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## Appeal Decision

Hearing held on 10 June 2014

Site visit made on 10 June 2014

**by Ron Boyd BSc (Hons) MICE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 October 2014**

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**Appeal Ref: APP/V5570/A/14/2214889**

**Ada Lewis House, Dalmeny Avenue, London N7 0LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Southern Housing Group against the Council of the London Borough of Islington.
  - The application Ref P2013/1564/FUL is dated 10 May 2013.
  - The development proposed is demolition of former hostel building, construction of part 5, part 6 storey residential building comprising 45 x 1, 2, 3 and 4-bedroom dwellings with landscaping, hard standing, and access alterations.
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### Decision

1. The appeal is allowed and planning permission granted for the demolition of former hostel building, construction of part 5, part 6 storey residential building comprising 45 x 1, 2, 3 and 4-bedroom dwellings with landscaping, hard standing, and access alterations at Ada Lewis House, Dalmeny Avenue, London N7 0LD in accordance with the terms of the application Ref P2013/1564/FUL dated 10 May 2013, subject to the conditions on the attached schedule.

### Procedural matter

2. The Council advised in its Hearing Statement that had it been able to determine the application it would have refused it for the following reasons:
  - *The proposal has failed to demonstrate that the development has maximised the affordable housing provision (taking into account the borough wide strategic targets of 50% of homes delivered over the plan period to be affordable) and therefore the proposal does not respond to the housing need of the borough with consideration to matters such as financial viability and the availability of public subsidy. The proposal fails to provide sufficient supporting viability information/evidence and further more the applicant's financial viability assessment is now considered to be historic to current market conditions. The proposal therefore fails to comply with Policy CS12 of the Islington Core Strategy 2011; and policies 3.8, 3.9, 3.11 and 3.12 of the London Plan 2011 (as amended by London Plan REMA 2013 and with weight to Draft Further Alterations to the London Plan 2014).*
  - *The proposal by reason of its height and massing would fail to protect and would cause unacceptable harm to the borough's local view 4 (LV4)*

*from Archway Road to St Pauls Cathedral exceeding the threshold height of the protected local view. The proposal fails to comply with policy DM2.4 of Development Management Policies 2013 and Policy 7.12 of the London Plan 2011 (as amended by London Plan REMA 2013 and with weight to Draft Further Alterations to the London Plan 2014).*

- *The proposal by reason of its poor dwelling mix (within the market housing tenure) would fail to deliver meaningful housing choice and nor would it help to deliver mixed and balanced communities. Together with the unacceptable quality of many of the residential units the scheme would fail to provide housing which adequately responds to the identified housing needs and standards of the borough in terms of the size and quality of dwellings. The proposal therefore fails to comply with Policies DM2.1, DM3.1 and DM3.4 of the Development Management Policies 2013, Policy CS12 of the Islington Core Strategy 2011 and Policies 3.5 and 3.8 of the London Plan 2011 (as amended by London Plan REMA 2013 and with weight to Draft Further Alterations to the London Plan 2014).*
3. At the Hearing a completed Agreement under the provisions of Section 106 of the Planning and Compensation Act 1990 and dated 10 June 2014 was submitted by the parties. After some discussion at the Hearing I agreed that an amended version, to better address the requirement for the development to be parking-permit free, should be submitted following the Hearing. A certified copy of an Agreement dated 31 July 2014 was submitted on 1 August 2014 which I refer to in greater detail below. This further Agreement records the parties' agreement that the earlier Agreement should be extinguished. Having regard to those comments I attach no weight to the Agreement dated 10 June 2014.

### **Main issues**

4. I consider these to be :
- whether the proposed provision of affordable housing would be the reasonable maximum having regard to the financial viability of the development;
  - the effect the proposal would have on local view LV4; and
  - whether the mix and quality of the proposed dwellings would adequately respond to the Borough's identified housing needs and standards.

### **Reasons**

5. The appeal site is a rectangular area of some 0.23 hectares on the south-west side of Dalmeny Avenue close to its junction with the A503 Camden Road. It is occupied by a five-storey former hostel, Ada Lewis House, now vacant. This is a roughly square building occupying the north-eastern half of the site. It comprises four wings around a courtyard with the principal elevation fronting Dalmeny Avenue. Neighbouring buildings include others of similar height.
6. The proposal is to demolish the hostel and replace it with an L-shaped building with one wing facing north-eastwards to front Dalmeny Avenue and the other facing north-westwards towards the neighbouring five-storey Buckhurst House. It would provide 45 flats over six storeys with the sixth storey partially set back

from the main elevations. The southern quarter of the site would be communal open space. Private amenity space for all units would be provided in the form of small garden areas, balconies, winter gardens (enclosable glazed balconies) or roof terraces.

