28 Redington Road, London, NW3 7RB



28 Redington Road, NW3

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1. Introduction

1.1. This Statement of Case has been prepared on behalf of 28 Redington Road LLP (the Appellant) in support of a non-determination appeal following the failure of the Local Planning Authority, London Borough of Camden, to determine a full planning application within the appropriate period for the following development at 28 Redington Road, NW3 5TL:

Erection of 4 storey plus basement building (with accommodation at 4th floor level within the roof) to provide 8 flats (1×1 bed, 5×2 bed, 1×3 bed and 1×4 bed) including front balcony and rear roof terraces, hard and soft landscaping and 7 basement car parking spaces with car lift, following demolition of the existing building (Class C3).

- 1.2. The application (reference no. 2016/2997/P) was submitted to the Local Planning Authority (LPA) on 27 May 2016 and confirmed (as noted on the LPA's website) as valid on 28 July 2016. Further information was subsequently provided to the LPA as part of ongoing discussion during the determination of the application.
- 1.3. This appeal has been submitted on the basis that the current application has not been determined within the statutory 8 week timeframe, which expired on 22 September 2016. At the time of writing, the application remains undetermined by the LPA.
- 1.4. This Statement of Case sets out the Appellant's case that the proposed development complies with the adopted policies of the development plan, and with the policies set out within the National Planning Policy Framework (NPPF). In particular, it concludes that the proposal will not cause harm to the Redington Frognal Conservation Area particularly in relation to the demolition of the existing building and replacement with a new building; will provide suitable residential accommodation for future occupants; will comply with the LPA's basement provisions; will not have a detrimental impact upon the amenity of neighbours; and will comply with the LPA's policies in relation to highways and sustainability.
- 1.5. This statement has been set out under the following headings:
 - Section 2 outlines the site and its context within the surrounding area;
 - Section 3 provides an overview of the planning history;
 - Section 4 provides an outline of the proposals;
 - Section 5 sets out all submitted Application documents that are relevant to this Appeal;
 - Section 6 examines the main planning considerations; and
 - **Section 7** draws our conclusions in respect of the proposals.

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2. Site and Surroundings

- 2.1. The Planning Statement prepared by Savills and submitted with the application provides a full description of the site and surroundings. The Heritage Statement prepared by KM Heritage and submitted with the application provides an assessment of the contribution of the existing building to the Redington Frognal Conservation Area. However, key aspects can be summarised as follows.
- 2.2. The site comprises a large detached house in a large plot of land. The building is set back from the road frontage and is at an elevated position compared to the street level, as is the case with other properties on this side of Redington Road. The front boundary is heavily vegetated making it difficult to see the whole house from the street.



- 2.3. The lawful use of the building is considered to be residential (C3) although not in the conventional sense. Over many years it has been lived in as a single unit by priests from the Missionary Society of St Columban and has, on occasion, accommodated visiting members of the society. Council tax records show that the property is registered as a single dwelling.
- 2.4. The property comprises four levels of accommodation at lower ground (partially sunken), upper ground, first floor and a further second floor within the roof form. To its side is a two storey coach house element which comprises a garage and workshop on the lower floor with habitable accommodation above.
- 2.5. The property has evidently been extended over time to the side and at the rear, and possibly within the roof form, and clearly is much altered from its original composition (including the painting of the pebble-dash exterior to the front).



