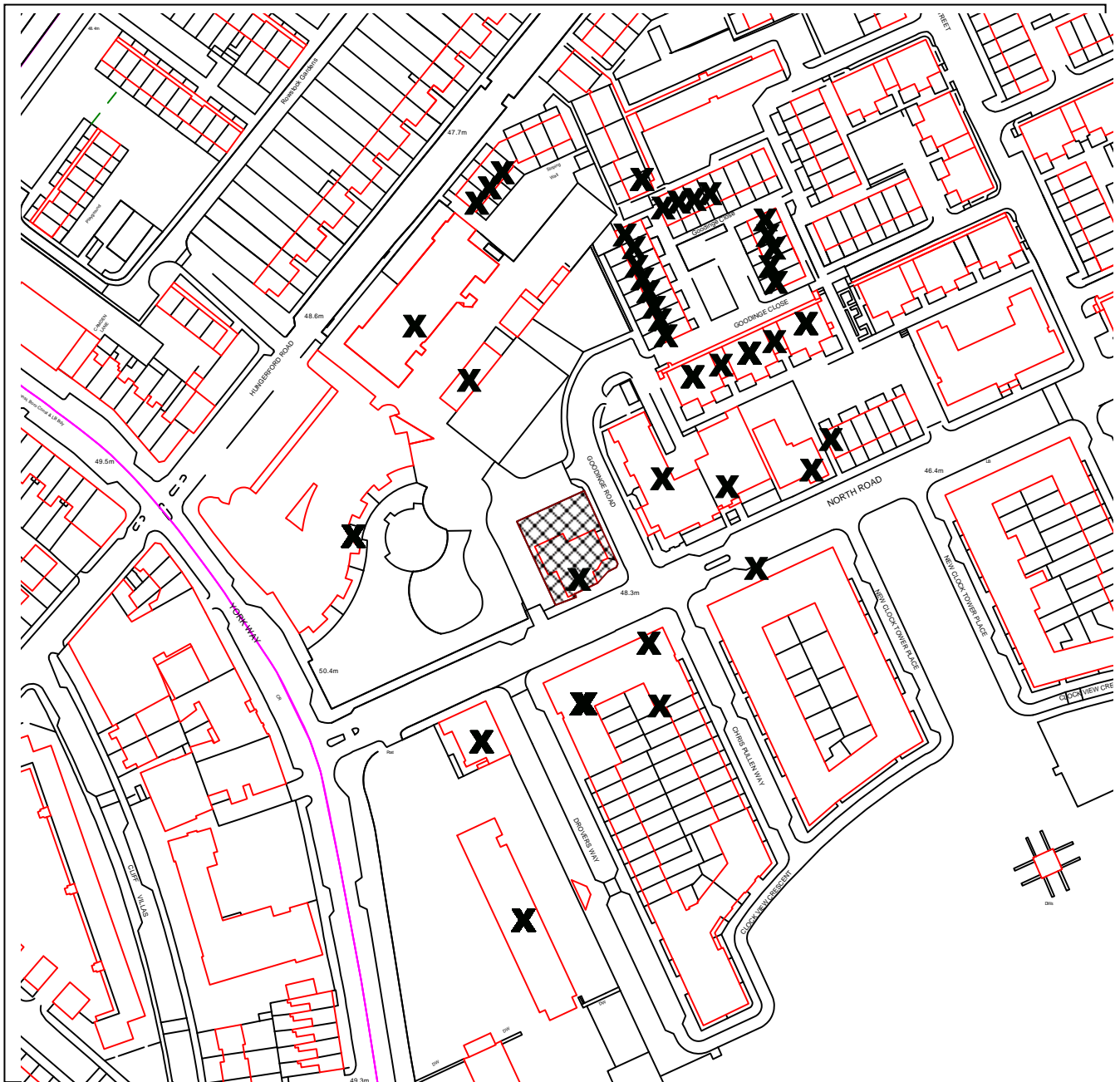
Appendices

1. HCA EAT appraisal

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0950/FUL

LOCATION: GOODING COMMUNITY CENTRE 21 NORTH ROAD
LONDON, N7 9GQ

SCALE: 1:2000

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Islington Council, LA086452

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

PLANNING COMMITTEE

Date 08 July 2014

Report	PLANNING ENFORCEMENT AND APPEAL PERFORMANCE: Fourth quarter and year-end 2013/2014
Wards	All Borough
Case Officer	Matthew Tear

1. Synopsis

- 1.1 On 17 April 2007 the Executive approved a new Development Control Enforcement Policy.
- 1.2 The policy commits the Planning Enforcement Service to quarterly reports to Area Planning Sub-Committees on enforcement team performance and appeal statistics.
- 1.3 This report contains enforcement and appeal performance figures for the fourth quarter for the year 2013/2014 (1st January 2014 to 31st March 2014), and the year-end totals. This report also sets out appeal performance for both planning enforcement and all planning applications.

2. Recommendations

- 2.1 To note the content of the report.

3. Background

- 3.1 The priority categories are:
- Immediate priority – site visit within 24 hours;
 - High priority – site visit within 5 working days;
 - Standard priority – site visit within 10 working days;
 - Low priority – site visit within 15 working days.

Investigations instigated

- 3.2 The table below reflects the total of new planning enforcement investigations instigated, grouped by Ward and priority category.

Fourth Quarter 2013/2014

	Immediate	High	Standard	Low	Total
Barnsbury	0	3	8	0	11
Bunhill	0	2	13	0	15
Caledonian	0	3	8	0	11
Canonbury	0	1	9	0	10
Clerkenwell	0	2	9	0	11
Finsbury Park	0	1	8	0	9
Highbury East	0	4	7	0	11
Highbury West	0	4	19	0	23
Hillrise	0	1	7	0	8
Holloway	0	0	18	0	18
Junction	0	2	11	0	13
Mildmay	0	3	7	0	10
St Georges	0	1	15	0	16
St Marys	0	6	21	0	27
St Peters	0	1	16	0	17
Tollington	0	0	8	0	8
TOTAL	0	34	184	0	218

Table 1: Investigations commenced, sorted by Ward and priority category

Commentary:

- 3.3 At the end of March 2014 the Enforcement Team had **565** live enforcement cases under investigation, which is one of the largest amounts outstanding for the last 10 years. This is partly attributable to a very high number of new cases being received in the first two quarters of this year, multiple cases being brought to our attention at once (estate agent boards, satellite dishes), and new cases being registered as a result of Licensing consultations (see 4.2).

Site visit performance

3.4 The table below states the Enforcement Team's performance statistics relating to site visits undertaken within the target periods for the relevant priority categories.