7. The site is designated in the Council's Local Plan Site Allocations adopted June 2013 as being for hostel and/or residential accommodation. As stated in the Statement of Common Ground, which was presented at the Hearing, the principle of the proposed use is accepted by the Council subject to the delivery of affordable housing consistent with viability.

#### *Affordable housing*

8. Although, as a major housing association, the appellant is a Registered Provider (RP) of social housing, the proposal the subject of this appeal is being carried out as a private-housing-led development. The appellant is in the role of '*willing landowner and willing developer*' as referred to in the national Planning Policy Framework (the Framework) and supporting Planning Policy Guidance (PPG). Evidence submitted by the appellant indicated that it is not uncommon for major RPs to operate as both affordable housing providers and as private housing developers, seeking '*a competitive return*' from the latter as an enabler of cross-subsidy to the former. Whilst the Council questioned such an approach and sought specific identification of any cross-subsidy to be provided to this proposal, no planning considerations have been put forward which would justify my considering the appellant's proceeding as a private developer in this instance as weighing against the proposal.
9. In May 2013 the appellant submitted, with the planning application, a viability assessment, at January 2013 prices, which concluded that an affordable housing offer of 17% by habitable rooms, equating to 5 units, would be the maximum reasonable amount of affordable housing. Notwithstanding this assessment the Planning Statement, also accompanying the application, proposed that 6 units would be provided as affordable homes. These would be all the ground floor units which included 2 four-bed maisonettes with stairs to rooms on the first floor.
10. Following discussions with the Council further viability assessments, taking account of changes in costs, selling prices, and other factors, between January 2013 and May 2014, were included in the appellant's viability statement for the Hearing. One of these assessments indicated that providing the 6 ground-floor units as affordable dwellings as proposed would produce a Residual Value of £2,213,000. This is significantly below any of the Benchmark Land Values for the site as identified by the appellant. These ranged from the Current Use Value as an affordable hostel with no selling premium (£2,580,000) to a Current Use Value as an open market hostel (£5,600,000). The appellant thus maintained that the 6 units proposed would represent the maximum reasonable amount of affordable housing that could be offered having regard to economic viability.
11. The BPS Rebuttal on behalf of the Council submitted to the Hearing records that whilst many of the points raised by the Council in response to the appellant's viability assessments have been resolved or agreed, some issues remained. The profit level of 20 % of Gross Development Value was challenged, particularly as the initial viability assessment was on the basis of a lower rate. However, in view of the evidence submitted by the appellant and

from my experience in such matters I am satisfied that a level of 20% can be considered reasonable in the light of present day norms.

12. The Benchmark Value was also questioned. However, the Residual Value assessed as resulting from the provision of the 6 affordable units is below the lowest of the Benchmark Values identified by the appellant, which, notwithstanding that it was not based on actual historic records of rent income or occupancy levels, was satisfactorily explained with reasonable assumptions made in respect of these factors. No compelling evidence to suggest that the Benchmark Value could reasonably be assumed to be so much lower as to justify a greater number of affordable units whilst maintaining a reasonable profit was put to me.
13. The issue of possible public subsidy was raised but I have been provided with no evidence to substantiate the Council's assertion that the Homes and Communities Agency could either underwrite or provide the appellant with any guarantee in respect of this private housing led development.
14. Overall I consider that the viability assessment in respect of providing the 6 ground floor units as affordable housing is a reasonable assessment of the economic viability of that provision. In this light I conclude that such provision, as is proposed, represents the maximum reasonable provision of affordable housing in the circumstances applying to this proposed development. There is no conflict in this regard with either the relevant development plan policies or the Framework that would justify dismissing the appeal.