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- 2.6. The site benefits from a vehicular access from Redington Road with front forecourt parking that could accommodate 7 cars. The house also benefits from a very large rear garden.
- 2.7. The surrounding area is predominantly residential in character with a mixture of single dwellings and flatted apartment blocks, some of which are conversions of former single dwellings. The surrounding built form, both in the immediate context and further afield, does exhibit some similar architectural characteristics but could be said to be fairly varied in scale and form. It is certainly not a uniform townscape and there are examples of contemporary buildings interspersed within the more traditional built form.
- 2.8. The building itself is not statutorily listed and has not been included on Camden's Local List of historic buildings and features that are valued by the local community. This Local List was only recently adopted in January 2015.
- 2.9. The site does fall within the Redington Frognal Conservation Area, which was designated in 1985. The Council has prepared a Conservation Area Appraisal (CAA) for the area. The CAA describes the character of the Area as being a well-preserved example of a prosperous late 19th Century and Edwardian residential suburb. In the CAA, Redington Road is placed in a smaller sub-area comprising Redington Road, Redington Gardens, Templewood Avenue, Templewood Gardens and West Heath Road.
- 2.10. The CAA identifies the stretches between nos. 41-49 and nos. 71-77 as being those which exhibit the most consistency in terms of architectural style. Nos. 16-28 are identified as being those that are set back behind dense vegetation. The roadside garages and forecourts at nos. 24, 26 and 30 are identified as being negative detractors to the Conservation Area.
- 2.11. There are a number of listed buildings along Redington Road and other buildings identified in the CAA as of being of particular interest; these are nos. 2-4 (listed), 16 (listed), 35-37, 39, 54-56 and 66. Nos. 18 to 28 are identified as being buildings and groups of buildings that make a positive contribution to the conservation area.
- 2.12. The only other designation across the site is that it lies within an Archaeological Priority Area. The property is not identified as being in an area at risk of flooding.

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3. Planning History

- 3.1. As noted within the Planning Statement prepared by Savills and submitted with the application, there is only a very limited planning history for this property. Most applications have been for works to the trees due to Conservation Area restrictions, with one further permission granted in 1993 for a rooflight.
- 3.2. Of most relevance is that although an application was made in 1969 for the use of the property as a hostel, this was refused. As such, the property's lawful use has remained as Class C3 residential which is confirmed by the property's registration for Council Tax as a single dwelling.
- 3.3. The confirmation of the property's historic and continued residential use is the most relevant aspect of the site's planning history to the current proposal.

Pre-Application Discussions

- 3.4. A formal pre-application response was issued by the LPA in December 2015. The development proposal that formed the basis of pre-application discussions was of a greater scale then the current application proposal. The scheme as formally submitted was a response to the pre-application discussions.
- 3.5. Full details of how the proposal was developed between the pre-application discussions and the formal planning submission are set out within the Planning Statement and should be considered. Here, it should be reiterated that it is the Appellant's view that the scheme submitted for formal planning consideration fully addressed the LPA's comments set out within the pre-application response and provides a building that would enhance the character and appearance of the conservation area, whilst bringing a number of other substantial benefits discussed elsewhere in this Statement.

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4. Development Proposals

- 4.1. The reports that accompany the planning application explain in detail the proposals as submitted, particularly the Planning Statement prepared by Savills and the Design and Access Statement prepared by Jo Cowen Architects. However, a summary is provided below.
- 4.2. The key components of the proposal include:
 - Replacement of the existing building which has been subjected to a range of alterations by a new build property that takes its reference from the Arts and Craft style prevalent in the local area;
 - Use of detailed architectural design and materials that are traditional and reflective of the local building typology;
 - Accommodation within three storeys and roof space plus ancillary facilities (car parking and storage) within a basement level;
 - Provision of eight residential units in a mix of 1 x 1 bed, 5 x 2 bed, 1 x 3 bed and 1 x 4 bed to give a net uplift of seven units compared to the existing property;
 - Enhanced landscaping to both the front and rear garden areas;
 - A building and residential units that offer excellent accessibility to wheelchair users and residents with restricted mobility; and
 - A new building that offers a significant sustainability improvement in terms of reducing energy usage and CO2 emissions versus retention or adaption of the existing property.
- 4.3. All of these positive contributions have been addressed and considered within the various documents submitted as part of the application. However, some further commentary on key planning considerations are noted in Section 6 of this statement.



5. Submitted Application Documents

5.1. The following documents formed the formal application pack that was submitted to the LPA on 27 May 2016:

Drawings (Existing)

- JCA-RR-EX-001 Location Plan
- JCA-RR-EX-002 Site Plan
- JCA-RR-EX-003 Site Plan
- JCA-RR-EX-004A Existing Surrounding Front Elevation
- JCA-RR-EX-004B Existing Surrounding Front Elevation
- JCA-RR-EX-005 Existing Surrounding Rear Elevation
- JCA-RR-EX-011 Existing ground floor plan
- JCA-RR-EX-012 Existing first floor plan
- JCA-RR-EX-013 Existing second floor plan
- JCA-RR-EX-014 Existing third floor plan
- JCA-RR-EX-019 Existing roof plan
- JCA-RR-EX-020 Existing front elevation
- JCA-RR-EX-021 Existing rear elevation
- JCA-RR-EX-022 Existing side elevation (north west)
- JCA-RR-EX-023 Existing side elevation (south east)
- JCA-RR-EX-030 Existing section AA
- JCA-RR-EX-031 Existing section BB



