



PLANNING APPLICATIONS COMMITTEE AGENDA PUBLISHED 25.04.2019

Date: **Tuesday 7 May 2019**

Time: **7.00 pm**

Venue: **Committee Room B6, Lambeth Town Hall, Brixton Hill SW2 1RW**

Copies of agendas, reports, minutes and other attachments for the Council's meetings are available on the Lambeth website. www.lambeth.gov.uk/moderngov

Members of the Committee

Councillor Liz Atkins (Substitute), Councillor Scarlett O'Hara, Councillor Malcolm Clark, Councillor Ben Kind, Councillor Joanne Simpson (Vice-Chair), Councillor Becca Thackray, Councillor Clair Wilcox (Chair)

Substitute Members

Councillor Liz Atkins, Councillor Jennifer Brathwaite, Councillor Marcia Cameron, Councillor Joe Corry-Roake, Councillor Nigel Haselden, Councillor Jessica Leigh, Councillor Marianna Masters, Councillor Mohammed Seedat and Councillor Sonia Winifred

Further Information

If you require any further information or have any queries please contact Nicholas Joseph, Telephone: 020 7926 3123; Email: NJoseph@lambeth.gov.uk

Members of the public are welcome to attend this meeting. If you have any specific needs please contact Facilities Management (020 7926 1010) in advance.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

Digital engagement

We encourage people to use Social Media and we normally tweet from most Council meetings. To get involved you can tweet us @LBLDemocracy.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

Representation

Ward Councillors (details via the website www.lambeth.gov.uk or phone 020 7926 2131) may be contacted at their surgeries or through Party Group offices to represent your views to the Council: (Conservatives 020 7926 2213) (Labour 020 7926 1166).

Security

Please be aware that you may be subject to bag searches and asked to sign in at meetings that are held in public. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences. For more details please visit: [our website](#).

Please contact Democratic Services for further information – 020 7926 2170 – or the number on the front page.

Map



AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING

	Page Nos.
1. Declaration of Pecuniary Interests	

Under Standing Order 4.4, where any councillor has a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct (para. 4)) in any matter to be considered at a meeting of the Council, a committee, sub-committee or joint committee, they must withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter unless a dispensation has been obtained from the Monitoring Officer.

Town & Country Planning Act (1990), The Planning & Compensations Act (1991), The Town & Country Planning (Control of Advertisement) Regulations (1992), The Planning (Listed Buildings and Conservation Areas) Act (1990), The Town & Country Planning General Regulations (1990), The Rush Common Act 1806 and related legislation: Applications

For information on documents used in the preparation of the reports contact the Planning Advice Desk, Tel: 020 7926 1180.

2. Brixton Village (Coldharbour) - 19/00559/FUL	1 - 22
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RECOMMENDATION

1. Resolve to grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 containing the planning obligations listed in this report.

2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:

a. Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and

b. Negotiate, agree and finalise the planning obligations as set out in this report, addendums and/or PAC minutes pursuant to Section 106 of the Town and Country Planning Act 1990.

3. In the event that the committee resolves to refuse planning permission and there is a subsequent appeal, delegated authority is given to the Assistant Director of Planning, Transport and Development, having regard to the heads of terms set out in this report and PAC minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in order to meet the requirements of the Planning Inspector.

4. In the event that the Section 106 Agreement is not completed within six (6) months of committee, delegated authority is given to

the Assistant Director of Planning, Transport and Development to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in this report and the PAC minutes.

3. Market Row (Coldharbour) - 19/00560/FUL

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RECOMMENDATION

1. Resolve to grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 containing the planning obligations listed in this report.
2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to:
 - a. Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and
 - b. Negotiate, agree and finalise the planning obligations as set out in this report, addendums and/or PAC minutes pursuant to Section 106 of the Town and Country Planning Act 1990.
3. In the event that the committee resolves to refuse planning permission and there is a subsequent appeal, delegated authority is given to the Assistant Director of Planning, Transport and Development, having regard to the heads of terms set out in this report and PAC minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in order to meet the requirements of the Planning Inspector.
4. In the event that the Section 106 Agreement is not completed within six (6) months of committee, delegated authority is given to the Assistant Director of Planning, Transport and Development to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in this report and the PAC minutes.