#### *Local View LV4*

15. Local View L4 is defined in Policy DM2.4 of the Council's Development Management Policies as the view from Archway to St Paul's Cathedral. The Cathedral is identified in paragraph 7.39 of the London Plan as one of three strategically important landmarks for which protected vistas should be defined. A protected vista is defined as comprising a Landmark Viewing Corridor – the area between the viewing place and a strategically important landmark that must be maintained if the landmark is to remain visible from the viewing place, and a Wider Consultation Area where development above a threshold height could compromise the viewer's ability to recognise and appreciate the strategically important landmark.
16. In the case of LV4 the appeal site lies outside the Landmark Viewing Corridor. The Cathedral is in clear view from Archway. The appeal site is not readily visible from Archway being to the west of the direct sight line to the Cathedral and generally obscured by intervening buildings or trees. It in no way impacts upon the visibility of the Cathedral from Archway or the viewer's ability to recognise or appreciate the building.
17. The supporting text to Policy DM2.4 explains that the Council's protected view policies are intended to operate over the long term and that whenever redevelopment of a building that has an adverse impact on a view occurs (e.g. by blocking a part of a view) the policy aim is for the new development to enhance the view and not to continue to adversely impact on the view. On this basis the Council's Policies Map defines a protected view corridor from Archway towards the Cathedral which is wider than the Landmark Viewing Corridor defined above and encompasses the appeal site notwithstanding the existing

townscape which at present prevents Ada Lewis House being seen from Archway.

18. However, even if the appeal site, developed as proposed, were to be seen, in a view from Archway, as being within the Wider Consultation Area, its proposed height at some 3.6m above the threshold height defined in the Council's *Tables of threshold heights for local views* would not be such as to dominate or create a canyon effect around the Cathedral. Nor would it damage a viewer's ability to recognise or appreciate the strategically important landmark status of the Cathedral. In such circumstances paragraph 7.42 of the supporting text to Policy 7.12 of The London Plan acknowledges that exceeding threshold heights can be acceptable.
19. In the light of the above I conclude that the proposed development would not cause unacceptable harm to Local View LV4.

#### *Dwelling mix and quality*

20. The dwelling mix of the market housing element of the proposed development is at variance with the dwelling mix sought in Policy DM3.1. Compliance with the Policy would require the composition of the 39 market units to be of the order of 4 single- bed units; 29 two-bed units and 6 three-bed units. The proposed provision of 20 single- bed units, 15 two-bed units and four three – bed units represents an over provision of single-bed units and a shortfall in family units.
21. The appellant argues that the higher degree of provision of single-bed units is the result of attempting to deliver the maximum number of homes within an efficient internal layout whilst achieving an acceptable design. A reduction in the ratio of single-bed units would result in less homes being provided, and would impact on the scheme's viability to the detriment of its ability to deliver affordable housing. Be that as it may the failure of the dwelling mix proposed to better reflect that in Policy DM3.1, which aims to address the main identified imbalance between housing stock and demand in respect of two bedroom properties, is a weakness of the proposal. Nevertheless, I note the Council's confirmation at the Hearing that there remains a demand for one bedroom units.
22. In respect of the quality of accommodation to be provided the Council identifies that nine of the units would be single aspect and considers they would fail to comply with Policy DM3.4 which requires new residential units to provide dual aspect accommodation unless exceptional circumstances can be demonstrated. Where dual aspect dwellings cannot be provided the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room.
23. Four of the single aspect units (Plots 9, 18, 27 and 36) are single-bedroom units with two habitable rooms (bedroom and living/kitchen/dining room). Both habitable rooms would have north-west facing glazing, that to the bedroom being a window approximately 1.75m wide, that to the living/kitchen/ diner being side-panel-flanked double doors on to the projecting winter garden. The winter garden, with a glazed south-west-facing side elevation, is likely to receive some direct afternoon sunshine.
24. Four other single-aspect units (plots 11, 20, 29 and 38) are also two-habitable- room dwellings as those above but facing north-eastwards. Similar

winter garden provision is proposed to the living/ kitchen/ diners but in addition the bedrooms would have glazed access to a further open balcony. The projecting winter gardens and balconies are likely to be able to receive some direct morning sunlight. The last single-aspect unit would be plot 44, a two-bedroom unit on the fifth floor. All three habitable rooms would have generous north-west facing glazing with access to a roof terrace running along the entire north-west elevation of the unit. Notwithstanding the northerly orientations of their single aspects I conclude that the above nine dwellings would provide acceptable levels of daylight, sunlight and natural ventilation for their occupants.