Drawings (Demolition)

- JCA-RR-DEMO-071 Demolition ground floor plan
- JCA-RR-DEMO-072 Demolition first floor plan
- JCA-RR-DEMO-073 Demolition second floor plan
- JCA-RR-DEMO-074 Demolition third floor plan
- JCA-RR-DEMO-079 Demolition roof plan
- JCA-RR-EX-080 Demolition front elevation
- JCA-RR-EX-081 Demolition rear elevation
- JCA-RR-EX-082 Demolition side elevation (north west)
- JCA-RR-DEMO-083 Demolition side elevation (south east)

<u>**Drawings (Proposed)</u>** (nb. There are coloured and non-coloured versions of some drawings with the same reference number)</u>

- JCA-RR-PR-001 Location Plan
- JCA-RR-PR-002 Proposed Site Plan
- JCA-RR-PR-002 Proposed Site Plan
- JCA-RR-PR-003 Proposed Site Plan
- JCA-RR-PR-003 Proposed Site Plan
- JCA-RR-PR-004A Proposed Surrounding Front Elevation
- JCA-RR-PR-004A Proposed Surrounding Front Elevation
- JCA-RR-PR-004B Proposed Surrounding Front Elevation
- JCA-RR-PR-005 Proposed Surrounding Rear Elevation
- JCA-RR-PR-005 Proposed Surrounding Rear Elevation
- JCA-RR-PR-006 Proposed Side Elevations



- JCA-RR-PR-006 Proposed Side Elevations
- JCA-RR-PR-007 Proposed Section AA
- JCA-RR-PR-008 Proposed Section AA
- JCA-RR-PR-010 Proposed lower ground floor plan
- JCA-RR-PR-011 Proposed ground floor plan
- JCA-RR-PR-012 Proposed first ground floor plan
- JCA-RR-PR-013 Proposed second ground floor plan
- JCA-RR-PR-014 Proposed third ground floor plan
- JCA-RR-PR-015 Proposed fourth ground floor plan
- JCA-RR-PR-019 Proposed roof plan
- JCA-RR-PR-020A Proposed front elevation
- JCA-RR-PR-020A Proposed front elevation
- JCA-RR-PR-020B Proposed front elevation
- JCA-RR-PR-020B Proposed front elevation
- JCA-RR-PR-021 Proposed rear elevation
- JCA-RR-PR-021 Proposed rear elevation
- JCA-RR-PR-022 Proposed side elevation (north west)
- JCA-RR-PR-022 Proposed side elevation (north west)
- JCA-RR-PR-023 Proposed side elevation (south east)
- JCA-RR-PR-023 Proposed side elevation (south east)
- JCA-RR-PR-030 Proposed Section AA
- JCA-RR-PR-031 Proposed Section BB
- JCA-RR-PR-032 Proposed Section CC
- JCA-RR-PR-033 Proposed Section DD

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- JCA-RR-PR-034 Proposed Section EE
- JCA-RR-PR-040 Bay 1 detail
- JCA-RR-PR-041 Bay 2 detail
- JCA-RR-PR-050 Perspective View of Front
- JCA-RR-PR-051 Perspective View of Rear
- JCA-RR-PR-052 Perspective View from Redington Road

Supporting Documents and Reports

- Covering Letter (27 May 2016), prepared by Savills;
- Statutory Application Forms and Necessary Certificates;
- Community Infrastructure Levy Additional Information Form (27 May 2016);
- Design and Access Statement (May 2016), prepared by Jo Cowen Architects;
- Heritage Statement (May 2016), prepared by KM Heritage;
- Planning Statement (May 2016), prepared by Savills;
- Landscape Design Statement (19 April 2016), prepared by Bowles & Wyer;
- Daylight, Sunlight & Overshadowing Report (18 April 2016), prepared by Syntegra;
- Internal Daylight Analysis Report Rev B (May 2016), prepared by Syntegra;
- Energy and Sustainability Statement (May 2016), prepared by Syntegra;
- Noise Impact Assessment Report (November 2015), prepared by Syntegra;
- Arboricultural Impact Assessment Report (13 May 2016), prepared by Landmark Trees;
- Transport Statement (April 2016), prepared by TTP Consulting;
- Surface Water Drainage Pro-Forma for New Developments (22 April 2016), completed by Mott MacDonald; and
- Surface Water Drainage Calculations (22 April 2016), prepared by Mott MacDonald.

Please note, the Basement Impact Assessment (BIA) that was noted within the original covering letter dated 23 May 2016 was superseded before validation at the request of the LPA. As such, the first BIA di not form part of the validation application and as such has not been submitted as part of this Appeal.

- 5.2. Subsequently, the following additional information was submitted prior to the formal validation of the application on 28 July 2016:
 - Basement Impact Assessment (Revision E, July 2016), prepared by Mott MacDonald;
 - Bat Emergence / Re-Entry Survey and Bird Scoping Report (July 2016), prepared by Greengage; and
 - Noise Impact Assessment Car Lift Compliance Report (Revision A, July 2016), prepared by Syntegra.
- 5.3. Following formal validation and as part of ongoing discussion with the LPA's planning officers the following further reports were also submitted during the life of the Application:
 - Reptile Survey Report (October 2016), prepared by Greengage;
 - Sketch Plan of Existing and Proposed Vehicular Crossovers;
 - Amended Proposed Lower Ground Floor Plan Ref: JCA-RR-PR-010 Rev PP4B, submitted to clarify cycle storage capacity;
 - Additional Letter dated 10 October 2016 from Mott MacDonald in response to the Basement Impact Assessment Audit, prepared by Campbell Reith on behalf of the LPA (Revision D1, September 2016); and
 - Indicative Construction Timeframe.
- 5.4. For completeness, a copy of the Basement Impact Assessment Audit, prepared by Campbell Reith on behalf of the LPA (Revision D1, September 2016) is also included for reference although this is not one of the Appellant's submitted documents.

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6. Planning Considerations

- 6.1. This Appeal is submitted on the grounds that the LPA has failed to determine the Application with the statutory eight week period.
- 6.2. The proposed development is sustainable development, defined by the *National Planning Policy Framework* (NPPF) as being the 'golden thread' that underpins the development process. Specifically, Paragraph 14 of the NPPF refers to:
 - *'approving development proposals that accord with the development plan without delay; and*
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - a. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b. specific policies in this Framework indicate development should be restricted.'
- 6.3. With regard to the relationship between the *NPPF* and existing local planning policies, paragraph 215 of the *NPPF* set out that where local policies have been adopted since 2004:

"...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework [the NPPF] (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- 6.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan for the area, unless any material considerations (which includes the NPPF) indicate otherwise.
- 6.5. In this case the development plan comprises;
 - The London Plan (As amended, including by the Minor Alterations to the London Plan (MALP) published in March 2016);
 - The London Borough of Camden Core Strategy and Development Policies (both adopted November 2010).



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- 6.6. The Redington Frognal Conservation Area Appraisal (adopted 2004) is also of relevance in considering this proposal.
- 6.7. It is acknowledged that since the original Application submission, the LPA's replacement Local Plan has been subject to an Examination in Public held in October 2016. At the time of writing, the appointed Inspector has not returned her report and there is no confirmation as to when or if the new Plan will be adopted.
- 6.8. As such, this Appeal must continue to be considered in light of currently adopted policies. In the event that the LPA adopt updated policies prior to the determination of this Appeal then the Applicant reserves the right to comment further on these.
- 6.9. In assessing this proposal at both Application and Appeal stages, the main matters for consideration are as follows:
 - The demolition of the existing building;
 - The principle of the replacement residential building and its contribution to the Redington Frognal Conservation Area;
 - The suitability of the proposed residential accommodation for future residents;
 - Any additional impacts upon neighbouring residents;
 - Matters relating to the proposed basement development; and
 - Highways and sustainability.
- 6.10. Those reports submitted with the original Application, most particularly the Planning Statement prepared by Savills, clearly assessed all of these matters and should be read further to confirm the proposal's compliance with relevant national and local planning policy.
- 6.11. However, a further summary relevant to each matter is provided below.

Demolition of the Existing Building

- 6.12. A full justification for the demolition of the existing building is set out within KM Heritage's Statement (May 2016) submitted at Application stage. The key factors can be reiterated as follows:
 - The existing building's contribution to the Conservation Area is limited and essentially neutral, offering a design that is average and pedestrian compared to other properties in the immediate local area;
 - Historic alterations to the building means that any limited design integrity that may have existed is now limited even further compared to more complete buildings found locally;



- The existing building makes a more limited contribution to both the significance of the Conservation Area and the character and appearance of the Conservation area;
- Any contribution that the property makes to the conservation area has to do with its residential typology, its massing and its situation within the wider site, rather than its inherent architectural quality;
- Any limited contribution to the Conservation Area will be reproduced (and potentially enhanced) through the provision of a replacement building that responds to the prevailing Arts and Craft style found locally.
- 6.13. In assessing the impact of this demolition upon designated heritage assets, it must be reiterated that the relevant heritage asset is the Redington Frognal Conservation Area. The loss of the existing building on the site will not be harmful to the designated heritage asset because it will be replaced by a new building that offers an equal or greater contribution to the Conservation Area (discussed further below). The provision of the replacement dwelling following the demolition of the existing can be secured via legal agreement.
- 6.14. When assessing the demolition of the building as a positive contributor to the Conservation Area, it should also be reiterated that the LPA's Policy DP25 resists this where this harms the character or appearance of the Conservation Area. Where harm will not arise, such as when a replacement buildings offers an equal or greater contribution to the Conservation Area, then demolition should be acceptable.
- 6.15. As noted in detail within KM Heritage's Statement (May 2016), the limited contribution that the current building makes to the Conservation Area means that its demolition is acceptable.

Principles of the Replacement Building

- 6.16. The existing use of the property is as a single Class C3 dwelling. Therefore, its replacement resulting in the provision of eight residential units (a net uplift of seven units) in a mix of 1 x 1 bed, 5 x 2 bed, 1 x 3 bed and 1 x 4 bed units is in accordance with relevant LPA policies and national guidance to increase the supply of housing. The proposal offers a more efficient use of the site given the net increase in the number of self-contained dwellings offered.
- 6.17. With regards to the specific design of the building proposed, KM Heritage's Statement (May 2016) offers a full appraisal of its suitability and contribution to the Conservation Area. In addition to that assessment and the other points on design already noted above:
 - The proposed building reflects the Arts and Crafts style that is prevalent in the local area;
 - Key aspects of local townscape design such as ridge height, volumetric form, the building's location within its site and its relationship with neighbouring properties reflects prevalent local themes;
 - A palette of high quality materials, appropriate design detailing and proportioned windows ensure that the building is a positive and appropriate contribution to the local townscape;



- The new building proposed will offer a greater contribution to the Conservation Area than the existing building.
- 6.18. Much greater detail on design is also set out within Jo Cowen Architects' Design and Access Statement.
- 6.19. In summary, the proposed building will offer an enhanced contribution to the character and appearance of the Conservation Area when compared to the existing property.

Quality of the Residential Accommodation Provided

- 6.20. The proposed development offers a high quality of amenity to all proposed residents. Specifically:
 - All units will significantly exceed the minimum floor areas required by the Nationally Described Space Standards;
 - All units will be provided with significant private external amenity space, as well as access to the generous shared rear garden; and
 - All habitable rooms will receive appropriate levels of daylight and sunlight.
- 6.21. As noted in detail within the Planning Statement, the location and layout of units have been designed to ensure that all residents will enjoy high quality lighting and outlook. The formal daylight/sunlight assessment submitted confirms that all internal spaces will receive appropriate natural lighting.
- 6.22. The development therefore reflects all relevant local and national policies on these matters.