4. OCCC Estate, Cornwall Road, Wootton Street and Windmill Walk (Bishops) 16/06172/FUL

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RECOMMENDATION

1. That the Planning Applications Committee resolves that, had it been empowered to determine the application, it would have resolved to refuse planning permission on the basis the appellant is not prepared to enter into a planning obligation that would secure two review mechanisms in relation to the Protected Tenancy Units and Build to Rent Units required by officers to make the application acceptable.
2. That the Planning Applications Committee instructs officers to defend the appeal in accordance with recommendation and delegates to the Assistant Director of Planning, Transport and

Development (that officer having regard to this report, addendums and PAC minutes) the negotiation of a list of conditions and the negotiation and completion a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in order to meet the requirements of the Planning Inspector should he/she allow the appeal.

5. Land adjacent to Southwark Underground Station, Greet Street (Bishops) 18/05029/FUL

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RECOMMENDATION:

1. Resolve to grant conditional planning permission subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 containing the planning obligations listed in this report.
2. Agree to delegate authority to the Assistant Director of Planning, Transport and Development to: a. Finalise the recommended conditions as set out in this report, addendums and/or PAC minutes; and b. Negotiate, agree and finalise the planning obligations as set out in this report, addendums and/or PAC minutes pursuant to Section 106 of the Town and Country Planning Act 1990.
3. In the event that the committee resolves to refuse planning permission and there is a subsequent appeal, delegated authority is given to the Assistant Director of Planning, Transport and Development, having regard to the heads of terms set out in this report and PAC minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in order to meet the requirement of the Planning Inspector.
4. In the event that the Section 106 Agreement is not completed within six months of committee, delegated authority is given to the Assistant Director of Planning, Transport and Development to refuse planning permission for failure to enter into a section 106 agreement for the mitigating contributions identified in this report and the PAC minutes.

PLANNING APPLICATIONS COMMITTEE (PAC) FAQs - YOUR QUESTIONS ANSWERED

1 Who sits on the PAC?

The Council has established a PAC, which consists of seven Councillors (elected members).

2 Where and when do PAC meetings take place?

Meetings are usually held in Committee Room B6 at Lambeth Town Hall, Brixton Hill, SW2 1RW. The meetings are normally held on a Tuesday evening at 7pm, one or two times a month and are listed on the Council's calendar of meetings at:

<http://www.lambeth.gov.uk/moderngov/mqCalendarMonthView.asp?GL=1&bcr=1>

3 Can I attend PAC meetings?

Yes. All PAC meetings are open to the press and public although on rare occasions the Committee may discuss a matter in private.

4 How can I get a copy of any reports to be considered by PAC?

The officer reports on applications to be considered are circulated to PAC Members and published on the Council's website a week before the meeting. Papers for meetings can be viewed at:

<http://www.lambeth.gov.uk/moderngov/ieListMeetings.aspx?Committeeld=600>

A limited number of hard copies are also available from Democratic Services at the meeting.

5 Can I make written representations to the PAC meeting?

Yes. Written representations, including any letters, petitions or photos should be:

- Sent to the relevant case officer listed on the front page of the officer report preferably by email.
- Sent by **12 noon two clear working days before the meeting**. Meetings are normally on a Tuesday, so the deadline would be 12 noon by the Thursday before the meeting.

6 Can I speak at PAC meetings?

Yes. Up to three supporters (including applicants), three objectors and the Ward Members can address the meeting at the Committee's discretion for a maximum of **two minutes each**.

You must register your wish to speak on any application by telephoning Democratic Services on 020 7926 8703 or emailing democracy@lambeth.gov.uk by **12 noon on the last working day before the meeting**. You will be required to supply in writing an outline of the points you wish to raise at the meeting. If you telephone, Democratic Services will record these points.

