

SECTION '2' – Applications meriting special consideration

Application No : 17/05574/FULL1

Ward:
Penge And Cator

Address : 100 - 102 High Street Penge London
SE20 7HA

OS Grid Ref: E: 535432 N: 170305

Applicant : Mr Sandeep Singh

Objections : YES

Description of Development:

Demolition of the existing building and the erection of a mixed-use development including new post office/shop with ancillary commercial space at ground floor level, together with the provision of 6 flats above.

Key designations:

Conservation Area: Penge High Street
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 32

Proposal

This application was deferred without prejudice by Members of the Plans Sub Committee 1 held on the 22nd March 2018 in order to seek a reduction in the number of proposed units and a provisional of additional parking.

The applicant has sent through revised plans which include the removal of 3 units. The development previously had 9 flats (6 x one bedroom & 3 studio flats). This has now been reduced to 6 (4 x two-bedroom and 2 one-bedroom flats). An additional parking space has also been provided at the rear.

The original scheme recommend refusal on the following grounds:

1. The proposal, due to the layout, design, small unit sizes and density within this constrained site, would result in poor quality accommodation and a cramped overdevelopment harmful to the residential amenities of future occupiers by reason of poor outlook, restricted daylight and sunlight, inadequate levels of privacy contrary to Policies 3.4, 3.5, 7.4 & 7.6 of the London Plan (2016); BE1 and H7 of the Unitary Development Plan (2006); Mayor's Housing SPG and Policies 4 & 37 of the Local Plan (Submission Version August 2017).
2. The proposed development by reason of the design, layout and level of projection would result in a bulky and imposing form of development harmful to neighbouring residential amenities by way of reduced outlook and overshadowing contrary to Policy BE1 of the Unitary Development Plan (2006) and Policy 37 of the Local Plan (Submission Version 2017).

The proposed changes have addressed some of officer concerns and the report below has been updated accordingly.

Proposal

The application seeks consent for the demolition of the existing building and the erection of a mixed-use development including new post office/shop at ground floor level, together with the provision of 6 residential flats.

The proposal would provide 4 two-bedroom flats and 2 one bedroom

Two parking spaces are provided at the rear.

The application was supported by the following documents

- o Design and Access Statement
- o Existing and Proposed Plans

Location and Key Constraints

The application site relates to a two-storey mid-terrace property, which is located within a commercial parade. There is an existing post office/ shop at ground floor level and residential accommodation above. The wider parade also includes a mixture of commercial uses at ground floor level and there also appears to be residential accommodation above. The site is designated as primary shopping frontage within the Penge District Centre. It is located opposite Penge Triangle and there are a number of Grade II Listed Armshouses situated within Waterman Square to the north west. The site is located within Penge High Street Conservation Area. The site backs on to Charles Dickens Terrace, which provides access to a number of flatted developments.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

- o The high street is run down and could do with regeneration as is the post office.
- o Additional flats would provide additional business for the high street. Some flats should be provided on a help-to-buy basis.
- o Important that there is a temporary post office for residents to use
- o Sufficient parking should be provided for residents.
- o No space for cars or other transport other than one disability space.
- o The internal design of the flats does not meet current standards for disability access and living.
- o Not suitable for families and many local families finding it harder to afford accommodation.
- o Already insufficient parking for Penge residents and high street parking

Comments from Consultees

Environment Agency - No comments to make on this application.

APCA: No objection in principle subject to amendment of front elevation to provide taller shop windows

Conservation Officer: No objections

Environmental Health Pollution Officer:

I have considered the above and have no objections within the grounds of consideration.

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend that the following conditions are attached:

The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)

I would recommend that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Drainage Engineer: We are pleased to see the incorporation a green roof. Please impose D02 & D06.

Highways - The development is located to the north of High Street; High Street, Penge (A234) is a London Distributor Road.

The site is located in an area with high PTAL rate of 5 (on a scale of 0 - 6b, where 6b is the most accessible).

There are waiting restrictions and Pay & Display bays available within walking distance of the development and Maple Road. The area is subject to Controlled Parking Zone (CPZ).

Car parking- two spaces indicated accessed via Charles Dickens Terrace. The applicant should be made aware that the resident's rights to Parking Permits would be restricted. This will prevent the development contributing to the on street parking congestion.

Cycle parking - London Plan should be adhered to.

Bin stores -The location should not only be convenient and accessible for collection purposes.

If minded to approve please include the following with any permission:

CONDITION

H03 (Car Parking)

H22 (Cycle)

H29 (Construction Management Plan)

H33 (the agreement to include restrictions on eligibility of future occupiers of the units to apply to the Council for Residents Parking Permit).