Managing Effects Upon Neighbouring Residents

- 6.23. In terms of amenity for neighbouring residents, the continuation of the same residential use of the site means that the proposed land use will not create a harmful environment for neighbouring residents in terms of any additional noise that could arise. The proposed relationship will not be materially different from the existing.
- 6.24. A full assessment of daylight/sunlight impacts was submitted as part of the application. This confirms that the limited impact upon neighbouring properties is manageable and within the normal expectations of the BRE Guidelines.
- 6.25. In terms of potential overlooking and/or privacy, the scheme has been specifically designed to ensure that there is no material change in the relationship between the neighbouring sites when compared to existing.
- 6.26. Finally, with regard to the temporary effects upon neighbours that may arise from the construction process the Appellant is able to accept an appropriately worded condition or legal obligation to ensure that all construction is managed under an appropriate Construction Management Plan.
- 6.27. The proposal therefore maintains appropriate amenity to all residents.



Principles of the Basement Level

- 6.28. It has not been disputed by the LPA that basement level development could be achievable at this site. In accordance with policy DP27, the potential effects of this development have been assessed.
- 6.29. A Basement Impact Assessment was prepared by Mott McDonald and submitted for review. Additional information has been requested and the Appellant is keen to keep discussing this further until the Appeal hearing date.
- 6.30. Notwithstanding this, it remains the Appellant's position that the assessment undertaken confirms that the proposed basement development can be undertaken without harm to neighbouring properties.
- 6.31. Any additional information that is required before works commence can be secured through the use of an appropriate S106 obligation, as is normal practice within this LPA. As such, the Appellant is willing to accept an appropriately worded obligation to address this.
- 6.32. Additionally, a significant landscaped area is maintained to both the front and rear of the building in addition to the significant rear garden which will also be retained.
- 6.33. The BIA prepared by Mott McDonald and the commentary set out within the Planning Statement should be considered when assessing this matter.

Highways and Sustainability

- 6.34. Although it is proposed to provide car parking within a new basement level, the capacity of 7 spaces means that there is no net uplift when compared to the existing capacity at surface level. Additional landscaping to the forecourt area, as submitted to officers during the life of the application, will ensure that the capacity for parking at surface level is limited.
- 6.35. Given this, the proposal accords with the LPA's Policy DP16 to not increase car parking as part of new development.
- 6.36. Additionally, secure cycle parking will be provided with sufficient capacity to meet the requirements of the London Plan.
- 6.37. In terms of improving energy efficiency and sustainability, an air source heat pump solution has been proposed that would provide a 53.6% saving in carbon dioxide emissions when measured against the relevant Building Regulations requirements. The development therefore accords with both local and London Plan policies and the Mayor's energy hierarchy of 'Be Lean, Be Clean, Be Green'.
- 6.38. This is addressed in detail within the Energy and Sustainability Statement prepared by Syntegra.
- 6.39. Appropriate details of delivering sustainable development can be secured through appropriately worded conditions if considered necessary..

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7. Conclusions

- 7.1. The conclusion of both this statement and the documentation submitted as a part of the original application is that the proposed development complies with the adopted policies of the Development Plan, and with the policies set out within the National Planning Policy Framework.
- 7.2. In particular, it concludes that the proposal will not cause harm to the Redington Frognal Conservation Area particularly in relation to the demolition of the existing building and its replacement with a new building; will provide suitable residential accommodation for future residents; will comply with the LPA's basement provisions; will not have a detrimental impact on neighbours; and will comply with the LPA's policy in relation to highways and sustainability.
- 7.3. The proposed demolition and rebuild of a new residential development comprising eight apartments over 4 storeys (over basement containing ancillary facilities) will contribute towards creating a more attractive development that is in keeping with the character of the conservation area and offers an enhancement when compared to the existing building. Where the current property has lost some architectural integrity through historic alterations, the new build development will provide a coherent design which reflects the local area's prevalent Arts and Craft style.
- 7.4. The proposed new dwellings will provide high quality well planned spaces for future occupants with good levels of light, outlook and external space. The proposal will have minimal amenity impacts on neighbours in terms of privacy, overlooking, sense of enclosure, sunlight and daylight. The building will achieve high levels of sustainability and will contribute to the reduction in carbon emissions in the Borough.
- 7.5. As such, it is considered that the proposals accord with national and Development Plan policies and accordingly should be granted planning permission.