



Appeal Decision

Hearing Held on 6 & 7 August 2019

Site visit made on 7 August 2019

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 24 October 2019

Appeal Ref: APP/M4510/W/18/3214448

149 Westgate Road, Newcastle upon Tyne NE1 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Versant Developments against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2017/0110/01/DET, dated 28 October 2016, was refused by notice dated 20 April 2018.
 - The development proposed is 'erection of an eight storey student accommodation building accommodating 70 studio apartments (class C3) with cycle parking, refuse storage and associated facilities as amended by plans and details received 9, 20 and 21 March 2018'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 February 2019 followed by changes to the Planning Practice Guidance (PPG) published in July 2019. At the hearing, the parties were given an opportunity to comment on the implications for the appeal. I have determined the appeal based on the 2019 Framework and PPG.
3. The Development and Allocations Plan (DAP) forms Part 2 of the Local Plan and was submitted for Examination on 13 March 2019, after determination of the planning application. Although the hearing sessions have concluded, consultation on proposed main modifications is yet to be undertaken. I have no information as to the extent of any unresolved objections to the policies which are most relevant to the appeal and having regard to paragraph 48 of the Framework, I attach limited weight to the policies in the DAP.
4. During the course of the planning application, changes to the scheme were proposed by the appellant to respond to matters raised by the Council but were not progressed any further. The appeal has been determined based on the plans submitted with the planning application in October 2016 and as amended by the plans dated 9, 20 and 21 March 2018 together with one

additional plan which was provided following the hearing¹ to clarify the arrangements for a level access into the building. The description of development was changed from the submitted planning application form and the description in the banner heading above reflects the refusal notice and appeal form.

5. A new British Standard (BS) EN 17037:2018 'Daylight in Buildings' was published in December 2018. This replaces the BS 8206-2:2008 'Lighting for Buildings: Code of Practice for Daylighting' on which the appellant's submitted Daylight, Sunlight and Overshadowing assessment ('the D & S report') is based. At the hearing, the parties were asked to comment on the implications of the new BS for the appeal. The appellant submitted a note dated 6 August 2019 and the Council's verbal comments at the hearing were confirmed by way of a note after the hearing. The appellant had an opportunity to comment on the Council's submitted note. I have taken account of the comments of both parties in my determination of the appeal and I return to the implications of the new BS in the second main issue in this case.
6. The Community Infrastructure Levy (CIL) Regulations (2010) were amended on 1 September 2019 followed by changes to the PPG. The amendments change the position on pooling restrictions and monitoring fees that were addressed as part of the Council's CIL Compliance Statement. However, as I am dismissing the appeal for other reasons, I have not sought the views of the parties on the changes to the CIL Regulations as it would not change the outcome of the appeal.
7. The third reason for refusal relates to the absence of a completed legal agreement to mitigate the impact of the proposed development including in relation to open space provision and the provision and management of parking space. However, a completed planning obligation by Deed of Agreement pursuant to section 106 of the Town and Country Planning Act 1990 dated 6 September 2019 (the s106 agreement) was submitted after the hearing. I deal with the provisions of the agreement later in my decision.

Main Issues

8. The main issues in this case are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Central Conservation Area, having particular regard to the effect on the significance of designated and non-designated heritage assets, in particular Blenheim House and the Sinclair Building; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers of the development having particular regard to the levels of daylight and sunlight and access to outdoor space and the effect on adjoining occupiers having particular regard to levels of daylight, sunlight, outlook, privacy and noise.

¹ Drawing No P2208 A L 0- 103 L

Reasons

Character or appearance of the Central Conservation Area

9. The site occupies a prominent corner location at the junction of Westgate and St James Boulevard, a dual carriageway constructed in the late 1990s which runs to the west of the city centre. It is a brownfield site, formerly occupied by the Carlisle Hotel which closed in 1967 and which was demolished in 2004. Planning permission for the erection of a six storey building on the appeal site containing 18 flats and a café/bar at ground floor level was granted in December 2004² but the scheme was not implemented.
10. It is a matter of common ground between the parties that subject to satisfactory design and amenity considerations, the principle of residential development on the site would accord with Policies CS1, CS2, CS9 and CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (CSUCP) and with Policy SC2 of the Maintaining Sustainable Communities Supplementary Planning Document (SPD).
11. The proposed eight storey building (including basement) would accommodate communal facilities at basement and ground floor levels, 70 studio apartments and an outdoor roof terrace at level 7 of the building. The building would be 'L' shaped with a small open courtyard area at ground level measuring approximately 4 metres by 10 metres which would be adjacent to the Blenheim House and Sinclair buildings.
12. In the exercise of planning functions, the statutory test set out in s72 of the Planning (Listed Building and Conservation Areas) Act 1990 is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to consider the impact of the proposal on the special architectural and historic interest of any listed buildings affected, and their settings.
13. Paragraph 193 of the Framework advises that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
14. The site is in the Westgate Road Character Area within the Central Conservation Area. The considerable variety in the scale, design and materials of buildings within the character area reflects the social and economic development of the city. The site is enclosed on two sides by the gable end of Blenheim House which faces Westgate and the side wall of the Sinclair Building facing St James Boulevard. Now converted to residential use, both buildings were formerly the company premises of the Robert Sinclair Tobacco Company Ltd and are included in the local list of non-designated heritage assets maintained by the Council.
15. Other designated and non-designated heritage assets contribute to the character and appearance and thereby the significance of the Conservation

² Ref 2012/2106/01/DET

Area including the Grade 1 listed Tyne Theatre and Opera House and locally listed Bodega public house on Westgate and Nos 172, 174, 178, 190 and 200 Westgate Road which are Grade 2 listed Georgian terraced houses to the south west of the Westgate/St James Boulevard junction. Westgate Road follows the Roman line of Hadrian's Wall and is an area of significant archaeological interest as denoted by the World Heritage Site status of the Roman Wall and the Scheduled Ancient Monument designation of the Town Wall and defences.

16. Important views also contribute to the significance of the Conservation Area including from Westgate Hill where views towards the city centre are channelled by the buildings on either side of the road and from where the 'gateway' location of the appeal site is clear. The gap between Blenheim House and the Sinclair Building affords glimpsed views of the Grade 1 listed Cathedral of St Mary.
17. I concur with the findings of the appellant's Heritage Impact Assessment (HIA) that the Conservation Area is of high significance. Due to the built-up nature of the surrounding area and the segregating effect of St James Boulevard, I also concur with the findings of the HIA that the appeal site does not contribute to the setting of any of the nearby listed buildings and there is limited inter visibility between these buildings and the appeal site.
18. The appeal site does, however, contribute to the setting of Blenheim House and the Sinclair building. The scarring of the gable ends of both buildings following demolition of the former Carlisle Hotel, on-site vegetation growth and hoardings on the road frontages create a neglected appearance. Together with the visual gap at this prominent corner location, this detracts from the setting of both Blenheim House and the Sinclair building and from the character and appearance of the Conservation Area. However, this effect is localised and does not have a serious adverse impact on the wider Conservation Area including the listed buildings and important views outlined above that contribute to its significance.
19. The appellant indicates that the scale and massing of the proposed student accommodation building has been informed by the height of neighbouring buildings. On the Westgate Road frontage, the ridge height would be the same as Blenheim House, whilst facing St James Boulevard, the roof heights would be 'stepped' to the level of the Sinclair Building which would ensure that it would not dominate the Sinclair building. Given the variation in building heights along St James Boulevard including the 26 storey Hadrian's Tower currently under construction approximately 100 metres to the north of the site, the proposed building would not appear unduly tall within its surroundings
20. The proposed building's principal elevations facing the two road frontages would draw on the features of Blenheim House and the Sinclair building but with varying degrees of success. The fenestration, floor levels and eaves line of the Westgate Road elevation would relate well to Blenheim House. The columns separating the window openings would create a vertical emphasis which would reflect the proportions of Blenheim House. However, the proposed two storey mansard roof with projecting dormer style windows protruding above the roof line would create a top heavy and clumsy

appearance with an awkward junction at roof level between the gable of Blenheim House and the proposed building.