Non Standard Condition - The developer should provide information of City Car Club vehicles in London Borough of Bromley. The developer must also offer the first resident 2 years annual membership of City Car Club (or operator of the closest car club to the development). In the first year of the car club membership, the developer will also provide the first resident a minimum of 20 hours driving time per unit for the type of vehicle located closest to the development.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.15 Reducing and Managing Noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.19 Biodiversity and Access to Nature

Policy 7.21 Trees and Woodlands

Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE11 Conservation Areas
BE12 Demolition in Conservation Areas
BE19 Shopfronts
BE20 Shutters
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
7 Trees and Development
T3 Parking
T7 Cyclists
T18 Road Safety
S1 Primary Frontages

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 41 Conservation Areas
Policy 73 Development and Trees
Policy 94 District Centres
Policy 101 Shopfronts and Security Shutters
Policy 115 Reducing Floor Risk
Policy 116 Sustainable Urban Drainage
Policy 119 Noise Pollution
Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance
High Street Penge Conservation Area SPG

Housing: Supplementary Planning Guidance. (2015)

DCLG: Nationally Described Space Standards (NDSS) (2015)

Planning History

The relevant planning history relating to the application site is summarised as:

85/00571/FUL Alterations to the front elevation. Permission

90/00342/ADV internally illuminated fascia and projecting box signs. Permission

99/01546/FULL1 Shopfront and lattice-type roller shutters. Permission

06/03396/FULL1 Cash machine on front elevation Permission 10.11.2006

Other relevant history

93/01863FUL - Land outside 100-102 High Street Penge. The installation of a public payphone under PART 24 of the GDPO (Prior Approval for siting and design). Permitted 28.8.1993

Considerations

The main issues to be considered in respect of the current proposal are:

- Principle of development
- Design and impact on the character of the Conservation Area
- Density
- Impact on Neighbouring Amenity
- Highways Impacts

Principle

The proposal would include the demolition of the entire unlisted building, which is situated within the Penge High Street Conservation Area.

Policy BE 12 (Demolition in Conservation Areas) states that:

A proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution to its character or appearance will not be permitted unless the following can be demonstrated:

(i) there is clear and convincing evidence that reasonable efforts have been made to continue the present use or to find a viable use for the building and these efforts have failed and it is demonstrated that preservation of the building as part of the scheme or in some form of charitable or community ownership is not possible or suitable, or

(ii) the costs of repairs or maintenance of the building cannot be justified against its importance or the value derived from its retention, provided that the building has not been deliberately neglected, or

(iii) there will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition.

Acceptable and detailed plans for a replacement scheme will be required, even if it will involve total or substantial demolition of an unlisted building in a conservation area that makes little or no contribution to the character or appearance of that area.

A condition will be imposed on a planning permission granted, to ensure that demolition shall not take place until a contract for the carrying out of the development works has been made.

The application property is of 1960s construction. It is an infill development which has little architectural merit. It forms part of a wider commercial parade, which is of modern construction. The application property already represents an anomaly within the streetscene/terrace due to its shorter height and generally makes a limited contribution to the character and appearance of the Conservation Area. The proposed scheme would continue to provide a mixed use development with retail at ground floor level and residential above.

Policy S1 states that in primary retail frontages, the Council will only permit changes of use from retail (Class A1) to other uses where the proposal would:

- (i) not harm the retail character
- (ii) generate significant pedestrian visits during shopping hours
- (iii) complement the shopping function of the town centre
- (iv) not create a concentration of similar uses; and
- (v) have not adverse impact on residential amenity

The site is designated as primary retail frontage within a District Centre. The existing property includes retail uses at ground floor level, including a post office and shop. The proposal would include the provision of 180sqm retail (shop/post office) floor space at ground floor level. The existing post had a GIA of around 240sqm but that included ancillary office/storage space. There would be a reduction in floor space, however the level of re-provision appears reasonable and an office/retail space would be provided. Accordingly, the proposal would not harm the retail character of the area, and would continue to generate pedestrian visits. It would also complement the existing shopping function of the town centre and as the existing use is already a retail use/post office, its provision would not create a concentration of similar uses or harm residential amenity. Accordingly the proposal is considered to comply with Policy S1.

Design and Impact on the Conservation Area

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 requires new developments to be imaginative and attractive to look at; complement the scale, form, layout and materials of adjacent buildings and areas; development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. Draft Policy 37 of the proposed submission Draft Local Plan takes a similar stance and, additionally, requires that recycling and waste storage facilities are incorporated within the design layout.

Policy BE11 also relates to development within Conservation Areas. In accordance with this policy new development will be required to respect or complement the layout, scale, form and materials of existing buildings or space; respect and incorporate in the design features that contribute to the character, appearance or historic value of the area; and ensure that the level of activity, traffic, parking or noise generated from the development will not detract from the area.

