

# Carysfort Road

Where: 53b Carysfort Road, Hackney N16. Who For: Relicpride Building Company. What: 9 units, 290 sqm commercial floorspace



Architect: Waugh Thistleton

## PLANNING

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## DEVELOPMENT CONTROL CASEBOOK

### MIXED USE DEVELOPMENT

#### Fallback justifies live-work apartments

A north London authority has been criticised for giving insufficient weight to a planning permission that justified approving a mixed commercial and residential scheme in a defined employment area.

The appellants proposed 290m<sup>2</sup> of class B1 floor space together with nine self-contained flats in a vacant warehouse. The premises formed part of a site on which permission had been granted in 1999 for 11.4 live-work units. At that time, the conversion of the warehouse into nine live-work units had been accepted by the council and the permission could still be implemented because the rest of the works it authorised had been built.

The appellants asserted that the permission did not specify the amount of employment floor space in each unit and many of those already provided were largely used for entirely residential purposes because of this failing. The inspector agreed that there was no basis for the council's assertion that 50 per cent of the approved floor space in the live-work units should be used for employment purposes.

Indeed, he remarked that the council had moved away from supporting live-work units because of the severe difficulty in ensuring that an appropriate amount of the floor space was used for employment purposes. In contrast, the appeal proposal would deliver 290m<sup>2</sup> of commercial floor space wholly unrelated to the apartments. In his view, this was to be preferred to the fallback position.



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In allowing the appeal the inspector granted costs to the appellants. He found that the council had not properly considered the implications of the fallback position, which would give rise to little if any employment floor space in the warehouse because of the 1999 permission's ineffectiveness. The council had stuck to the line of retaining the warehouse on the basis that it lay in a defined employment area, he ruled.

He concluded that it had failed to fully consider the benefits of the scheme against the likelihood that no employment floor space would be delivered if the appellants carried out their intention to implement the existing permission. He felt that if an objective assessment had been made, the appeal would have been avoided and this amounted to unreasonable behaviour.

**DCS Number** 100-058-484

**Inspector** David Smith; Hearing