21. The proposed 'tower' feature seeks to turn the corner of the building and to draw together the two principal elevations at the junction of Westgate Road and St James Boulevard. However, it would not reflect any of the features in the adjoining buildings nor would it draw on the design features of the proposed building's principal elevations. The tower feature would have a blank and disconnected appearance and by reason of the building's location it would have a prominent and incongruous appearance when viewed from Westgate Road, St James Boulevard and from wider vantage points in the Conservation Area.
22. Whilst the height of the proposed building would not be out of keeping with surrounding development, the proposed design for the roof and tower feature would fail to relate to the characteristics of adjoining buildings and would not integrate well with surrounding development.
23. I acknowledge the appellant's point that the Newcastle Science Central complex under construction to the west of St James Boulevard includes contemporary buildings of a substantial scale in proximity to the site. However, Blenheim House and the Sinclair Building form the immediate setting for the new building rather than the contemporary buildings under construction at Science Central.
24. Paragraph 197 of the Framework states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
25. Blenheim House and the Sinclair building are taller than the three storey Carlisle hotel building which formerly occupied the site, enhancing their prominence and status. The combination of the scale, architectural interest, high quality materials, historic use and Art Deco style projection to the rear of Blenheim House contribute to its significance as a non-designated heritage asset. The historic Company advertisement on the building's western gable emphasises the presence and status of its former commercial use due to its elevated position, size and high quality materials. The sign has been recently restored and is highly visible at wider distances from the site, in particular from Westgate Hill to the west.
26. The Sinclair building is square in layout with traditional detailing and a decorated stone insert extending across the width of the front elevation which displays the Robert Sinclair Company name. The combination of the square form of the building and linear emphasis of the insert bearing the Company logo creates a horizontal emphasis which contributes to the building's solidity and presence and thereby to its significance.
27. The advertisement on Blenheim House and the Company name on the Sinclair building create a strong visual connection between the two buildings and an ongoing reminder of their interconnected historic use. Both individually and as a pair, they are iconic and landmark buildings at a key gateway to the city centre with a high cultural and historic significance. It

follows that I disagree with the conclusion of the appellant's HIA that individually the buildings are of low significance.

28. Due to its height, the proposed development would obscure the advertisement sign and glazed brick section on the west gable of Blenheim House and the Art Deco style projection to the rear. Furthermore, the historic and visual connection between Blenheim House and the Sinclair building at this prominent corner location would be lost. This would cause serious harm to the setting and significance of both buildings as non-designated heritage assets. Blenheim House is not listed and I acknowledge that the advertisement could be removed or painted over without the need for consent. However, I must determine the appeal based on the scheme before me and I conclude that the loss of the sign would be harmful to the significance of both Blenheim House and the Sinclair buildings as non-designated heritage assets.

Conclusion on character or appearance of the Central Conservation Area

29. I conclude in relation to the first main issue in this case that the proposal would harm the significance of non-designated heritage assets and would fail to preserve or enhance the character or appearance of the Central Conservation Area. Accordingly, there would be conflict with the statutory test and with the Framework's provisions on designated heritage assets. This indicates that development should preserve or where possible enhance the historic environment including the character and setting of areas including buildings of acknowledged importance and conservation areas.
30. The proposal would be contrary to CSUCP Policies CS15, UC11, UC12, UC13 and UC14 in so far as they seek to ensure that new development sustains and enhances the historic environment, respects context and enhances gateways to the city including Westgate Road. There would be further conflict with saved Policies EN1.1, EN2 and EN2.1 of the Newcastle upon Tyne Unitary Development Plan (1998) (UDP) which amongst other things seek to ensure that new development meets high standards of design, enhances the appearance of the city from main approaches and does not harm views of historic or landmark buildings.
31. The impact of the proposal would be relatively localised and in my view the harm to the Conservation Area identified above would be less than substantial. Whilst the Council indicates that the harm would be at the 'higher end' of less than substantial, the Framework makes clear in paragraph 196 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I return to this balancing exercise later in my decision.

Living Conditions

32. The Framework seeks to ensure a high standard of amenity for existing and future users and this is reflected in CSUCP Policy CS14 and saved Policies H2 and H4 of the UDP. Policy SC2 of the Maintaining Sustainable Communities SPD is also relevant and seeks a good standard of amenity for existing and future residents. The supporting text indicates that this includes an

attractive outlook from main habitable rooms and appropriate natural lighting, taking into account the site's context and urban grain.

33. The new BS adopts a common method to measure daylight and rather than having different Average Daylight Factor (ADF) targets for different rooms, certain lux levels have to be achieved over 50% and 95% of the space. However, the appellant's submitted D & S report is based on the previous BS and the Council has not supplied its own sunlight and daylight assessment. Furthermore, pending further national guidance on how the new BS should be applied, it was agreed by the parties that the Building Research Establishment publication 'Site layout planning for daylight and sunlight: A Guide to Good Practice' (2011) ('the BRE guidelines') on which the appellant's submitted D & S report was based remains the relevant guidance for applying the now superseded BS. In the circumstances, the appeal should be determined on the basis of the appellant's submitted D & S report. The BRE guidelines advise that numerical values are not to be rigidly applied and recognises the importance of the specific circumstances of each case.
34. In relation to daylight, the D & S report includes calculations for Vertical Sky Component (VSC) supplemented by Daylight Distribution (DD) and Average Daylight Factor (ADF) calculations. DD and ADF provide a more robust assessment of the effect of a development on daylight as they take into account the size and use of a room and the size and number of its windows. The effect on sunlight is measured by Annual Probable Sunlight Hours (APSH) and Winter Sunlight Probable Hours (WSPH).

Living Conditions - future occupiers of the proposed accommodation

35. The results of the D & S report indicate that approximately 82% of the proposed accommodation units would comply with the BRE guidelines for ADF and DD. Approximately 67% of the windows requiring assessment would achieve the BRE guidelines for APSH levels and all windows would meet the BRE guidelines for WSPH. Windows which would fail to meet recommended levels would include the lower windows in the north elevation facing Westgate and lower windows in the south elevation which would be enclosed by the wall on the common boundary with Blenheim House.
36. Access to outdoor space would be afforded by the proposed roof terrace. The s106 agreement would secure contributions towards off site public open space and I deal with the details of that later in my decision.
37. Overall, I consider that the proposed development would provide satisfactory living conditions for future occupiers of the development with particular regard to daylight and sunlight and access to outdoor space.

Living Conditions – adjoining occupiers

38. Above the wall on the common boundary between Blenheim House and the appeal site which is approximately 2.5 metres high, the west facing windows in the Blenheim House flats are unobstructed, receiving good levels of daylight and during the afternoon period, sunlight. The D & S report indicates that these levels are unusual in an urban context and that the effect of the development is typical of development in a historic city centre.

39. The D & S report assesses the impact of the proposal on seven flats in Blenheim House – Nos 2, 6, 10, 14, 18, 22 and 26. Their kitchen/diner areas are served by multiple windows in the west elevation of the Art Deco projection to the rear of Blenheim House. In terms of daylight, some of these windows would experience a significant reduction in the VSC. However, the DD and ADF results demonstrate that overall, daylight levels would remain adequate having regard to the use of the rooms and the fact that there are multiple window openings serving the kitchen/diner areas. In accordance with the BRE guidelines, sunlight testing was not carried out for these windows as they are not within 90 degrees of due south.
40. Turning to the windows in the southern elevation of Blenheim House, the D & S report indicates that the windows affected would serve either bedrooms or kitchens. However, as I saw at my site visit, the floor layouts of Flats 10 and 18 differ from the layouts which were used to test the impact of the development in the D & S report. In these flats, the windows in the south elevation serve the lounge, a principal habitable room with a single aspect. The BRE guidelines indicate that daylight and sunlight is more important for such rooms and as such, higher levels of performance would be required. The D & S report does not test that higher level for Flats 10 and 18. As such, there is nothing in the evidence before me to demonstrate the effect of the development on daylight and sunlight levels to the lounge windows in Flats 10 and 18.
41. Turning to the windows in the south elevation of the other Flats 2, 6, 14, 22 and 26, the results in the D & S report show that the main 'transgressions' in terms of daylight and sunlight would relate to windows in the lower floors. Although daylight levels to those windows are reduced by the presence of the wall on the common boundary, some rooms would have a further significant reduction in levels of natural light, making them more gloomy in aspect and adversely affecting the living conditions of the occupiers.
42. The separation distance between the west elevation of Blenheim House and the east elevation of the new building would be 5 metres at the narrowest point and 6.5 metres at the widest. The outlook from the kitchen/diner windows in the west elevation of Blenheim House would be dominated by the proposed building which due to a combination of its proximity, massing and height would appear overbearing and oppressive and would create a poor outlook from those windows. Whilst direct views to the south from the windows in the south elevation would not be affected, the close proximity of the side wall of the new building would have a significant enclosing effect.
43. The PPG advises that in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable. I have had regard to the location of the site within a higher density urban context and that the existing daylight and sunlight levels are optimised by the vacant condition of the appeal site. However, the impact on daylight and sunlight levels currently enjoyed by the occupiers of flats in Blenheim House together with the effect on outlook would cause material harm to the living conditions of existing occupiers.

44. Turning to overlooking, the proposed building would have windows at all levels of the stairwell which would face the windows in the west elevation of Blenheim House. Whilst direct views would be possible from these windows, I am satisfied that had the appeal been allowed, a condition to secure obscure glazing would have been necessary and reasonable to avoid direct overlooking and to safeguard the living conditions of adjoining occupiers. Views from the windows in the south elevation of the new building towards Blenheim House would be possible but they would be at an oblique angle and would not cause material harm to the living conditions of existing occupiers from overlooking.
45. Concerns have been raised about the potential for noise and disturbance associated with the use of the communal outdoor roof terrace. At the hearing, the appellant clarified that the roof terrace would be located on level 7 of the building. The completed s106 agreement requires the submission of an External Roof Terrace Management Plan which would include details of hours of use and management of the area. Had the appeal been allowed, I am satisfied that a satisfactory scheme could have been secured to minimise noise and disturbance to adjoining occupiers.

Conclusion on Living Conditions

46. Drawing matters together, I find that the proposed development would provide satisfactory living conditions for future occupiers. Whilst the living conditions of adjoining occupiers in Blenheim House would not be materially harmed by noise and disturbance or overlooking, the reduction in levels of daylight and sunlight and loss of outlook would cause material harm to their living conditions.
47. The appellant's D & S report compares the effects of the proposed scheme on daylight and sunlight against the effects of the 2004 planning permission. It concludes that windows on the lower floors of Blenheim House would experience similar reductions to the VSC and that levels of compliance for AD and DD would be similar to those for the 2004 scheme. However, that permission has expired and this limits the weight that can be attached to it as a material consideration in this case. Furthermore, the impact on outlook would not be comparable due to the increased height of the proposed scheme compared with the 2004 planning permission.
48. The appellant has referred me to a number of approved developments in the vicinity of the appeal site which result in similar or greater effects on neighbouring properties, but I have come to my conclusion based on the circumstances of the appeal site and the evidence before me. The proposed development would be contrary to CSUCP Policy CS14, UDP saved Policies H2 and H4 and Policy SC2 of the Maintaining Sustainable Communities SPD all of which seek good standards of amenity including in terms of daylight, sunlight and outlook. There would be further conflict with the provisions of the Framework which seeks to secure a high standard of amenity for existing and future users.

The s106 agreement

49. I have considered the obligations in the s106 agreement against the tests set out in the Framework, the PPG and the CIL Regulations 2010. The

Council provided a CIL Compliance statement for the obligations sought confirming that they were compliant with the CIL Regulations.

50. CSUCP Policies CS18 and UC15 seek the protection and enhancement of open space in the Urban Core and in accordance with the Planning Obligations SPD (2016), open green space should be provided on site or where this is not possible, through contributions towards off site provision for sites of 10 or more residential units. On site provision would not be possible given the appeal site's restricted size. Summerhill Square is a publicly accessible green space which is a short distance on foot from the appeal site. Had the appeal been allowed, I am satisfied that the contribution of £18,060 towards new footpaths and gates at Summerhill Square would have been justified and necessary to make the development acceptable in planning terms.
51. Sufficient evidence was also provided to justify the other payments in the s106 agreement including the requirements of CSUCP Policy CS13 (transport and car parking arrangements) and Policy CS5 (training and employment provision) and contributions towards monitoring costs set out in the Planning Obligations SPD.
52. The requirements of Regulation 122 of the CIL Regulations and paragraph 204 of the Framework are satisfied. Had the appeal been allowed, the obligations would have been necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The s106 agreement therefore meets the statutory tests set out in paragraph 56 of the Framework.

Other Matters

53. Representations on other matters include concerns about access and parking arrangements, particularly during drop off and pick up times and for delivery/collection vehicles. Had the appeal been allowed, the s106 agreement would have secured a Transport Management Plan to manage the arrival and departure of residents' vehicles and to make arrangements to accommodate other vehicle deliveries and collections.
54. The submitted plans show details of areas for refuse storage and I am satisfied that had the appeal been allowed, a condition could have been used to secure the necessary details for access for refuse vehicles.

Public benefits and the heritage balance

55. The provision of 70 units of student accommodation in a sustainable location within the city centre would accord with CSUCP Policy CS11 which seeks to focus purpose built student accommodation within the Urban Core in close proximity to the two universities and Newcastle College. It would also be likely to facilitate the release of existing dwellings currently being used for student accommodation back onto the market. Six of the proposed units would be accessible for those with mobility difficulties.
56. Economic benefits would accrue from the jobs created during construction and from the ongoing management and maintenance of the building once occupied. Through the provisions of the s106 agreement, this would be

likely to assist local workers in finding employment and training opportunities, boosting the local economy. The appellant estimates each student would generate £20,000 per year towards the local economy.

57. That the site would benefit from redevelopment is not disputed by the Council nor by local residents. I have not been supplied with any further details of financial viability, but I have no reason to dispute the appellant's position that the proposed development represents a viable use for the site. There would be public benefits from regenerating a neglected gap site which currently detracts from the character and appearance of the Conservation Area. The recording of archaeological assets and of the Robert Sinclair advertisement panel prior to construction would also confer some limited heritage benefits.
58. However, the proposal would cause material harm to the significance of Blenheim House and the Sinclair Building as non-designated heritage assets and it would fail to preserve or enhance the character or appearance of the Central Conservation Area. Considerable importance and weight attaches to the harm that would be caused to both non-designated and designated heritage assets.
59. Taking all of these matters into account I conclude that the heritage harm that I have identified would outweigh the public benefits in support of the scheme. As such, the proposal would conflict with the provisions of saved policies in the UDP, the CSUCP and the Framework in relation to heritage assets.

Overall planning balance

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. It is no part of the appellant's case that the Council is unable to demonstrate a five year supply of deliverable housing sites. Accordingly, the appeal falls to be determined under the 'normal' planning balance.
61. I have concluded that the heritage harm would not be outweighed by the public benefits of the proposal. The proposed development would also cause material harm to the living conditions of adjoining occupiers, in conflict with the policies in the development plan which seek to ensure a good standard of amenity. Together, these issues weigh heavily against the appeal proposal. The proposed development would be contrary to the development plan, read as a whole and there are no material considerations of sufficient weight to justify a decision other than in accordance with the development plan.
62. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:	
Mr H Emms	Lichfield
Mr E Hasler	Jesmond Group
FOR THE LOCAL PLANNING AUTHORITY	
Ms J Young	
Ms S Miller	
Ms C Coyne	
INTERESTED PERSONS	
Ms J Hamilton Hodson	Local resident
Mr Kaing	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING

1. Email dated 2.8.19 with note re implications of revised British Standard EN 17037:2018 'Daylight in Buildings' submitted by the appellant
2. Clarification of plans in Appendix 2 of the Sunlight and Daylight report submitted by the appellant (D & S Report August 2019)
3. Community Infrastructure Levy Compliance Statement submitted by the Council
4. Note on current position with the Development and Allocations Plan submitted by the Council
5. Local listing description for Blenheim House and the Sinclair Building
6. Patterns of Experience Character Assessment for the Central Conservation Area submitted by the Council
7. Photo montage and plans of scheme for appeal site approved under planning application reference 2012/2106/01/DET
8. Letter with company logo letterhead from the Robert Sinclair Tobacco Company dated 4 May 1936 submitted by Mr Kaing

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

9. Signed Statement of Common Ground dated 7.8.19
10. EN 17037:2018 'Daylight in Buildings' and note submitted by the Council on 9.8.19
11. Email from appellant dated 9.8.19 responding to Council's note of 9.8.19
12. Final conditions list and appellant's written agreement to pre-commencement conditions
13. Plan reference P2208 A L 0 103 L clarifying details of level access at the main entrance to the building submitted by the appellant
14. Signed s106 planning agreement dated 6.9.19