Where the number of requests to speak exceeds three, and/or it is clear the speakers wish to make similar points, like-minded speakers will be asked to liaise with each other so that all the points can be raised succinctly.

7 Does the PAC consider applications in the order listed on the agenda?

Not necessarily. The order of business is determined at the meeting taking into consideration:

1. Applications which are withdrawn or which officers recommend should be deferred.
2. Applications where there are no notified speakers present wishing to address the committee and members have no questions to ask the applicant or officers.
3. Applications which have been deferred from a previous meeting or have been the subject of a site visit.
4. Applications for developments which would be in receipt of public funding and which are subject to deadlines affecting delivery and other applications subject to specific deadlines.
5. Applications regarded as a priority due to the large number of people present, or where applicants, objectors or other members of the public have special requirements.

8 What is the process for considering an application at the meeting?

Officers will introduce each application with a brief presentation which will usually include drawings and photographs of the application site. The Committee will then hear from and question all

interested parties. Any registered objectors will speak first with applicants having the right of reply. The merits of the application are considered taking into account the views of the interested parties and planning officers before the committee reaches a decision.

9 What time does the meeting come to an end?

The meeting will be conducted in a business-like fashion and the Committee will endeavour to deal with reports as quickly as possible.

However if there is a lot of outstanding business at 9.00pm the Chair will advise the meeting if and how the timetable for the meeting has to be revised, in order to deal with remaining business and finish the meeting at 10.00pm. At 10.00pm, if the meeting has not ended, the meeting will decide which business can be completed by 10.45pm and any business not reached by that time will be deferred to the next meeting.

10 What are site visits?

Site visits are arranged by Planning Officers to allow members of the PAC to observe the site and gain a better understanding of the impact of the proposal. The decision of whether to have a site visit is made by the Chair of the committee in consultation with the Director of Planning and Development.

11 When do site visits take place and can I attend?

Site visits will normally take place on the Saturday morning immediately prior to the committee which will consider the application. An alternative date can be arranged with the agreement of the Chair. Other than for reasons of access, the arrangements for site visits will not normally be publicised or made known to applicants, agents or third parties except in exceptional circumstances. Objectors are not invited to site visits except in exceptional circumstances.

For more information please see the 'Protocol for Members of the Planning Applications Committee' in the Council Constitution.

12 If I am unable to attend the PAC meeting, how can I find out the decision?

Decisions will be posted on Twitter from @lbdemocracy immediately as the decision is taken. You can also contact Democratic Services by telephone or email. The minutes from the meeting will also be available on the Council's website approximately five clear working days after the meeting. Planning officers will send the applicant and any interested parties who have made written representations formal notification of the Committee decision.

13 Can I listen to PAC online?

Yes! You can now listen to the any meeting of the PAC live via the council's website. Simply go to the specific meeting webpage (via the [main PAC webpage](#)) and tune in from the start of the meeting. You can also listen back to previous meetings via the same method.

14 What is the addendum?

Sometimes planning officers are required to make amendments or add further information to planning reports after the main agenda pack has been published. These changes will be documented in an addendum (published the Friday before the meeting), and if necessary a second addendum (published the day of the meeting). All addenda can be reviewed online as soon as it is published and hard copies are made available for members of the public at the meeting.

15 Where can I get further information or advice?

If you would like further information or advice, please contact:

- (a) Town Planning Advice Desk: Tel: 020 7926 1180, Email: planning@lambeth.gov.uk
- (b) Town Planning Webpage: <https://www.lambeth.gov.uk/planning-and-building-control>
- (c) Democratic Services: Tel: 020 7926 8703, Email: democracy@lambeth.gov.uk

Guide to Use Classes Order in England.