Fourth Quarter 2013/2014 % of site visits undertaken within target

	Immediate	High	Standard	Low	Total
Barnsbury	N/A	100%	75.0%	N/A	81.8%
Bunhill	N/A	100%	92.3%	N/A	93.3%
Caledonian	N/A	100%	87.5%	N/A	90.9%
Canonbury	N/A	100%	88.9%	N/A	90.0%
Clerkenwell	N/A	50%	66.7%	N/A	63.6%
Finsbury Park	N/A	100%	87.5%	N/A	88.9%
Highbury East	N/A	100%	71.5%	N/A	81.8%
Highbury West	N/A	100%	100%	N/A	100.0%
Hillrise	N/A	100%	100%	N/A	100.0%
Holloway	N/A	N/A	100%	N/A	100.0%
Junction	N/A	100%	100%	N/A	100.0%
Mildmay	N/A	100%	85.7%	N/A	90.0%
St Georges	N/A	100%	100%	N/A	100.0%
St Marys	N/A	100%	100%	N/A	100.0%
St Peters	N/A	100%	87.5%	N/A	88.2%
Tollington	N/A	N/A	100%	N/A	100.0%
TOTAL	N/A	97.1%	92.0%	N/A	93.0%

Table 2: Percentage of site visits undertaken within target response times

Commentary:

3.5 In view of the increasing cases received and increasing caseloads, officers have done very well to maintain the excellent levels of service required to visit 93% of new cases within the allotted target.

3.6 Investigations concluded

Fourth Quarter 2013/2014

	Immediate	High	Standard	Low	Total
Barnsbury	0	7	9	0	16
Bunhill	0	0	13	0	13
Caledonian	0	2	26	0	28
Canonbury	0	0	4	0	4
Clerkenwell	0	5	12	0	17
Finsbury Park	0	2	15	0	17
Highbury East	0	1	13	0	14
Highbury West	0	2	9	0	11
Hillrise	0	0	10	0	10
Holloway	0	0	12	0	12
Junction	0	2	12	4	18
Mildmay	0	1	7	0	8
St Georges	0	0	10	1	11
St Marys	2	5	24	0	31
St Peters	0	6	15	0	21
Tollington	0	0	12	0	12
TOTAL	2	33	203	5	243

Table 3: Cases closed in fourth quarter.

Commentary:

3.7 This has been a very busy quarter for case closures with in excess of 100 cases closed in February and 86 in March.

Year End Figures 01 April 2013 to 31 March 2014:

- 3.8 **Investigations instigated**
The table below reflects the total of new planning enforcement investigations instigated, grouped by Ward and priority category.

Year End Figures 01 April 2013 to 31 March 2014

	Immediate	High	Standard	Low	Total
Barnsbury	1	7	27	0	35
Bunhill	0	16	61	0	77
Caledonian	0	8	49	2	59
Canonbury	1	1	30	0	32
Clerkenwell	0	10	45	0	55
Finsbury Park	0	7	49	0	56
Highbury East	1	10	35	0	46
Highbury West	1	4	58	0	63
Hillrise	0	2	23	17	42
Holloway	0	1	40	0	41
Junction	0	4	46	16	66
Mildmay	0	6	23	0	29
St Georges	0	3	47	1	51
St Marys	2	13	108	0	123
St Peters	3	11	53	0	67
Tollington	2	0	39	0	41
TOTAL	11	103	733	36	883

Table 4: Investigations commenced, sorted by Ward and priority category

- 3.9 **Investigations concluded**

Year End Figures 01 April 2013 to 31 March 2014

	Immediate	High	Standard	Low	Total
Barnsbury	1	12	20	0	33
Bunhill	0	22	50	0	72
Caledonian	0	8	58	1	67
Canonbury	1	0	24	0	25
Clerkenwell	0	12	42	0	54
Finsbury Park	0	5	43	0	48
Highbury East	1	9	36	0	46
Highbury West	1	5	35	0	41
Hillrise	0	0	22	17	39
Holloway	0	1	32	1	34
Junction	0	6	36	14	56
Mildmay	2	7	47	1	57
St Georges	0	2	33	3	38
St Marys	2	12	85	1	100
St Peters	2	19	43	0	64
Tollington	0	1	31	0	32
TOTAL	10	121	637	38	806

Table 5: Cases closed.

Site visit percentages

- 3.10 Throughout this year the team has managed to visit 96% of all new cases within the prescribed priority timeframes. This is an excellent performance considering the increased caseloads and increased demands on officer time.

4. Planning Enforcement Performance

Notices Issued between 1 April 2013 and 31 March 2014

- 4.1 There were 883 new enforcement cases registered between the period 1 April 2013 and 31 March 2014, which is a small increase of 30 cases upon the previous year and represents the most enforcement cases received in any one year for at least 10 years.
- 4.2 The breakdown of Notices served over the year is as follows:
- Enforcement Notices (including Listed Building Enforcement Notice) 20
 - Planning Contravention Notices: 20
 - Breach of Conditions Notices: 1
 - Stop Notices: 0

Licensing Responses

- 4.3 Since February 2013 the planning enforcement team have been making representations to every new (and renewal) Licensing application that is made to the Council. A review of the planning history of the application property is made to ensure the proposed licensed hours are consistent with the permitted planning use of the property, and also with regards to its authorised hours of operating. If discrepancies are found it usually results in the new license being deferred or refused until such time that the planning position is clarified.
- 4.4 Over the course of the year planning enforcement provided representations to 261 Licensing applications.

Planning Enforcement Projects 2013/2014

- 4.5 A number of projects were undertaken by Planning Enforcement over the year, including specific work on unauthorised conversions in Caledonian Road, the Proceeds of Crime Act in a planning enforcement context and the lawfulness of Pay Day Loan companies operating in the borough.

Caledonian Road

- 4.6 The Caledonian Road project has involved both research of Council records, Council Tax, Street Naming and Numbering and Building Control, to identify the possible unauthorised sub-division of residential properties in Caledonian Road. The project has involved investigating some 170 residential units owned by one landlord on Caledonian Road. 118 individual residential units have been visited and detailed drawings made of what was found on site. Unfortunately it has transpired that the majority of the units found are lawful by virtue of being in continual use for in excess of 4 years. To this end in excess of 30 Certificates of Lawfulness have been approved, with a request made for a further 98 applications for Certificates in an attempt to confirm the outstanding units are lawfully in use as self-contained residential units.
- 4.7 Detailed layout plans have been produced following the visits to ensure if any further subdivision takes place the Council has clear evidence to support any formal action. In addition to the site visits Enforcement Notices have been issued with regard to a number of breaches including: unauthorised residential conversions, roller shutters, structures on the forecourt and unauthorised signage.
- 4.8 The temporary officer specifically appointed to deal with this project finished in February 2014 as the project was drawing to an end. The existing / on-going cases have now been absorbed into the day-to-day duties of the Planning Enforcement Team.