### *Section 106 obligation*

25. In the event of permission being granted, and the proposed development proceeding, the Agreement dated 31 July 2014 provides, amongst other matters for the appellant to deliver a specified number of affordable housing units, make specified financial contributions in respect of accessible transport, carbon offset and the monitoring of compliance with the Code of Construction Practice, and to prevent occupation of the dwellings by anyone who has a resident's parking permit except in certain circumstances. I am satisfied that the Agreement meets the tests set out in paragraph 203 of the National Planning Policy Framework and I have taken it into account in my determination of this appeal. I note that an obligation under the Agreement to make other financial contributions in respect of community facilities no longer applies following the coming into effect of the Council's CIL Charging Schedule on 1 September 2014.

### *Conclusion and conditions*

26. I have taken account of all the other matters raised in the evidence. The proposal would represent the efficient use of a previously-developed site in a sustainable location in line with the Framework's acknowledgement of the public benefits of securing the optimum viable use of land. It would provide both market housing and a reasonable amount of much needed affordable housing, would have no material adverse impact upon the view of St Paul's Cathedral from Archway and would provide acceptable living conditions for future residents. I consider these material considerations sufficient to outweigh the proposal's conflicts with the development plan identified by the Council, including the relative levels of provision of single-bed and two-bed market units. In this light I conclude that the appeal should succeed.

27. I have considered the conditions suggested by the parties in the Statement of Common Ground in the light of the PPG and Annex A of Circular 11/95. I consider the conditions in the attached schedule to be reasonable and necessary- these deal with:

- materials for external surfaces and location of external plumbing, in the interests of a satisfactory appearance;
- external lighting; refuse and recycling storage; wheelchair access ; compliance with the Accessible Homes Standard; Inclusive Design; and provision of sound insulation, in the interests of providing satisfactory living conditions for future occupants and neighbouring residents;

- compliance with the Code for Sustainable Homes; energy efficiency; heating infrastructure; passive design measures; rainwater harvesting and surface water management, in the interests of sustainability;
- landscaping; green roof provision; tree protection and provision of nesting boxes, in the interests of biodiversity; and
- submission of a delivery and servicing plan and provision of parking bays for disabled persons, in the interests of highway safety.

In addition, other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

*R.T.Boyd*

Inspector

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun not later than two years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ALT AL (0) - 001 Rev B; - 010 Rev B; - 013 Rev B; - 018 Rev B; - 020 Rev L; - 021 Rev I; - 022 Rev H; - 023 Rev H; - 024 Rev H; - 025 Rev H; - 028 Rev H; - 030 Rev H; - 031 Rev I; - 100 Rev D; - 101 Rev D; - 102 Rev D; - 103 Rev D; - 104 Rev C; - 105 Rev C; - 120 Rev C; - 121 Rev C; - 122 Rev D; - 123 Rev D; - 124 Rev D; - 125 Rev D; - 126 Rev E; - 127 Rev C; - 130 Rev D; - 131 Rev D; - 132 Rev D; - 140 Rev D; - 141 Rev E; - 125 Rev D; and ALT AL - 9100 Rev F and -9101 Rev C.
- 3) No development shall take place until details including drawings at a 1:50 scale and samples of all facing materials to be used in the development have been submitted to and approved in writing by the local planning authority. The details and samples shall include but not be limited to the following:
  - a. facing brickwork –showing the colour, texture, bond and pointing to be provided;
  - b. aluminium/metal louvres and doors;
  - c. aluminium/metal-framed windows;
  - d. cladding system – for the avoidance of doubt shall not be Trespa;
  - e. glazed balustrade and winter gardens;
  - f. railings and gates; and
  - g. any other materials to be used on the external surfaces.

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

- 4) No plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located on the external elevations of the building hereby approved without obtaining prior express consent in writing from the local planning authority.
- 5) No work on the superstructure of the development hereby permitted shall take place until details of any general/security lighting measures have been submitted to and approved in writing by the local planning authority. The details shall include the location and full specification of all lamps; light levels/spill lamps; support structures where appropriate; and hours of operation. The general lighting and security measures shall be carried out as approved before first occupation of the development and shall be maintained as such thereafter.
- 6) The residential units hereby permitted shall achieve a Code of Sustainable Homes rating of no less than Level 4 and shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) incorporating all Lifetime Homes Standards.

- 7) The biodiversity (green/brown) roofs shown across the development on approved plans numbers ALT AL (0) 021 Rev I and ALT AL (0) 025 Rev H shall be :
- a. biodiversity based with extensive substrate base (depth 80-150mm);
  - b. laid out in accordance with the approved plans; 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 focussed on wildflower planting and shall contain no more than a maximum of 25% sedum.

The biodiversity roofs 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 for escape in case of emergency.

Provision of the biodiversity roofs shall be carried out strictly in accordance with the details specified; shall be laid out within 3 months of the first available planting season following construction of the building on which it is to be placed; and shall be maintained as approved thereafter.

- 8) All scaffolding that is located within 2m of the crowns of established and retained trees on Dalmeny Avenue shall have a maximum working width/project no further than 1.2m from the building's fascia or elevation and the reduced width scaffolding shall be maintained for the period of the construction of the development. 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. Any glass, insulation, fascia panels etc. that area 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 any further pruning of the trees.
- 9) No occupation of the development hereby permitted shall take place until the dedicated refuse/recycling enclosures have been provided in accordance with the approved plans. The enclosures shall be maintained as approved thereafter.
- 10) Notwithstanding the approved drawings, no occupation of the building hereby permitted shall take place until full details of bicycle storage facilities have been submitted to and approved in writing by the local planning authority. The bicycle storage facilities, which shall be covered, secure, and provide no less than 80 bicycle spaces, shall be provided as approved prior to first occupation of the building and maintained as such thereafter.
- 11) No occupation of the dwelling hereby permitted shall take place until the four wheelchair accessible dwellings shown in the approved documents have been provided and fitted out.
- 12) The development hereby permitted shall accord with the principles of Inclusive Design. To achieve this the development shall comply with the following in accordance with the approved drawings:
- a. for each access core the passenger lift shall be installed and operational prior to first occupation of the dwellings served from that access core; and

- b. access to all accommodation and private gardens /terraces shall be step free.
- 13) No occupation of the building shall take place until details of at least three nesting boxes/bricks for birds or bats to be installed within the development have been submitted to and approved in writing by the local planning authority. The facilities shall be installed as approved prior to first occupation of the building and shall be maintained as such thereafter.
- 14) The energy measures as outlined within the approved Energy Strategy which shall together provide for no less than a 40.2% on-site total CO2 reduction in comparison with total emissions from a building which complies with the Building Regulations 2006 shall be installed and operational prior to the first occupation of the development hereby permitted. Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy which shall provide for no less than a 30% on-site total CO2 reduction in comparison with the total emissions from a building which complies with the Building Regulations 2010 shall be submitted to and approved in writing by the local planning authority prior to any super structure works commencing on site. The final agreed scheme shall be installed and operational as approved prior to first occupation of the development and shall be maintained as such thereafter.
- 15) No work on the superstructure of the development hereby permitted shall take place until details of sound insulation and noise control measures to achieve the following internal noise levels have been submitted to and approved in writing by the local planning authority.
- a. Bedrooms (23:00 – 07:00 hours) – 30dB LAeq and 45dB Lmax (fast)
  - b. Living rooms (07:00 – 23:00 hours - 35dB LAeq
  - c. Kitchens, bathrooms, WC compartments and utility rooms (07:00 – 23:00 hours) - 45dB LAeq
- No occupation of a residential unit shall take place until it has been demonstrated to the satisfaction of the local planning authority that such levels have been achieved for that unit. The insulation and noise control measures shall be maintained thereafter.
- 16) Notwithstanding the approved details no work on the superstructure of the development hereby permitted shall take place until details of a revised Delivery and Servicing Plan have been submitted to and approved in writing by the local planning authority. The Plan shall be operated strictly in accordance with the details so approved and shall be maintained as such thereafter.
- 17) No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:
- a. existing and proposed underground services and their relationship to both hard and soft landscaping;
  - b. proposed trees – location, species and size;

- c. soft plantings - including grass and turf areas, shrub and herbaceous areas;
- d. topographical survey - including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
- e. enclosures - including types, dimensions, and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- f. hard landscaping – including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps, and if applicable synthetic surfaces; and
- g. any other landscaping feature(s) forming part of the scheme.

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

- 18) No development (including demolition works and vegetation clearance) shall take place on site until an Arboricultural Tree Protection Site Pack (ATPSP) which details an inspection regime and watching brief relating to all the trees to be retained has been submitted to and approved in writing by the local planning authority. The ATPSP shall include a schedule of any activities that are perceived to be likely to impact or influence the health, wellbeing or amenity of the trees on or adjacent to the site – such as :

- a. pruning works
- b. excavations for foundations;
- c. removal and emplacement of surfaces;
- d. tree and ground protection installation; and
- e. tree protection fencing;

together with a schedule of monitoring and arboricultural supervision; method statements; report submissions after regular periodic compliance inspections; brief site inspection reports with photos; and tool-box training.