The site is located within a High Street Penge Conservation Area (CA). The CA SPG states that the 'Special character of the Conservation Area largely derived from the architectural interest of the listed Asylum buildings and St John's church, in their green settings.... The remaining buildings in the area, largely yellow stock brick three storey terraces from the early 19th Century, are relatively simple and provide a plain but appropriate foil to the elaborate nature of the listed structures'.

The site is situated within a three-storey commercial terrace of brick construction. It is set opposite Penge triangle, which is described within paragraph 3.2 of the SPG which states that 'Great visual interest is provided by the informal "town square" at the junction between Penge Lane and the High Street. A row of low two storey yellow stock brick and rendered, cottages emphasise the different character of this area, that also affords important views of the Watermen's & Lightermen's Asylum and St John's Church.'

The location of the site is highly visible and its position opposite this informal "town square" adds to its prominence. The existing property is however of modern construction which provides a limited contribution to the character and appearance of the area and the existing building represent an anomaly within the streetscene/terrace due to its two-storey height, which is set between two three-storey properties.

In terms of scale along the main frontage, the introduction of a three-storey building within this location would not appear out of character when viewed from the streetscene and would be more in keeping with the scale of the adjoining properties. The proposal would however also include an additional fourth storey with a mansard roof design and small front facing dormers. The terrace in which the host property lies does not include this feature; however examples are noted within close proximity, including the neighbouring terrace. It would not therefore be significantly out of character.

The front parapet would sit approximately 400mm above the parapet line of the adjoining neighbour 104, but is also then around 700mm below the adjoining neighbour at 96-98. The mansard would then be set back from this front parapet by 1.5m. The higher roof profile would be visible from long views from the high street; however it would not sit significantly above neighbouring properties, which have a staggered building height and when looking in a south east direction from the High Street, number 94 would be in the foreground and this property already sits above the neighbouring examples at 104-98. The side parapet would be approximately 0.3m above number 94 but this would not be significantly discernible.

The proposal would include a brick façade, with large aluminium windows. In the context of the adjoining neighbours and wider terrace, the use of a high quality brick is considered a sympathetic and complementary design approach, however given the location within the conservation area it is considered necessary and reasonable to condition the submission of material samples and architectural details such depth of window reveals, coping stones, parapet and lintels details to ensure their satisfactory quality. Front facing balconies are proposed at roof level. These are not characteristic of the wider area, however the area in general incorporates various architectural styles and when taking the existing anomalous situation into account, the addition of a well-designed infill could improve the visual relationship as the terrace as a whole. Therefore on balance the scale and design of the

proposal from the streetscene is considered to be acceptable and preserve the character and appearance of the wider Conservation Area.

The rear of the terrace has an informal built arrangement and its massing steps down in height towards Charles Dickens Terrace at the rear. This road provides access to a number of other flatted developments, which are larger in scale but are located on the opposite side of the road. Generally however, the rear of the terrace, which the development would form part of, has a lower built form, principally being 1/1.5 storeys in height.

There are a number of larger parapet structures which straddle the shared boundary with number 104 & 96-98. The application has been amended to address concerns raised by Members as the three units to the rear have been removed and the layout reconfigured. This has resulted in the main building being made deeper by around 1.7m and it now projects 4.9m beyond 96-98 and approximately 1.7m beyond 104. There is also a 3.6m deep projection at first and second floor level at the rear, but this has been pulled away from each side boundary.

The rear of the existing terrace is visible from Maple Road. As noted above, the rear of the terrace is built up and there is a staggered rear building line to a number of the properties. The building would now project more significantly beyond the main building line of the adjoining neighbours at the upper floor levels. Whilst this would be visible and would appear more bulky than the remainder of the terrace, given the location at the rear and commercial nature of the parade, on balance it is not considered to be significantly harmful in character or appearance of the area.

A shopfront is noted on the ground floor, however the applicant has indicated that the design does not form part of this application and will be subject to a separate application.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The London Plan advises that development plan policies related to density are intended to optimise not maximise development and density ranges are deliberately broad to enable account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity, as well as social infrastructure, open space and play (para.3.28).

The Housing SPG (March 2016) provides further guidance on implementation of policy 3.4 and says that this and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floor space), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility (para.1.3.8).

This site is considered to be in an 'urban' setting and has a PTAL rating of 5. The London Plan gives an indicative density range of between 45-260 units/ha and 200-700 habitable rooms/ha. UDP Policy H7 also includes a density/location matrix which, in areas comprising flats and terraced houses, supports a density of 55-175 units/ha and 200-450

habitable rooms/ha for locations such as this provided the site is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area.

The density calculations for the proposed development are approximately 484 habitable rooms/ha and 181 units/ha. The application site is within a District Centre and is considered to be within a sustainable location. However, the site itself is located within the middle of a shopping parade and is constrained by its relationship with the adjoining neighbours, access arrangements and proximity with development at the rear. Notwithstanding this, the density is considered acceptable in this context.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The applicant has confirmed that 90% of the proposed units would be BR M4(2) compliant.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The proposal would now provide 6 self-contained flats.

The NDSS provides the following minimum floor space standards for 1 & 2 bedroom units:

- 1 bedroom 2 person units - 50sqm
- 2 bedroom 3 person units - 61sqm

In accordance with the London Plan 1-2person dwellings should provide a minimum of 5sqm of amenity space.

The loss of three units, which were mainly located within a larger rear projection within the development have now been removed. This has lessened the overall bulk and mass of the scheme.

The Units 1-4 are 2b3p units and these would comply with the minimum GIA outlined above. The 1 bedroom units have a GIA of 49sqm and are therefore undersized by 1sqm, however each unit is provided with 6.5sqm of balcony space. They are also dual aspect units and are therefore considered acceptable.

In terms of light and outlook the reduction in the number of units and general reconfiguration of the building has improved the outlook for the rear facing windows. The rear bedrooms of units 1-4 may experience some tunnelling as a result of their recessed position between the central rear projection and parapet walls. However this is not considered harmful enough to warrant refusal.

Previously, concerns were raised around the proximity of habitable rooms to the development at the rear of the site (Charles Dickens Terrace). At its narrowest point this was only around 9.4m. The amended layout has however improved this visual relationship and the separation would be approximately 21m at roof level and around 17.5m at first and second floor level. This would no longer appear as imposing or dominant for future occupiers.

In light of the reduction in the number of units and reconfiguration, the development would now on balance provide an acceptable standard of accommodation for future occupiers.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The site is located within a District Centre and has PTAL of 5. Due to the proximity with the high street there are waiting restrictions and pay and display bays on surrounding roads and a new CPZ will be operational in February 2018.

Two parking spaces have been provided to the rear of the site. The Highways officer has not objected to the scheme or level of parking provision but has suggested a number of conditions to mitigate the impact of the development including a condition restricting future residents from parking permits. Given the size of the units, accessible location and surrounding road restrictions this is considered to be on balance acceptable.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The application site is located within the middle of a commercial parade and there are a number of larger parapet walls along each side boundary of the site and this has resulted in a degree of visual incursion for some of the windows immediately next to the site.

From observations on site there appears to be residential accommodation above the units immediately adjoining the site. The applicant has sought to reduce the mass of the development by removing the larger central projecting rear element. Furthermore, as noted above, there are a number of larger parapet walls along each side boundary of the site and this has resulted in a degree of visual incursion for some of the windows immediately next to the site.

Number 104 to the south east has also got a two-storey rear projection. The parapet walls would be higher and whilst the roof profile of this proposal would be bulkier than the

existing development, given the neighbouring development, orientation and level of projection beyond the rear of 104 it is not considered that there would be a significant loss of outlook or light.

Number 96-98 is located to the north west of the application site. Windows are noted within the rear elevation at first and second floor level and these appear to serve residential accommodation. The proposed development appears to project beyond the rear of this building by approximately 4.9m right up to roof level and would sit approximately 6.5m above the existing parapet wall which straddles the boundary. This arrangement and level of rear projection would appear more imposing and would reduce outlook to these neighbour rear facing windows. There may also be some overshadowing due to the orientation of the site, level of projection and increased bulk.

There is a flatted development immediately to the rear of the site and this development includes windows directly facing the proposed development. At present there is approximately a 22m separation. The proposed development would bring these windows and amenity areas closer together, but there would still be a separation of around 17.5m between the facing windows. The balconies would be set marginally closer, however this is not so close as to warrant a refusal as a result of a loss of privacy or overlooking. The upper level units are set sufficiently back and the design and layout would prevent inter-looking between some of the flats and amenity spaces.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The amendments to the scheme have satisfactorily addressed concerns officers have in respect of the quality of the proposed accommodation and overdevelopment of the site. However, whilst the demolition of the building within the CA and provision of a mixed use scheme with retail at ground floor is not objectionable in principle, the revised scheme would continue to impact detrimentally of neighbouring residential amenities at numbers 96-98 by way of a loss of outlook, overshadowing and overbearing impact contrary to Policies BE1 and H7 of the Unitary Development Plan (2006) and Policies 4 & 37 of the Local Plan (Submission Version August 2017).

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed development by reason of the design, layout and level of projection would result in a bulky and imposing form of development harmful to neighbouring residential amenities by way of reduced outlook and overshadowing contrary to Policy BE1 of the Unitary Development Plan (2006) and Policy 37 of the Local Plan (Submission Version 2017)**