Estate Agent Boards

- 4.9 It was envisaged to conduct a rolling program of proactive estate agent board removal throughout the year. However, an initial survey of previously-reported 'hot spots' identified that a proactive campaign was not necessary, particularly in view of other competing enforcement priorities. Estate agent boards were therefore dealt with as they were reported to the team, resulting in the removal of in excess of 20 estate agent boards throughout the year.

Pay Day Loans

- 4.10 Islington, like many other parts of the country, has seen a marked increase in the number of companies providing pawn broking, services to cash cheques and offer short term loan agreements (Pay Day Loans). The purpose of this project was to investigate the planning implications in the increase in the number of these companies across the borough and ensure the companies involved were trading with the correct planning permission.
- 4.11 A survey was carried out of 18 properties in the borough that had been highlighted as possibly in breach of the planning legislation, and in particular the Use Classes Order. Of the 18 properties surveyed there were 15 that were lawful; either still trading within Class A1 shops (as per their planning permission) or had traded for more than 10 years continuously (and therefore exempt from any enforcement action). Of the remaining 3 properties where planning concerns were identified; one is in the process of closing down after council intervention; one was subject to an unsuccessful appeal and has reverted back to its lawful use and one was granted a Certificate of Lawfulness.
- 4.12 Information from this project was shared with colleagues in Spatial Planning and Transport to assist in working on policy changes.

Short Term Lets

- 4.13 A growing number of complaints are being received pertaining to residential flats that have undergone a change of use to be used for short term letting. Such a change of use would require planning permission by virtue of Section 25 of the Greater London Council (General Powers) Act 1973 (as amended) – which defines short term lets as sleeping accommodation which is occupied by the same person for less than 90 consecutive nights.
- 4.14 An initial 12 flats within one residential development in the south of the borough were identified for further investigation and it was found that all but one were being used for unlawful short term letting. Enforcement action resulted in the swift cessation of the unauthorised uses.
- 4.15 A further residential development located in the south of the borough is also the subject of an enforcement investigation, but this time in relation to an alleged 48 flats that are being used unlawfully for short term letting. An update will be provided in the first quarter report for 2014/2015. It is worth noting, however, that the appropriateness of Section 25 of the Greater London Council (General Powers) Act 1973 (as amended) is currently the subject of a government consultation and may be abolished in 2014/2015.

Proceeds of Crime (POCA)

- 4.16 Traditionally, a breach of planning control has been remedied by an Enforcement or Stop Notice, an Injunction, and/or a fine not exceeding £20,000. Whilst these sanctions are not insubstantial there is now the potential that those who violate planning laws could be subjected to a confiscation order, in line with the Proceeds of Crime Act 2002 (PoCA 2002). The use of this legislation by other boroughs across London has proven to be a very effective tool in dealing with serious breaches of planning control.

4.17 As such, the Enforcement Team initiated its first prosecution case to utilise POCA this year in relation to the unauthorised creation of 6 residential flats. The owner of the property failed to comply with the council's Enforcement Notice, and entered a guilty plea on 18th March 2014 in the Highbury Magistrates Court. The council attached a POCA application to the proceedings and the case was then referred to Blackfriars Crown Court on 28th April 2014 for sentencing and confiscation order. The owner failed to outline his financial position prior to the appearance so has been ordered to do so by the Court. The proceedings are to reconvene after 8th September for sentence and confiscation order, although early indications are that the owner will raise a loan to pay the confiscation order (circa £77,000) before this time. The council will then receive one third of the confiscation order.

Future Enforcement Projects 2014/2015

4.18 As we move into 2014/2015 there are a number of new projects that have already commenced. These include:

- Improved cost recovery from transgressors in all aspects of planning enforcement
- Further developments to increase the use of the Proceeds of Crime Act.
- Improved IT support for Planning Enforcement to include a better reporting / case management capacity and the introduction of technology for mobile working and greater efficiency.
- Working with the Spatial Policy and Transport team to address the issue of 'Buy to Leave' empty properties across the borough.

4.19 Further updates in respect of these projects will be provided throughout 2014/2015.

5. Appeals

Appeal performance:

5.1 The tables below (1-3) reflect the percentage of planning appeal decisions allowed against the Authority's decision to refuse planning permission. The numbers in brackets reflect the actual number of appeals allowed, against the total number of appeals. The figures do not include appeals relating to listed buildings, enforcement notices, advertisements or applications for Certificates of Lawfulness.

Fourth Quarter 2013/2014

Total	22.6% (7/31)

Table 6: Appeals against refusal of planning permission allowed

Year total 2013/2014

Total	35.2% (43/122)

Table 7: Appeals against refusal of planning permission allowed

All Applications and Enforcement Appeals performance

5.2 The tables below (8-9) reflect the percentage of all appeals allowed against the Authority's decision to refuse permission or issue an Enforcement Notice. The numbers in brackets reflect the actual number of appeals allowed, against the total number of appeals. The figures include appeals against refusals of consent relating listed buildings, advertisements and Certificates of Lawfulness and enforcement appeals.

Fourth Quarter 2013/2014

	All Applications	Enforcement
Total	25.6% (11/43)	83.3% (5/6)

Table 8: All appeals allowed against refusal of permission or issue of Enforcement Notice

The Enforcement statistic for this quarter looks particularly negative. This is due to the Enforcement Notice served at 487 Liverpool Road (unauthorised satellite dish in a Conservation Area) which was appealed by 4 separate tenants. When this appeal was allowed it was counted as 4 separate allowed appeals, and this has skewed the figures.

Year total 2013/2014

	All Applications	Enforcement
Total	35.3% (53/150)	28.6% (6/21)

Table 9: All appeals allowed against refusal of permission or issue of enforcement notice

Appeal Commentary 2013/2014.

- 5.3 In 2012-13, the percentage of appeals allowed (for planning application appeals) was 34.6%, compared to 35.2% in 2013/2014, which represents a slight increase. Similarly, there was a slight increase in the number of appeals allowed for all applications (going from 33.8% in 2012-13 to 35.3% in 2013-14) and enforcement appeals (going from 27.7% in 2012-13 to 28.6% in 2013-14).
- 5.4 Whilst these are slight increases they are similar to neighbouring boroughs, and it is widely felt that this coincides with the appointment of a number of new Inspectors at the Planning Inspectorate this year, who appear to be adopting a more liberal interpretation of planning policy. It is also apparent that there can sometimes be inconsistencies between the reasoning of Inspectors, with the following paragraph found in a recent decision.
- "I have considered three other appeal Decisions for mansard roofs in Cloudesley Road, which appear to pull in different directions and emphasise that the balance is a difficult one."*
- 5.5 In general the appeals that have been allowed fall into three main categories; roof additions (including dormers and mansards), quality of accommodation and works to Listed Buildings. All of these themes have been examined at Planning Forum (see paragraph 5.6 below) and actions implemented, where appropriate, to minimise future losses.

Allowed Appeals Schedule

- 5.6 Since November 2012, all of the appeal decisions **allowed** by the Planning Inspectorate have been discussed internally at Planning Forum. This is a fortnightly meeting attended by the Head of Development Management, Deputy Heads of Service and Team Leaders, where officers bring applications for discussion and guidance.
- 5.7 Each allowed appeal has been discussed in depth to gain a better understanding of why the Planning Inspector made the decision they did, and to ascertain whether there is anything that can be learnt from the decision for future applications. Each discussion has been captured on the 'Allowed Appeals' document, which is attached as Appendix 1 of this report.

6 Implications

6.1 Financial implications:

None

6.2 Legal Implications:

None

6.3 Environmental Implications

None

6.4 Equality Impact Assessment:

No equalities impact assessment carried out, as the purpose of the report is to report performance on planning enforcement and planning appeals to Members.

Background papers: (available online or on request)

- Report of the Executive Member for the Environment dated 17 April 2007 to Executive Board.

Final report clearance:

Signed by:



Service Director – Planning and Development

Date

Received by:

Head of Democratic Services

Date

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DECISION DATE	REF.	SITE	DEVELOPMENT	NOTES
16/04/2013	P2012/0034/FUL	111 Balfour Road	Second floor extension above existing rear outrigger in materials, style and design to match existing.	<p>Similar proposals have recently been approved under Permitted Development However, if they had come in as full planning application, they're likely to have been refused as in this instance.</p> <p>The Planning Inspector took the view that the proposal was acceptable as it is not visible from the public realm.</p> <p>Lesson to be learned? The Council will continue to assess proposals on individual merit.</p>
17/04/13	P2012/0233	12 Wolsey Road	Roof extension	<p>The terrace is largely unaltered and only four out of 21 properties have roof extensions. The proposed extension although set back would be highly visible from long views along Queen Margaret Grove. Similar extensions along the terrace were also considered unacceptable.</p> <p>All extensions predate the NPPF; London Plan; Core Strategy; DM Policies and the Islington Urban Design Guide and only one was allowed after the adoption of the UDP.</p> <p>Therefore this had to be tested at appeal.</p> <p>The Planning Inspector stated that the rear would be only be visible from the enclosed gardens of adjoining properties and the extension would be seen from Queen Margaret's Grove in the context of the other roof extensions in the terrace. The Inspector was of the view that the proposal would not lead to a cumulative harmful impact of the wider streetscene.</p> <p>The inspector notes that the roof extension at no. 15 was approved following the adoption of the existing UDP and it is not a case where the terrace has a single roof extension that</p>

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				<p>pre-dates the adoption of the UDP and stated that in reference to policy DM3 of the DMP 'based on the information before me I have no reason to consider the building is a designated or non-designated heritage asset and I therefore give the matter very limited weight'.</p> <p>Lesson to be learned? The current review of the IUDG will look at the approach to dormers.</p>
Page 72	10/04/2013	P120449	31 Fairbridge Road	<p>Conversion of house into three flats, extension of existing ground floor, new roof windows on front elevation, new rear dormer and convert hipped roof to gable.</p> <p>Main issue; appearance/design</p> <p>Inspector took into account a similar extension at 27. He disagreed with the ground floor extension not being subservient and perceived the upper floors as more important in terms of fenestration patterns etc.</p> <p>Lesson to be learned? We need to accept what is actually built in the vicinity, even if it does not have permission or was built prior to existing policy.</p>
	16/04/2013	P122437	149 Bunning Way	<p>Single storey rear extension with sliding doors and two rooflights to pitched tiled roof</p> <p>Lesson to be learned? Over prescriptive use of BRE guidance when there should be some flexibility in decisions. Need to be sure there is demonstrable harm to amenity when refusing.</p>
	1/05/2013	P120981	52 Wedmore Street (The Good Intent PH)	<p>Demolition of the existing public house and the erection of six, three storey town houses.</p> <p>Development had significant local objection. Several revisions secured to address design concerns. Key point of objection concerned the loss of public house with Policy colleagues seeking to secure valued community facilities. The pub was not vacant but applicants supplied extensive financial evidence to try and demonstrate the poor profitability and long term poor viability levels of the pub to try and overcome the lack of marketing and comply with DM policy 4.10. Single main issue regarding the value of the pub to the</p>

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Page 70				<p>local community and whether its loss had been fully justified. Other reasons for refusal were addressed by the applicants and withdrawn by the council at the hearing.</p> <p>Lesson to be learned? Difficult case overall. Good modern and interesting design of the overall scheme. It was and continues to be difficult to define exactly what constitutes a valued community facility and a well-used pub. There is a dichotomy between what locals may feel is a valued community facility and the economic reality of an existing pub which has a very low turnover and profit levels. By the letter of the adopted policy the application should have been refused. In respect the Inspector's decision was extremely generous in interpreting the pub protection policy hence why the council judicially reviewed the decision - albeit unsuccessfully.</p>
3/05/2013	P120929	245 Caledonian Road	Change of use of rear of existing accountant's office to a two bedroom self-contained flat located on ground and basement floors	<p>Non-determination appeal (advised Inspectorate we would have approved). Inspector held existing employment space is under used and retention of an element of employment use is sufficient to satisfy Council's policy. Also held that (although part basement and not dual-aspect), unit would provide "pleasant and spacious accommodation".</p> <p>Lesson to be learned? May need policy update on what is an acceptable % loss of retail. Accommodation including basement may be acceptable where a maisonette.</p>
17/05/2013	P2012/0452/FUL	6a Grange Road	Proposed improvements and extensions	<p>The Inspector concluded that the alterations would alter the appearance of the rear elevation but not cause harm as it is no architectural merit. As such the proposals were acceptable</p> <p>Lesson to be learned? The Council will continue to assess</p>

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				proposals on individual merit and in this instance the contemporary design and appearance is thought not preserve or enhance the conservation area.
9/05/2013	P120341	9-11 Coleridge Road	Rear lower ground floor and first floor extensions to studio units and a mansard roof extension.	<p>We agreed extensions were fine, but had issue with the mansard. Inspector ruled that the existing roof alterations in the vicinity formed the character and appearance of the roofscape as Council had not indicated any proposal to seek their removal.</p> <p>Lesson to be learned? We need to research the lawfulness of surrounding extensions and make it very clear in our report so they can't be relied upon as a precedent.</p>
10/05/2013	P112840	60 Copenhagen Street, Lark in the Park	Demolition of an existing public house and replacement with 5 terrace houses.	Committee overturn. Focussed on loss of public house and community facility. Vacant for over 4 yrs and good test of DM 27. Inspector did not consider it a valuable community facility and considered long term vacancy and submitted accounts during appeal process to address policy requirements of Emerging DM policy 27. Long term vacancy is a key consideration even in absence of marketing evidence.
8/05/2013	P112271	498 Holloway Road	Conversion of upper parts to provide 2 No one-bedroom apartments.	<p>Appeal based on non determination although part of the delay lay with the applicant in supplying amended plans.</p> <p>Lesson to be learned? The amended scheme was slightly below the space standards though in other respects were satisfactory. Need to see overall merit of scheme and make balanced judgement.</p>
17/05/2013	P120496	F4, 12a Stonefield Street	Internal alterations and refurbishment of windows	The application appealed against involved moving a partition in its historical location and inserting double doors. Inspector allowed the appeal to be varied whilst under submission to retain the partition wall in situ but to widen the opening to

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				<p>install the double doors. The Council maintained this was still harmful but the Inspector found otherwise. The Inspector did agree that moving the partition would be harmful.</p> <p>Lesson to be learned? The Council should have objected to the variation being accepted as the proposal was different to the original refusal.</p>
Page 75	28/05/2013	P121121	30 Myddleton Square	<p>Replacement windows in a Listed Building</p> <p>Historic casement windows were removed after Design and Conservation Team leader advised that they should be retained. Inappropriate sash windows (the openings were originally designed for casement windows) with horns fitted. Enforcement case was opened. Inspector concluded that the windows were post-war despite our evidence that they were Edwardian and therefore did not think that the historic windows were significant. Inspector did not think that the new windows caused harm.</p> <p>Lesson to be learned? We disagree with the Inspector's assessment and decision</p>
	29/05/2013	P120070	6 Westbourne Road	<p>Removal of existing aluminium shop front, conversion of existing ground floor post office into studio flat and replacement of the shop front with a new rendered wall and window.</p> <p>Refused on loss of local shop (former post office) in local shopping centre and poor internal accommodation for the studio flat. The Inspector considered the loss of the shop in the context of others lost in the parade and the proximity of principal shopping streets, a ten minute walk away.</p> <p>Lesson to be learned? Need to be more pragmatic (less exacting standards) regarding the amenity of the residential unit.</p>
	18/06/2013	P121542	30 Brecknock Road	<p>Erection of a mansard roof, single storey rear extension in association with the COU part</p> <p>Appeal on non-determination downgraded from Public Inquiry to Written Representations on the basis that Council would offer no evidence beyond that to support conditions. In</p>

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Page 976			<p>retail unit and single residential unit to create 3 self contained units plus alterations to the front and rear elevations.</p>	<p>absence of evidence to prove otherwise, Inspector considered that loss of 11sqm potential retail/ancillary storage at rear would not result in unit being too small to be viable and would therefore not detract from viability and vitality of shopping frontage. Inspector agreed with LPA and suggested a condition requiring reconfiguration of under sized one-bed flat to become a studio and therefore meet minimum space standards.</p> <p>Lesson to be learned? Could try recommending condition for reconfiguration of undersized one-bed units to become studios elsewhere though note that studios not encouraged by policy and question over whether such a condition would comply with tests.</p>
26/06/2013	P122339	31 Junction Road	<p>Change of use of ground floor A1 to A2 letting agency without complying with a condition attached to planning permission Ref. P121098</p>	<p>Inspector noted that policy did not say how many betting shops would be too many and that Licencing would control antisocial behaviour.</p> <p>He noted that objections on moral/social grounds were irrelevant.</p> <p>Lesson to be learned? Need to have access to evidence regarding betting and its effects on shopping parade vitality. Policy to consider this.</p>
21/06/2013	P122070	The Noble, 29 Crouch Hill, London, N4	<p>Conversion of A4 into A1 at ground floor with two 1-bed and one 2-bed self-contained flats above plus external alterations including first floor rear extension and rear roof terraces</p>	<p>The first floor level accommodation was refused based on 41and 42sqm gross internal area. These were considered as a 1 bed / 2 person dwelling in the assessment based on design of the property.</p> <p>Lesson to be learned? If a bedroom is less than 12sqm we should consider this as a 1bed /1person flat. However, still strive to achieve adopted space standards regardless of this</p>

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				decision.
15/07/2013	P2013/0827/FUL	6 Canon Street	Mansard roof extension to end of terrace single family dwelling.	Lesson to be learned? Case by case basis and importance of rear unaltered rooflines.
Page 77	P2012/0542/FUL	74 Tollington Way	Roof extension to provide additional residential accommodation	<p>The proposed full width brick roof extension was considered to be of inappropriate size, design and materials and therefore harmful to the character and appearance of the surrounding area.</p> <p>The planning Inspector was of the view that the property at no. 76 with a full width flat roof extension, similar to that proposed had already undermined the integrity and unity of the terrace of three houses.</p> <p>Lesson to be learned? Very short terrace difficult to argue impact on the integrity and unity as it is already compromised.</p>
07/08/2013	P2013/0380/FUL	3 Cheverton Road	Two rooflights to the front roofslope	<p>The two rooflights proposed to the front roofslope were considered to be harmful to the architectural character of the building and were contrary to the Conservation Area Design Guidelines which stipulated that rooflights which are visible from the street will not be permitted.</p> <p>Whilst not highly visible from the Cherverton Road the Inspector identifies oblique view of the lower part which form part of the terrace when viewed from the junction of Cheverton Road and Hazelville Road.</p> <p>The Inspector also identifies that the properties front roofslope from Pilgrims Way close to its junction with Hazelvill Road. However, considers this view to be distance and substantially framed and dominated by the massing of</p>

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				<p>closer buildings. The Inspector therefore considered the not to appear unduly prominent, incongruous or alien addition to the roofscape and not to adversely disrupt the rhythm of the terrace's roofline particularly where the remainder of the dwellings are not clearly visible.</p> <p>Lesson to be learned? We disagree with the Inspector's decision.</p>
Page 88	31/07/2013	P121957	5 Rickthorne Road	<p>Refurbishment of a 3-bedroom Victorian terrace house into two self-contained flats: one 3-bedroom flat and one, 1-bedroom flat</p> <p>The issue was over the size and quality of the basement flat in regard to planning standards-light, aspect, room size.</p> <p>Lesson to be learned? We disagree with the Inspectors decision in regard to room size and what constitutes good amenity standards.</p>
	12/08/2013	P121752	71 Mildmay Park,	<p>Demolish ground floor back addition, add front mansard with two dormers, add part lower ground/part ground floor levels extensions, provide glass parapets to lower ground floor existing/extensions, and internal changes.</p> <p>Retrospective application for a mansard which was consider harmful in the assessment and refused. Rear dormer was PD however the council were assessing the mansard as a whole. Previous Inspectors decision for mansard concluded that the dormer to the rear was 'bulky' etc but did not mention the front</p> <p>Lesson to be learned? As the Inspector had not mentioned the front aspect of the dormer they therefore did not take issue with this aspect of the design and therefore overall the application should have not warranted refusal. The first Inspector report was not clear and gave evidence of bad design within the proposal.</p>
	08/08/2013	P121651	297 Hornsey Road	<p>Change of use of ground floor office to flat</p> <p>Refused only on loss of shopfront (locally listed). During appeal, appellant submitted revised drawing showing shopfront retained.</p>

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				Lesson to be learned? Should have applied for costs.
08/08/2013	P121633	1 Hanover Yard	Retrospective application for two 45° rooflights built 800mm higher than balustrade height instead of 3 30° rooflights to balustrade height, and for minor changes to number of voltaics on the roof and the replacing of single glazed non-original plate glass opening with double glazed unit, previously permitted in application no P102631	Retrospective application for rooflights that were enlarged from the previous approval. Were considered too big and refused. Lesson to be learned? Not visible from public views and would not cause harm to the character of the building or the Conservation Area.
30/08/2013	P112141	2 Sans Walk	Removal of condition 3 (means of ventilation AOD)	This case had special circumstances to justify the condition which was appealed. It was one of the recent cases with the Inspector putting the responsibility on the local authority to submit evidence to demonstrate the harm, rather than the appellant to demonstrate that there was no harm. Lesson to be learned? This case was very site specific - we knew it was a risk, but thought it was worth a try.
29/08/2013	P2013/0410/FUL	63 Kelvin Road	Construction of a new loft conversion with external terrace to the rear elevation, new roof lights to front and rear roof pitches, new flat roof in lead to rear roof pitch, glazed aluminium doors to rear terrace and steel balustrade to terrace.	Inspector found that as other large dormers existed in the terrace, that the proposal was no worse in context. Lesson to be learned? Householder appeal and history of existing dormers on neighbouring properties not considered in report. However, Inspectors are overruling pre-policy ones and determining on what exists.

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16/08/2013	P121951	32 Myddleton Square	<p>A. Removal of under-garden cellar and replacement with steps from basement up to garden.</p> <p>B. Removal of under-garden cellar and replacement with steps from basement up to garden.</p>	<p>We accepted the cellar was not original but wished to preserve it on account of it being unusual. Inspector sided with Appellant that 'unusual' is not a reason for retention unless directly related to the heritage value of the property. Inspector also advised the development would allow greater light into the property and improve amenity.</p> <p>Lesson to be learned? A fair decision and accept it could have gone either way.</p>
Page 80	E12/06354	1 Whitehall Park	Erection of wooden fencing to the front, side and rear garden area of the property.	<p>Inspector did not agree that there was material harm caused by the boundary additions, and a condition requiring further planting would make the development acceptable.</p> <p>Lesson to be learned? This is a very poor decision, and we would take the same action again in the future for similar breaches.</p>
19/09/2013	P120464	2b York Way	Change of use from café (A3 use class) to hot food takeaway (A5 use class) and installation of new shopfront along with extension and improvement to the extract ducting to rear and removal of roller shutters	<p>Officer recommendation over turned by committee members.</p> <p>Lesson to be learned? Recommendation over turned by committee members.</p>
25/09/2013	P112954	12 Brecknock Road	Refurbishment and extensions	<p>Dwelling mix in Minors constrained by unit scale.</p> <p>Outlook of 2 metres to 1.4 metre raised garden, and then 5.5 metre high fence considered to be acceptable.</p> <p>Lesson to be learned? Refused this due to impact on neighbours – not a view shared by the Inspector.</p>

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02/09/2013	P122271	29 Highbury New Park	Change of use of a building to create five self-contained residential units, erection of a single storey rear extension, external alterations including replacement of the windows and front boundary treatment without complying with two conditions attached to planning permission RefP120112	Inspector found the condition was unreasonable as the parking space existed legally and there was a policy vacuum insofar as removing existing parking is concerned. Lesson to be learned? A bit harsh, but need to be careful of new policy – it isn't always the same as the old!
11/09/2013	P2013/1220/FUL	76 Dresden Road	Ground floor single-storey rear extensions to existing terrace house with associated internal and garden reconfigurations.	Inspector did not feel there was demonstrable harm to the neighbouring property given the extension would only be marginally higher than existing fence. Lesson to be learned? We accept this could have gone either way but we felt there would be demonstrable harm to adjoining property, so refused it. Inspector critical of our unsubstantiated light concerns, so need to comprehensively address this in future.
09/09/2013	P120782	88C Fonthill Road	Proposed second floor & mansard roof extension	We refused as the neighbour had agreed to amend. However, the surrounds were already overdeveloped in a similar way to the appeal proposal. Lesson to be learned? We had to refuse, but it is not a surprise that the appeal was allowed given the surrounding developments and what appears to be a relaxed interpretation of roof extension policy adopted by the Inspectorate.
17/09/2013	P2013/1156/FUL	113 Calabria Road	Rear dormer loft conversion	Dormer refused as it was not consistent with the Conservation Area Design Guide (not being set back on

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				<p>average by 1m from each party wall by virtue of its off-centre position). The Inspector saw fit to give a mathematical definition of 'average', and therefore felt the dormer was in compliance.</p> <p>Lesson to be learned? An odd interpretation of policy that will not change our position in future.</p>
23/09/2013	P121259	114 Highbury New Park	New dormer with window in rear roof	<p>Inspector acknowledged roofline policy (neighbouring dormers all pre-2006) but justified the dormer on design and being comparable to neighbouring dormers</p> <p>Lesson to be learned? Inspectors are inconsistent in their decisions regarding roof extensions.</p>
01/10/2013	P2012/0425/FUL	Flat C, 44 Kingsdown Road	Loft conversion incorporating a rear dormer, two rooflights at the front and associated works.	<p>Inspector noted rear dormer structures of different shapes and sizes on neighbouring terraces, seen to a greater or lesser extent from street level. Dormer would nestle unobtrusively between the two chimneys.</p> <p>Lesson to be learned? Note presence of other structures in the terrace (i.e. two substantial chimneys on party walls) and consider adjoining terraces in such circumstances</p>
10/10/2013	P122003	300 Caledonian Road	Conversion of existing rear part of vacant commercial basement to provide new studio flat and excavation of part of rear garden to create new patio.	<p>The unit met the minimum size for a studio flat but is east facing single aspect at basement level. The living space would only be lit by a single basement level window flanked by high rear extensions that significantly restrict light levels and outlook. The inspector did not agree that the living conditions would be sub-standard.</p> <p>Lesson to be learned? Inspectors may be under pressure to approve developments providing new residential units? The standard of residential accommodation is still considered to be unacceptable therefore the application would still be</p>

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				refused again.
01/10/2013	P2013/0850/FUL	41 Offord Road	Alterations to existing roof to incorporate a mansard style roof extension with open terrace area to the front and installation of an external staircase to the front lightwell.	<p>The roof extension would be visible from long views to the rear and the decision will make it very difficult to refuse any other roof extension in this long terrace in the conservation area.</p> <p>Lesson to be learned? We disagree with the Inspector's assessment and decision but will be hard to refuse similar now.</p>
24/10/2013	P121789	4 Fairbridge Road,	Rear extension at ground floor level to existing HMO to form 2 self - contained flats.	<p>We were happy with the change of use in principle, not the extension. Inspector found that the design of the extension would not be out of place with matching materials and would maintain the character of the area. While some impact on the neighbours it was not enough to warrant refusal.</p> <p>Lesson to be learned? It is a fair decision, and probably what we expected given the more relaxed approach the Inspectorate appear to be taking regarding the quality of accommodation.</p>
29/10/2013	P2012/0505/ADV	26-27 Cowcross Street	1 set of externally illuminated applied lettering, 1 set of non-illuminated applied lettering, 1 internally illuminated projecting sign, 2 internally illuminated menu boxes and 3 sets of white applied vinyl glazing	<p>Part Refused Part allowed. Discussions around the acceptability of the allowed fascia sign. Conservation maintain their view on the unacceptability of the fascia signs and made reference to Bryon's smaller signage.</p> <p>Please refer to Listed Building Consent appeal decision which is in contradiction to this one.</p> <p>Lesson to be learned? Inspector's views should be taken into account for similar decisions – on internally illuminated signs.</p>

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06/12/2013 TB	P2013/1543/FUL	58 St Georges Avenue	New metal railings to an existing second floor roof terrace.	<p>Inspector noted nearby properties have roof terraces, at first floor level, perception of being overlooked would not greatly increase as a result of the development in this particular location because of the layout of the properties. no. 56's rear windows would not be directly visible from the extended roof terrace, because the existing chimney stack obstructs views</p> <p>Lesson to be learned? Perhaps a harsh amendment to the original scheme requiring a reduction in the depth of the roof terrace. Site specific circumstances of habitable rooms are the key to each case.</p>
08/11/2013 Page 84	P122134	13 Balfour Road	Loft conversion and construction of rear dormer.	<p>Lesson to be learned? The Inspector gave a lot of weight to an adjoining neighbour's certificate for a rear dormer which was not built yet and less visible from the private realm. Was a fair refusal based on policy on roof extensions.</p>
11/12/2013	P121784	17 College Cross	Enlargement of door opening on lower ground floor on rear elevation.	<p>We disagree with the inspector's decision. Although the rear ground floor is not visible from the street, the works are harmful to the setting of the listed building.</p> <p>Lesson to be learned? Similar trend with recent decisions where appeals are allowed on the basis that they are not visible from the street</p>
30/12/2013	P102783 (MC1),	54 and 56 Old Street	Approval of details pursuant to condition 4 (materials), 10 (noise assessment), 11 (sound insulation) and 14 (waste strategy) of a planning permission Ref: P102783, granted on 11 April 2011.	<p>The Council raised no objection to the details submitted pursuant to conditions 10 and 11 –Inspector had no reason to disagree. The remainder of this decision deals with the matters in dispute in relation to condition 4 and 14. The appeal is allowed insofar as it relates to the details pursuant to Conditions 4, 10 and 11. The appeal was dismissed insofar as it relates to condition 14 (waste strategy).</p> <p>Lesson to be learned? The Inspector concluded that the materials are appropriate and their use would preserve and</p>

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				enhance the character or appearance of the St Luke's Conservation Area – not agreed by Design & Conservation colleagues. The application for an award of costs is refused.
30/12/2013	P2013/0423/LBC	54 Canonbury Park South	Single-storey side/rear orangery-style extension, including conversion of garage to habitable accommodation and alterations to front façade of existing garage.	<p>Refused due to the unacceptable projection of the extension beyond the rear building line of the house and large footprint. Inspector did not agree and advised the value of the Listed Building and Conservation Area came from the front of the property, and additions to the rear not visible from the public domain were acceptable.</p> <p>Lesson to be learned? Disappointing decision, Inspector has effectively concluded that Listed Building extensions to the rear are acceptable if not visible from public views.</p>
24/12/2013	P2013/2080/FUL	65 Ambler Road	Second floor addition on top of existing 2 storey flat roofed rear wing.	<p>Modern second storey/ roof extension. Not conservation area.</p> <p>Inspector considered extension not obtrusive or out of character despite unaltered roofline, public views and despite admitting that resulting façade would be 'uncommon'.</p> <p>Lesson to be learned? We disagree with decision but maybe hard to refuse 'uncommon' extensions outside conservation areas.</p>
19/01/2014	P2013/2214/FUL	107 Balfour Road	Single storey rear extension and first floor internal alterations.	<p>Inspector did not see validity of concern over design when no public view.</p> <p>As adjoining similar extension – although unauthorised and indeed refused, had still the benefit of lawfulness due to time with no enforcement – so approved.</p> <p>Lesson to be learned? Must take into account what is actually on the ground. Only say not a precedent if there is</p>

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				the ability to actively enforcement action
04/02/2014	P2013/1597/FUL	6 Avenell Road	Roof extension with 3 roof windows to the front sloping roof.	<p>Inspector noted that 5 out of 20 properties in a terrace had roof extensions and this constituted a compromised roofline.</p> <p>Whilst agreeing design wasn't ideal, noted that it was the same as the neighbours (PD) and similar to others in the wider locality.</p> <p>Lesson to be learned? Avoid looking at largely unbroken rooflines. Take wider context into account for dormer design.</p>
03/02/2014	P/2012/0555/S19	12 Union Square	Internal alterations on lower ground, first and second floors	<p>Internal works to a listed building. Condition to ensure no partitioning of second floor (harm to plan form) would take place. Inspector thought second floor less significant and considered works to be reversible. This is in contradiction with other appeals but the inspectorate seems to be a bit inconsistent on this matter. However, not a frequent type of case.</p> <p>Lesson to be learned? Try to avoid such conditions via negotiation (which was, in any event, done in this case).</p>
28/01/2014	P2012/0506/LBC	26 - 27 Cowcross Street	Installation of signage comprising of; 1 set of externally illuminated applied lettering, 1 set of non-illuminated applied lettering, 1 internally illuminated projecting sign, 2 internally illuminated menu boxes, 3 sets of white applied vinyl inside glazing	<p>Part refused and part allowed. The aspects to which Design and Conservation objected were upheld by the Inspector which confirms our reasonable position on the matter. This Inspector contradicted the Advertisement Consent Inspector.</p> <p>Lesson to be learned? Different consideration under Advertisement Consent and Listed Building Consent. Inspectorate inconsistent</p>

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29/01/2014	P2013/0017/FUL	Flat 4, 40 Lofting Road	Installation of white UPVC windows	<p>Part allowed part dismissed. Dismissed element related only to one front window. All other windows allowed.</p> <p>Lesson to be learned? We feel our decision was correct. This was a retention application and we don't have the ability to part allow/ part dismiss.</p>
Page 87	E/2013/0093	102 Blundell Street,	Enforcement Notice served to remove the 14 unauthorised uPVC windows at first and second floor level on the front elevation of the property and reinstate 2/2 timber sash windows, as previously existed.	<p>Appellant argued that property previously in poor state or repair and windows were suitable due to industrial nature of area, also mentioned cost of works. Was also letter of support from a neighbour stating that works were considered an improvement, while no objections submitted by initial complainants.</p> <p>Lesson to be learned? Inspectorate give limited weight to local listing and place strong emphasis on appearance of surrounding properties.</p>
24/01/2014	P2013/1127/FUL	169 Whitecross Street	Refurbishment of the front façade including new tiling, awning and lighting and painting of existing timber frames. To the rear adding a new roof covering the existing ground floor yard and adding new plant with two new flues. Adding decked area to existing ground floor roof and low level brick wall, timber trellis and planting and timber balustrade enclosing terraced area.	<p>Part allowed part dismissed. The only allowed element related to the retention of the front awning. This was perhaps the least contentious element of the scheme. Inspector argued that mechanism was discrete.</p> <p>Lesson to be learned? Ensure a strong case for all reasons for refusal of an application</p>

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10/02/2014	E12/06647	487 Liverpool Road	Enforcement appeal against removal of unauthorised satellite dish from the front elevation of the property	<p>Despite the satellite dish being located in a Conservation Area the Inspector ruled that it did not adversely affect the streetscene, nor did it fail to preserve the character and appearance of the Conservation Area.</p> <p>Lesson to be learned? This is a very disappointing decision, and not one that would cause us to change the way we deal with satellite dishes in Conservation Areas.</p>
Page 88	P121155	23 Copenhagen Street	Change of use to residential and opening of front area to basement	<p>The refusal was based on the initial submission, with the design showing a lack of light and outlook for the front bedroom window.</p> <p>Lesson to be learned? Although the amended scheme improved light and outlook a little, still not outstanding. Inspectorate accepted a different standard, looking at the wider picture and accepting design constraints of a 19th Century property. Also, substantial precedent around.</p>
27/02/2014	P2013/1345/FUL	81 Cloudesley Road	Single storey mansard roof extension to form an additional bedroom and a shower room	<p>This is part of a terrace with 85% roof extension coverage; therefore townscape supported the mansard to complete the terrace. Listed Building Consent issue was over the small remaining original fabric.</p> <p>Lesson to be learned? Need to consider bigger picture and wider benefits of a scheme.</p>
27/02/2014	P2013/1338/FUL	2 Elthorne Road	Creation of a new external wall around an existing escape stair including a new roof over the stair with a roof light.	<p>Inspector considered that the external wall and roof cladding would not result in a building form that would be visually incongruous and it would not harm the character and appearance of the host building or the surrounding area.</p> <p>Lesson to be learned? Need to consider overall impact on appearance of building, rather than just concerns with</p>

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				materials.
Page 89	28/02/2014	P2013/0370/FUL	Rear of 28 Amwell Street	<p>Conversion of part of existing buildings from storage to residential. Conversion of the former windmill base to B1/D1</p> <p>The Inspector gave limited weight to the new Planning Brief and the Council's aspiration to create a heritage community use across the whole of the site, as these were not supported by adopted policy which had been through public scrutiny. He did not consider that it had been demonstrated that a viable heritage community use could be provided across the whole site or that this was the optimum viable use for the site.</p> <p>The Inspector considered that the proposed B1/D1 use within the first floor of the engine house would be acceptable despite failing to provide inclusive access.</p> <p>The Inspector considered that the harm caused by the proposed internal alterations to the engine house to create a WC within the chimney breast would be outweighed by the public benefit of introducing a new use to the vacant building.</p> <p>Lesson to be learned? The site should have been included in the Site Allocations document or protected within an adopted policy in order to provide a solid policy basis for the Council's aspiration to create a community / heritage centre.</p>
	28/03/2014	P2013/2535/FUL	22 Fonthill Road	<p>Loft conversion</p> <p>Inspector noted additions would be modest in scale and in keeping with the Council's design guidance. Due to its location close to the end of the terrace, the rear dormer would be viewed within the wider context of the neighbouring terrace and as such would not be seen as an isolated or incongruous feature.</p> <p>Lesson to be learned? Note position and proximity of the site to the wider area when considering the protection of the original roofline.</p>

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28/03/2014	P2013/1130/FUL	6 Sudeley Street	Construction of new top/second floor with rear mansard and front terrace	<p>The Inspector deemed that the proposed works would have only a limited impact on the qualities of the listed building, since the additional floor level has already been created and the original roof fabric has been altered. The works were considered to have very limited impact on the Conservation Area.</p> <p>Lesson to be learned? Matter of 'balance' – seen to be finely balanced but considered that the benefits of the scheme outweigh any harm to the listed building.</p>
25/03/2014	P2013/2479/ADV	301 St John Street	External signage comprising two internally illuminated fascia signs, one double-sided internally illuminated projecting sign and one non-illuminated window vinyl.	<p>The Inspector concluded that the additional three glazed panels did not clutter the building and fitted comfortably within architectural features of the building.</p> <p>Lesson to be learned? In mixed commercial/residential developments the Inspectorate has placed significant emphasis on ground floor commercial character and given its non-designated there appears to be greater flexibility for commercial signage.</p>