The table below is intended as a general guide. Reference needs to be made to the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Class	Summary of Use/Description	<u>Permitted Changes</u>
Class A1 Shops/Retail	Shops, post offices, hairdressers, sale of tickets/travel agency, sale of cold food for consumption off the premises, funeral directors, domestic hire shops, dry cleaners, internet café (where the primary purpose is to provide facilities to access the internet)	<p>Permitted change to or from a mixed use as A1 or A2 and up to 2 flats;</p> <p>Permitted change of A1 or mixed A1 and dwellinghouse to C3 (subject to prior approval, max 150m²);</p> <p>Permitted change to A2;</p> <p>Permitted change to A3 (subject to prior approval, max 150m²);</p> <p>Permitted change to D2 (subject to prior approval, max 200m²)</p> <p>Temporary permitted change (2 years) to A2, A3, B1 (interchangeable with notification to the Council, max 150m²)</p>
Class A2 Financial and Professional Services	Banks, building societies, estate agents, employment agencies, professional services.	<p>Permitted change to A1 where there is a display window at ground floor level.</p> <p>Permitted change to or from a mixed use for any purpose within A2 and up to 2 flats and for A1 and up to 2 flats, where there is a display window at ground floor level.</p> <p>Permitted change from A2 or mixed A2 and dwellinghouse to C3 (subject to prior approval, max 150m²)</p> <p>Permitted change to A3 (subject to prior approval, max 150m²)</p> <p>Permitted change to D2 (subject to prior approval, max 200m²)</p> <p>Temporary permitted change (2 years) to A2, A3, B1 (interchangeable with notification</p>

		to the Council, max 150m2)
Class A3 Restaurants and Cafes	The sale of food and drink for consumption on the premises	Permitted change to Class A1 and Class A2 Temporary permitted change (2 years) to A2, A3, B1 (interchangeable with notification to the Council, max 150m2)
Class A4 Drinking Establishments	Public House, wine bar or other drinking establishment	Permitted change to drinking establishment with expanded food provision.
Class A5 Hot food takeaways	The sale of hot food for consumption off the premises.	Permitted change to A1, or A2 or A3. Temporary permitted change (2 years) to A1, A2, B1 (interchangeable with notification to the council, max 150m2)
Class B1 Business	B1(a) - Office other than a use within Class A2. B1(b) - Research and development of products or processes B1(c) - Light industrial uses that can be carried out in residential areas	Permitted B1 change to B8 (max 500m2) Temporary permitted change (2 years) to A1, A2, A3 (interchangeable with notification to the council, max 150m2) Permitted B1 change to state-funded school or registered nursery (subject to prior approval)
Class B1(a) Office	Office other than a use within Class A2	B1(a) office permitted change to C3 (to be completed within a period of 3 years from prior approval date)
Class B1(c) Light Industrial	Light industrial uses that can be carried out in residential areas such as joinery workshops, tailors, printworks, commercial kitchen, workshops	Permitted change (from 1 October 2017 until 30 September 2020 only) from B1(c) to C3 subject to prior approval (max 500m2), completion within 3 years of prior approval date.
Class B2 General Industrial	Industrial process other than one falling within class B1.	Permitted change to B1 and B8 (max 500m2)
Class B8	Storage or as a distribution centre	Permitted change to B1 (max

Storage/Distribution		500m2) Permitted change to C3 (subject to prior approval, max 500m2) until 15 April 2018.
Class C1 Hotels	Hotel or as a boarding/guest house here no significant element of care provided	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
Class C2 Residential institutions	Residential accommodation and care to people in need of care (other than C3), hospital/nursing home, residential school, college or training centre	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
Class C2A Secure residential institutions	Prisons, young offenders' institutions, detention centres, custody centres, secure training centres, secure hospitals, secure local authority accommodation, military barracks	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
Class C3 Dwellinghouses	Dwellinghouse occupied by a single person or by people to be regarded as a single household, not more than 6 residents living together as a single household where care is provided or not provided (other than a use in C4)	Permitted change to C4
Class C4 Houses in multiple occupation	Use by not more than 6 residents as a HMO	Permitted change to C3
Class D1 Non-residential institutions	Medical/health services, crèche, day nursery or day centre, provision of education, display of works of art, museum, public library, public hall/exhibition hall, public worship or religious instruction, law court.	Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification to the Council, max 150m2)
Class D2 Assembly and Leisure	Cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, area for indoor or outdoor sports or recreations (not involving motor vehicles or fire arms)	Permitted change to state-funded school or registered nursery (and back to previous lawful use)(subject to prior approval) Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification

		to the council, max 150m2)
Sui Generis Uses that do not fall within a specified class	Includes large HMO, hostel, theatre, amusement arcade/funfair, launderette, sale of fuel for motor vehicles, sale of motor vehicles, taxi business/hire of motor vehicles, scrapyards, waste disposal installation, nightclub, casino, betting office, pay day loan shop.	<p>Casino to A2 (subject to prior approval); Casino to D2; Amusement centre of casino to C3 (subject to prior approval, max 150m2); Betting office or payday loan shop to</p> <ul style="list-style-type: none"> - A1 or mixed use A1 and up to 2 flats (if a display window at ground floor level), A2 or A2 mixed use and up to 2 flats, - A3 (max 150m2), - D2 (subject to prior approval, max 200m2), - C3 (subject to prior approval, max 150m2), or - mixed use betting office or pay day load shop and up to two flats <p>Use as a betting office, pay day loan shop or launderette to C3 (subject to prior approval, max 150m2); Mixed use betting office, pay day load shop or launderette and dwellinghouse to C3 (subject to prior approval, max 150m2); Mixed use betting office and up to two flats to</p> <ul style="list-style-type: none"> - A1 (if a display window at ground floor level) - A2 or betting office or pay day loan shop <p>Temporary permitted change (2 years, max 150m2) from betting office or pay day loan shop to A1, A2, A3, or B1.</p>

Please note: Permitted development rights can be removed by an Article 4 Direction. Further details of Article 4 Directions can be found at <https://www.lambeth.gov.uk/consultations/article-4-direction>

Abbreviations

ADF	Average Daylight Factor
AQA	Air Quality Assessment
AQMA	Air Quality Management Area
BNPP	BNP Paribas (Financial Viability Advisors)
BRE	British Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
BSPD	Brixton Supplementary Planning Document
CAS	Conservation Area Statement
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
CEMP	Construction and Environmental Management Plan
MHCLG	Ministry of Housing, Communities and Local Government
DD	Daylight Distribution
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESP	Employment and Skills Plan
EVCP	Electric Vehicle Charging Point
HE	Historic England
FTE	Full Time Equivalent
FVA	Financial Viability Assessment
HSE	Health and Safety Executive
GLA	Greater London Authority
LLP	Lambeth Local Plan 2015
LVMF	London View Management Framework
MALP	London Plan 2016 (formerly Minor Alterations to The London Plan)
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAPF	Opportunity Area Planning Framework
PAC	Planning Applications Committee
PPA	Planning Performance Agreement
PTAL	Public Transport Accessibility Level
PV	Photovoltaic
RICS	Royal Institute of Chartered Surveyors
RSS	Regulatory Support Service – Environmental Health advisors
S106	Section 106 of the Town and Country Planning Act 1990
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TA	Transport Assessment
TfL	Transport for London
TLRN	Transport for London Road Network
TVIA	Townscape and Visual Impact Assessment

VSC	Vertical Sky Component
VSPD	Vauxhall Supplementary Planning Document
WSPD	Waterloo Supplementary Planning Document

Approach to Heritage Assets

Legislative Framework

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.

National Policy

Paragraph 8 of the NPPF sets out 3 overarching objectives, contained within the planning system, in order to achieve sustainable development. These objective are interdependent and need to be pursued in mutually supportive ways and include the following (with detail provided on the most relevant objective to this section);

- a) *an economic objective*
- b) *a social objective*
- c) *an environmental objective –to contribute to protecting and enhancing our natural, built and historic environment.*

The NPPF defines a “heritage asset” as:

“A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.