The works shall be carried out strictly in accordance with the ATPSP so agreed and no change therefrom shall take place unless otherwise agreed in writing by the local planning authority. Any breaches or non-compliances with the agreed ATPSP shall be reported to the local planning authority's Tree Protection Team as soon as practical and

confirmed in writing no later than six hours after the event. Photographic evidence of any breaches or non-compliances together with remedial measures and proposed timescale for remediation shall be agreed in writing by the local planning authority's Tree Protection Team and shall be carried out as agreed and in accordance with the agreed timescale.

The ATPSP, site inspection regime and watching brief shall be undertaken by a suitably qualified arboricultural consultant or landscape architect.

- 19) No occupation of the dwellings hereby permitted shall take place until the two disabled parking bays shown on the approved plans have been constructed, appropriately line marked, and made available for use. They shall thereafter be kept available at all times for their intended use.
- 20) No work on the superstructure of the building hereby permitted shall take place until details, of how the communal gas boiler and associated infrastructure shall be designed for the future connection to any neighbouring heating and cooling network, have been submitted to and approved in writing by the local planning authority. The communal boiler and associated infrastructure shall be provided strictly in accordance with the details as approved and shall be installed and operational prior to first occupation of the development and shall be maintained as such thereafter.
- 21) No work on the superstructure of the building hereby permitted shall take place until details of passive design and other measures incorporated within the scheme to ensure adaptation to higher temperatures (taking climate change projections into account) whilst minimising cooling demand have been submitted to and approved in writing by the local planning authority. The measures as approved shall be operational before first occupation of the development.

The details shall include the results of thermal modelling of the development under the higher future temperatures projected as a result of climate change to demonstrate that the likelihood of high internal temperatures during hot weather has been minimised. Also details of measures proposed to minimise any overheating risks identified and/or any mitigating measures proposed in accordance with the cooling hierarchy.

The development shall be carried out in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the local planning authority.
- 22) No work on the superstructure of the building hereby permitted shall take place until details of the rainwater and/or grey water recycling system have been submitted to and approved in writing by the local planning authority. The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development. The rainwater recycling system shall be carried out strictly in accordance with the details so approved, shall be installed and operational prior to first occupation of the development and shall be maintained as such thereafter.
- 23) No work on the superstructure of the building hereby permitted shall take place until details of a drainage strategy for a sustainable urban drainage system have been submitted to and approved in writing by the local planning authority. The details shall be based on an assessment of the

potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak run off rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate of 8 L/sec/ha and at a minimum achieve a post development run off rate of 50 L/sec/ha. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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## **APPEARANCES**

### **FOR THE APPELLANT**

|                            |                          |
|----------------------------|--------------------------|
| Mr Steve Hall              | Southern Housing Group   |
| Mr Simon Owen MRTPI, MRICS | HTA Design LLP           |
| Mr David Wakeford MRICS    | Director Savills(UK) Ltd |
| Registered Valuer          |                          |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                          |                                      |
|--------------------------|--------------------------------------|
| Ms Sarah Ricketts        | Planning Officer, Major Applications |
| Mr Andrew Jones          | BPS                                  |
| Ms Joanna Mathison Clark | BPS                                  |

## **DOCUMENTS**

- 1 Plans ALT AL (0) 020 Rev K and 022 Rev H – submitted by the Council.
- 2 BPS Rebuttal 6 June 2014 – submitted by the Council.
- 3 Statement of Common Ground (draft) – submitted by the Council.
- 4 Letter from the Council to Pins re APP/V5570/A/13/2210830 dated 22 April 2014 – submitted by the Council.
- 5 BPS Independent Review of Viability re P/2013/1933/FUL, 273 Camden Road – dated 12 August 2013 - submitted by the appellant.
- 6 Section 106 Agreement dated 10 June 2014 – submitted by the Council.
- 7 Supplementary Internal Sunlight Assessment – June 06 2014 – submitted by the appellant.
- 8 Signed Statement of Common Ground – submitted by the Council.
- 9 Statement of Common Ground with over-copying corrected – submitted by the Council on 11 June 2014.
- 10 Suggested planning condition – car free development – submitted by the Council 11 June 2014.
- 11 Amended completed S106 Agreement dated 31 July 2014 – submitted by the Council on 1 August 2014.