The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing)

“Significance” is defined within the NPPF as being:

“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its “setting”.

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraphs 192 and 193 of the NPPF provide as follows:

192. In determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 195 of the NPPF deals with substantial harm to or total loss of significance of a designated heritage asset.

Paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 197 of the NPPF deals with non-designated heritage assets as follows:

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraphs 200 and 201 of the NPPF are as follows:

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Officers have also had regard to the National Planning Practice Guidance in respect of conserving and enhancing the historic environment.

Approach to Daylight, Sunlight and Overshadowing

Where a proposed development may impact upon the sunlight and daylight received by an adjoining property, planning applications are often accompanied by a Sunlight and Daylight Assessment. These should be undertaken following the guidelines published by the Building Research Establishment 'Site Layout Planning for Daylight and Sunlight' (BRE Guidelines). This is a good practice guide which provides advice on site layout for good natural lighting within a new development, safeguarding of daylight and sunlight within existing buildings nearby a development and the protection of daylighting of adjoining land for future development. The guide is advisory and whilst it provides numerical target values, these need also to be considered holistically with the needs of the development and its surrounding context.

Two methods of measurement are recommended be used to measure daylight impacts: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line) the distribution of direct skylight in a room space.

VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The maximum VSC value is almost 40% for a completely unobstructed vertical wall or window. The BRE guidance suggests that if the VSC is greater than 27%, enough skylight should

still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building shall notice a reduction in the amount of skylight they receive. The guide says: “the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time”.

The DD method is a measure of the distribution of daylight at the ‘working plane’ within a room. For the DD assessment the ‘working plane’ means a horizontal ‘desktop’ plane 0.85m in height for residential properties. The DD divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants.

Typically, it is recommended that VSC and DD are utilised for consideration on daylight losses resulting from the proposal to existing neighbouring residential since it is a comparative test.

Sunlight is measured using Annual Probable Sunlight Hours (APSH). Sunlight is measured using a sun indicator which contains 100 spots, each representing 1% of APSH. Where no obstruction exists, the total APSH would amount to 1486 hours and therefore each spot equates to 14.86 hours (for London) of the total annual sunlight hours. The number of spots is calculated for the Baseline and Proposed Development scenarios during the whole year and also during the winter period and a comparison made between the two. This provides a percentage of APSH for each of the time periods for each window assessed.

The 2011 BRE Guidelines note that sunlight is valued in living rooms at any time of day but especially in the afternoon. It is viewed as less important in bedrooms and in kitchens (the latter where people prefer it in the morning rather than the afternoon. All main living rooms of dwellings...should be checked if they have a window facing within 90° of due south. If the main living room to a dwelling has a main window facing within 90° of due north, but a secondary window facing within 90° of due south, sunlight to the secondary window should be checked.

With regard to existing surrounding receptors, the BRE Guidelines provide that a window may be adversely affected if a point at the centre of the window receives - Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and - Receives less than 0.8 times its former sunlight hours in either time period; and - Has a reduction in sunlight for the whole year more than 4% APSH.

Overshadowing is assessed through transient overshadowing plots which comprise an illustrative tool showing the changing levels of direct sunlight received by amenity space throughout the day on the dates assessed. The BRE ‘test’ for a development’s overshadowing impacts relates to the area of an amenity space that receives more than two hours of sunlight on 21 March (the Spring Equinox). The guide states: “...for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the

area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable”.

Approach to Air Quality

There is a Lambeth wide Air Quality Management Area (AQMA) and Lambeth is also covered by the Non-Road Mobile Machinery (NRMM) Low Emission Zone.

The NPPF states within paragraph 181;

...decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement...Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

London Plan policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, promote sustainable design and construction to reduce emissions from the demolition and construction of buildings, be at least air quality neutral, ensure that where provision needs to be made to reduce emissions from a development, this is normally made on-site, and where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations.