



Appeal Decision

Hearing Held on 3 and 4 December 2019

Site visit made on 4 December 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/N5660/W/19/3226764

Rear of 300-302 Norwood Road, London SE27 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Carl Homerstone (Juno Asset Management Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/05496/OUT, dated 20 December 2018, was refused by notice dated 22 March 2019.
 - The development proposed is site redevelopment to provide Class C3 dwellings, Class D1 community space and Class B1 office space, together with bin and cycle storage, access, circulation and parking, amenity space and other ancillary works (outline).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission with approval being sought for access, layout and scale. Appearance and landscaping are reserved matters and therefore where such details are shown on the submitted plans, they are indicative only. I have determined the appeal accordingly.
3. The description of development used in the heading above has been taken from the application form. In refusing the application, the Council used an amended description of development on the decision notice which included reference to the number of dwellings proposed. However, at the hearing the parties confirmed that the amended description had not been formally agreed by the appellant. I have therefore used the original description of development in my decision.
4. Prior to the start of the hearing, a Statement of Common Ground (SOCG) comprising SoCG1 dated 13 November 2019 & SoCG2 dated 12 November 2019, signed by the Council on 28 November 2019 was submitted. In reaching my decision I have had regard to the SOCG which confirms that the Council no longer wishes to pursue its reasons for refusal relating to the suitability of the access (reason 2); energy efficiency and sustainability (reason 3) and noise (reason 7). In addition, the Council's statement confirms that subject to the appellant agreeing to provide affordable housing units that exceed all policy requirements, it agrees to withdraw the

reason relating to affordable housing (reason 1). I have determined the appeal accordingly.

5. The SOCG refers to emerging policy in the form of the emerging Local Plan; the emerging West Norwood Neighbourhood Plan and the emerging London Plan. At the hearing both main parties agreed that the emerging Local Plan and Neighbourhood Plan should be afforded very little weight with the Council considering that the emerging London Plan should be given significant weight and the appellant considering it should be given lesser weight than that. In any event, the appellant considers that policies contained within the emerging London Plan would not result in any significant change to the determination of the proposal. I have determined the appeal accordingly.
6. I issued a pre-hearing note to the parties before the event regarding the suggested conditions. As discussed with the parties at the hearing, I also issued a post hearing note regarding various matters. In reaching my decision I have had regard to the responses to my notes, including the submission of a planning obligation dated 23 December 2019 together with the Council's comments on it.

Application for costs

7. Prior to the Hearing an application for costs was made by Mr Carl Homerstone (Juno Asset Management Ltd) against the Council of the London Borough of Lambeth . This application is the subject of a separate Decision.

Main Issues

8. The main issues are:
 - whether the proposal involves the loss of D1 floorspace and if so, whether the loss would be acceptable;
 - whether the proposal would prejudice the future development of the plot to the rear of 294-298 Norwood Road having particular regard to daylight and sunlight;
 - whether the proposal would align with the long term policy aspirations identified for Site 18 having particular regard to the site layout and quality of the development;
 - whether the proposal would provide safe and satisfactory pedestrian access and linkages;
 - whether the submitted Planning Obligation is necessary and if so, whether it would be effective.

Reasons

D1 Floorspace

9. The appeal site comprises a number of existing buildings including the All Nations Christian Centre (D1 use). The Christian Centre building was granted planning permission in 2005 for change of use from industrial use (Use Class B1) to place of worship (Use Class D1) on the ground floor and community training facilities on the first floor (Ref 02/03407/FUL). I have been

provided with copies of documentation relating to this permission including the approved plans.

10. Policy S1 of the Lambeth Local Plan adopted September 2015 (LLP) generally seeks to safeguard existing community premises unless it can be demonstrated that one of the listed criteria is met. When considering the application, the Council considered the proposal to involve the loss of D1 community floorspace as whilst the application form states the existing D1 floorspace to be 440 square metres, the approved plans for application ref 02/03407/FUL show D1 floorspace of approximately 856 square metres. The application form states that the amount of proposed D1 floorspace is 450 square metres.
11. At the hearing it became clear that none of the figures relied upon by the parties appeared to be correct in that they did not accurately reflect the amount of D1 floorspace on site which following measurements taken by the parties at the site visit appears to be approximately 763 square metres. Having carried out further checks, the appellant subsequently stated it to be 731 square metres. Even accepting the appellant's lower figure, which is below that stated by the Council, the proposal would still result in a material loss of D1 floorspace.
12. Acknowledging the discrepancy in figures and as a means of resolving the issue, the appellant suggested the imposition of a condition on any permission granted allocating the equivalent amount of existing D1 floorspace within the proposed D1/B1 building. However, this would have the consequence of reducing the amount of B1 floorspace proposed. In light of the discussions and disagreement between the parties about existing and proposed D1 and B1 floorspace at the hearing, the parties were asked to provide confirmation of the amount of B1 floorspace proposed and how this has been calculated after the close of the event.
13. The Council calculate the amount of proposed B1 floorspace to be 779 square metres based on measurements of the submitted plans. The planning application form states the amount to be 750 square metres, with the schedule of areas referring to 836 square metres. No updated figures appear to have been received from the appellant in respect of the amount of B1 floorspace proposed as shown on the submitted plans. However, an alternative B1 figure of 552 square metres has been provided on the basis that the proposal is amended to ensure that there would be no loss of existing D1 floorspace having regard to the amended D1 figures outlined above. The application form states that the amount of existing B1 floorspace is 740 square metres though having reviewed this figure the appellant now considers it to be 625 square metres.
14. In light of the figures above, as stated, the proposal as submitted would result in a material loss of D1 floorspace. Although Policy S1 does allow for the loss of D1 uses under certain circumstances, in this case it appears that none of the circumstances apply. At the hearing the parties accepted that S1(b) (i) and (iii) are not relevant to the proposal as the existing building is actively in use and the development of the site for other uses would not enable the delivery of approved strategies for service improvements. With regard to S1(b) (ii), as submitted, replacement facilities are not proposed on or off site of the same or better size.

15. Although I note the appellant's willingness to accept a condition requiring the same amount of D1 to be provided as existing, this would result in a material change to the proposal and as such, I do not consider that the issue could be overcome by the imposition of a suitably worded condition, particularly given that it would result in a change to the amount of D1 and B1 floorspace proposed. Whilst the proposal is for outline planning permission and the description of development does not refer to the amount of D1 and B1 floorspace proposed, it is nevertheless stated on the application form and shown on the submitted floor plans. Acceptance of such an amendment at this stage would therefore have the potential to prejudice interested parties who would not have had the opportunity to comment on the change proposed. I therefore conclude that the proposal is contrary to LLP Policy S1.
16. The appellant argues that even if there is a loss of D1 floorspace on the scale proposed and a breach of Policy S1, then this would not be unacceptable under the circumstances pointing to the fact that unlike a number of other site allocations within West Norwood, Site 18 makes no specific reference to the need to provide community facilities within it. Be that as it may, the proposal is nevertheless contrary to Policy S1 and would lead to a material loss of D1 floorspace.

Effect on daylight/sunlight to plot to the rear of 294-298 Norwood Road

17. Reason for refusal 5 refers to the potential effect of the proposal on the plot to the rear of 294-298 Norwood Road, having particular regard to daylight and sunlight. However, in its statement of case the Council referred to wider concerns relating to the delivery of a comprehensive development proposal for Site 18 and to future development on surrounding plots being prejudiced. The Council subsequently confirmed at the hearing that its concerns in relation to reason 5 do in fact relate to daylight and sunlight as stated within that reason and that it was not seeking to broaden the scope of its concerns beyond those stated within the reason for refusal. I have considered this particular issue accordingly.
18. A Daylight, Sunlight & Overshadowing report dated December 2018 was submitted with the application which considered the impact of the proposal on residential properties at Easton House and Thanet House, including on their outdoor amenity areas. The report methodology is stated to be in accordance with BRE guidelines¹ and its findings appear to have been accepted by the Council. The report does not include any assessment of the effect of the proposal on the daylight and sunlight received by any other nearby properties or plots.
19. At the time of my site visit, 294-298 Norwood Road comprised a vacant unit and a pub use at ground floor with what appeared to be residential uses above. To the rear of the pub is an outdoor seating area and store with an unused and overgrown piece of land beyond. At the time that the application was determined, a planning application for a mixed use development of residential flats and artist studios on land to the rear of No 294-298 was being considered by the Council (Ref 19/00398/FUL). This was subsequently refused in October 2019.

¹ Site Layout Planning for Daylight and Sunlight – BRE Trust, 2011

20. Policy Q2 of the LLP states that development will be supported if, amongst other things, it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property. The supporting text to the policy at paragraph 10.5 states that the Council will use established industry standards when assessing schemes, including BRE guidelines. At the hearing the appellant stated that BRE guidelines do not apply to commercial uses and this was accepted by the Council. At the hearing the Council also stated that it has no concerns about the effect of the proposal on the existing use of the land to the rear of No 294-298 but rather is concerned about the effect on any future use/occupiers of the site.
21. As stated, the appeal site forms part of a wider site allocation that also includes the land to the rear of No 294-298 (Site 18). Although within Site 18, land to the rear of No 294-298 is currently undeveloped and I am not aware of any extant permissions relating to it. Whilst the previously refused application (Ref 19/00398/FUL) and its location within Site 18 indicates that the site may be developed at some point in the future, in the absence of an approved scheme, I do not consider that there is a need for the proposal to demonstrate that it would not have an unacceptable effect on the site having regard to daylight and sunlight. Any constraints on the future development of the adjacent site at No 294-298 resulting from the proposal would be a matter for the developers of that site to consider when developing proposals.
22. Taking the above matters into consideration, I conclude that there is no requirement within policies Q2 and PN7 for the proposal to demonstrate that it would not prejudice the future development of the plot to the rear of 294-298 Norwood Road having particular regard to daylight and sunlight. It therefore accords with Policy Q2 insofar as it relates to daylight and sunlight. This policy seeks, amongst other things, to protect the amenity of existing/future occupants. The reason for refusal relating to No 294-298 also refers to Policy PN7 of the LLP which relates to the role and regeneration of West Norwood. However, there is no specific reference within Policy PN7 to the issue of daylight and sunlight or to the future development of sites being prejudiced. I do not therefore consider that Policy PN7 is relevant to this particular issue.

Effect on Site 18

23. As stated, the appeal site forms part of a site identified as Site 18 within the LLP. In refusing the application for the proposal, the Council expressed concerns regarding the effect on the comprehensive development of Site 18, citing particular concerns in relation to site layout and the proposed blank frontage to the rear of the petrol filling station. Reference was made by the Council to the West Norwood and Tulse Hill Manual for Delivery Document (2017) (MFD) and in particular to its reference to the Council resisting piecemeal developments. Some discussion took place at the hearing about the status of the MFD together with the status of an earlier document, the West Norwood Masterplan (2009). It appears from the evidence that neither of these documents have been formally adopted by the Council but that both are guidance documents relating to Site 18, though I note the appellant's point that the 2009 Masterplan is specifically referred to in the supporting text to Policy PN7.
24. LLP Policy PN7 states, amongst other things, that development within the West Norwood Town Centre Opportunity Site (Site 18) will need to be of an

appropriate scale and form, taking account of factors such as building heights and the setting of adjacent development and locally important views. The site allocation for Site 18 states a number of design principles and key development opportunities and refers to the regeneration of all or part of the site.

Therefore, whilst I note reference to the resistance of piecemeal developments within the MFD document, I consider that the particular wording of Policy PN7 and the site allocation for Site 18 does not preclude development of part of Site 18 subject to the criteria set out within these and other policies in the LLP.

25. Local Plan policies Q6, Q7 and Q14 relate to urban design and development on backland sites. Amongst other things, the policies require new development to be of a quality design and the most effective use of the site and to not prejudice the potential development of, or access to, adjoining plots.
26. Layout and scale form part of the proposal with appearance being a reserved matter. The proposal is for 2 buildings on the site of varying heights. The Council has no objection to the proposed heights of the buildings per se but is concerned about the position of the buildings on the site and the potential effect of this on future development opportunities on adjacent sites also forming part of Site 18. From the evidence it appears that there are no extant planning permissions for the redevelopment of any of the sites adjoining the appeal site and indeed for any sites within Site 18. However, the Council resolved to grant planning permission subject to the completion of a legal agreement for the development of a site known as the Laundry Site located to the south of the site. I have been provided with some documentation relating to the Laundry Site development and with pre application advice issued by the Council in relation to the appeal site and have had regard to this where relevant to the proposal.
27. With regard to layout and scale, the proposed D1/B1 use building would be positioned along the northern and eastern boundary of the site, immediately adjacent to the petrol filling station site and the site at 294-298 Norwood Road. It would be 4 storeys in height. The residential block would be 7 storeys high and would be set away from the appeal site boundaries. The petrol filling station, the B&Q site to the south of the site and land comprising No 294-298 to the north of the site all fall within Site 18, though as stated, none of these sites are the subject of extant planning permission for redevelopment.
28. I acknowledge the Council's concerns with regard to layout, and those of the Norwood Society. However, whilst I agree that it would be preferable for Site 18 to be redeveloped as a whole, LLP policy does not require this and having regard to the number of separate land ownerships within Site 18 and to the lack of redevelopment of it to date, this seems unlikely. The redevelopment of the site in the absence of any redevelopment schemes on adjoining sites inevitably means that there would be a knock on effect on future schemes. Notwithstanding this and noting the scale and site layout of the proposal, I am satisfied based on the evidence before me that approval of the proposal would not unduly restrict redevelopment on adjoining sites to the extent that the long term policy aspirations for Site 18 could and would not be met.
29. Whilst I note that the Council has recently acquired the B&Q site and determined a planning application for development at No 294-298, there is no substantive evidence to suggest that adjoining sites are likely to be redeveloped in the immediate future. Under these circumstances I consider

that it would be unreasonable to withhold permission for the proposal having regard to its effect on the wider Site 18 and I note that the appeal site broadly aligns with the Group 3 development plot within Site 18 identified within the MFD.

30. As discussed at the hearing, any concerns in respect of elevational treatments of the buildings, including the frontage adjacent to the petrol filling station, could be dealt with at the reserved matters stage as appearance is a reserved matter. Although any changes required to the elevations may also affect the internal layout of the buildings, any such changes to the internal layout would not necessarily fall outside of the scope of the outline permission depending on their nature and scale and provided that they do not materially alter the proposal.
31. Taking the above matters into consideration, I conclude that the proposal would align with the long term policy aspirations identified for Site 18 having particular regard to the site layout and quality of the development. It therefore accords with LLP policies D2, Q1, Q6, Q7, Q14, PN7 and Policy 7.4 of the London Plan March 2016 (LP) insofar as they are relevant to this issue. These policies seek, amongst other things, well designed development that respects the character of the surrounding area and does not prejudice development on adjoining plots.

Pedestrian access and linkages

32. One of the stated policy requirements within the LLP is for Site 18 is to provide improved connections through the area, particularly to Norwood Road. Design principles and key development considerations for Site 18 include improved permeability and linkages through the site including a pedestrian link to provide access to the York Hill Estate. The Plan of Site 18 within the LLP includes three green lines marked as improved pedestrian links, though the Council confirmed at the hearing that these lines are indicative and do not show fixed positions for these links.
33. The proposed site layout plan shows two pedestrian accesses, one off Norwood Road via the petrol filling station forecourt and running along the southern boundary of the site and another to the north of the site off York Hill. As submitted the proposal does not provide for a pedestrian link through to the York Hill Estate at the rear which I understand is managed by the Council. Land levels rise from Norwood Road up towards the York Hill Estate.
34. Although the Council has expressed concerns regarding the pedestrian access off Norwood Road, the proposal would nevertheless provide a direct pedestrian link to Norwood Road and would therefore improve connections through the area relative to the existing situation. Whilst not ideal, pedestrian access through the petrol station forecourt would be along the edge of the site, adjacent to the B&Q building and would be of a reasonably short length. Consequently, I do not consider that any pedestrians using this link would be likely to be subject to undue levels of pollution, noise or danger from vehicles either entering the petrol filling station or accessing the site itself. Designated pedestrian zones would be provided within the site itself and a further access onto York Hill would be provided. Although outside the appeal site boundary, I understand that access through the petrol station forecourt forms part of an existing legal right of way to the site. The proposed site layout is such that should adjoining sites to the north and south be re-developed, there would be

the opportunity to connect pedestrian routes on the site to those on adjoining sites thereby further improving pedestrian links in the area.

35. At the hearing the Council expressed concerns that the proposal does not provide for a pedestrian link, including disabled access, through the site to the York Hill Estate, stating that the site provides the best opportunity for this given that the change in levels at this point is less than on other sites within Site 18. However, the Council expressed concerns as to whether the proposed site layout would allow enough space for disabled access to be provided. The appellant advised that if required, such access could be provided as a link through the site though other works would be required within the York Hill Estate itself which is within the Council's ownership and outside of the appeal site boundary and that this matter could be adequately addressed at the reserved matters stage when hard and soft landscaping would be considered.
36. It seems to me from my observations on site and having regard to the evidence, that the proposed site layout would not prevent the possibility of providing a pedestrian link, including one suitable for disabled users, being considered and explored when landscaping is considered at the reserved matters stage. In addition, although I note the Council's comments regarding site levels, LLP policies encourage a link to be provided through Site 18 to the York Hill Estate but does not require it to be provided through the appeal site itself. Therefore, even if it transpired that a suitable link could not be provided, then I do not consider that this in itself would justify the refusal of the proposal.
37. Taking the above matters into consideration, I conclude that the proposal would provide safe and satisfactory pedestrian access and linkages. It therefore accords with policies D2, Q1, Q6, Q7, Q14, T2 and PN7 of the LLP and policies 6.10, 7.2, 7.4 and 7.5 of the LP insofar as they relate to this issue. These policies seek, amongst other things, to ensure that all new development is accessible and improves conditions for pedestrians.

Planning Obligation

38. A draft unilateral undertaking was submitted with the appeal and a signed and completed undertaking dated 23 December 2019 was submitted after the close of the hearing. The Council has had the opportunity to comment on the completed undertaking which contains a number of obligations relating to affordable housing; carbon offset contributions; controlled parking; car club, parking permits; travel plan; considerate constructors scheme; employment and skills contribution and plan and the establishment of a management company. In reaching my decision I have had regard to the comments received from the Council in relation to the undertaking including its S106 Obligation Justification Statement and to the discussions at the hearing regarding the various obligations.
39. I have considered the unilateral undertaking in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the National Planning Policy Framework (the Framework).
40. The obligations within the unilateral undertaking relate to the following matters:

41. Affordable Housing: The provision of affordable housing is required in order to comply with LLP Policy H2 and I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
42. Carbon Offset Contribution: LLP Policy EN4 referred to by the Council requires development to meet sustainable design standards. However, it does not refer to the need for carbon offset contributions and consequently, from the evidence before me I am not satisfied that this obligation is necessary to make the development acceptable in planning terms.
43. Controlled Car Parking Zone Contribution: would be applied towards the implementation of a Controlled Car Parking Zone in the vicinity of the site. LLP Policy T7 relates to parking and the supporting text to the policy refers to the need for contributions towards measures to prevent an increase in on-street parking. The evidence suggests that West Norwood suffers from parking stress and having regard to this and to the scale and nature of the development, I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
44. Travel Plan: LLP Policy T1 seeks to promote a sustainable pattern of development and the supporting text to the policy refers to the need for major developments to provide a travel plan to ensure that that occupiers/users of the development benefit from sustainable travel options and reduce car trips. Having regard to this and to the scale and nature of the development, I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
45. Car free development: LLP Policy T7 requires development to be car-free, including permit-free and permit-capped schemes, particularly in areas where alternative modes of transport are available and where public transport accessibility is high. Having regard to this and to the scale, nature and location of the development, I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
46. Car Club Membership: LLP Policy T7 requires development to provide car club membership for all residents in new residential development and in mixed development that includes housing. Having regard to this and to the scale and nature of the development, I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
47. Employment Skills and WorkSmart Plan: LLP Policy ED14 seeks to maximise local employment and training schemes to maximise local employment opportunities and help address skills deficits in the local population. It states that in major developments planning obligations will be used as necessary. Having regard to this and to the scale and nature of the development, I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
48. Employment and Skills Contribution: LLP Policy ED14 referred to by the Council refers to employment and training and refers to the use of planning obligations as necessary to ensure that local people are given access to jobs and training. However, no reference is made to the need for financial contributions and the source of the formula referred to by the Council of £2500 per £100 000 capital construction costs is not clear from the evidence. Consequently, from the

evidence before me I am not satisfied that this obligation is necessary to make the development acceptable in planning terms.

49. Considerate Constructors Scheme: The Council has referred to LLP Policy T8 and state that this requires major development to include necessary measures to demonstrate arrangements for construction traffic and how environmental, traffic and amenity impacts will be minimised. Although the policy refers to the use of planning obligations to help secure and enforce appropriate arrangements, it is not clear from the evidence why the use of suitably worded planning conditions as opposed to a planning obligation controlling construction traffic and any associated impacts would not suffice. Consequently, from the evidence before me I am not satisfied that this obligation is necessary to make the development acceptable in planning terms.
50. Management Company: The unilateral undertaking also includes an obligation to set up a management company to primarily manage maintenance and to raise funds as necessary. Though not referred to by the Council in its obligation justification statement, I am satisfied based on the evidence and having regard to this and to the scale and nature of the development, that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
51. Monitoring Fee: the unilateral undertaking includes an obligation to pay a monitoring fee to the Council relating to the administration of the deed. I am satisfied that this obligation meets the necessary tests as set out within the CIL regulations and the Framework.
52. Taking the above matters into consideration, since the obligations relating to the Carbon Offset Contribution, the Employment and Skills Contribution and the Considerate Constructors Scheme fail to meet the relevant tests, I am unable to take them into account in determining the appeal. However, I am satisfied that the other obligations within the unilateral undertaking meet the tests and as such are capable of being taken into account in the determination of the appeal.
53. However, the Council has raised concerns regarding the effectiveness of the undertaking due to the fact that it considers that not all relevant parties have entered into it as the leaseholders of the Church are not signatories and therefore not bound by the obligations. The Council considers that the terms of the lease means that the leaseholders would be capable of building out the permission if granted.
54. I note that s106² does not require all interested parties to enter into a planning obligation and that the lease only covers part of the site. However, although it appears that the terms of the lease mean that the leaseholders would not be capable of implementing the whole of the development, it appears that they would be capable of implementing the permission and would not be bound by the obligations within the unilateral undertaking. Consequently, the effect of the undertaking is uncertain and I have afforded it and the obligations within it little weight. In the absence of an effective undertaking and having regard to the un-exceptional circumstances and non-strategic nature of the proposal and the nature and content of the obligations, I do not consider that the relevant

² S106 of the Town and Country Planning Act

matters contained within the undertaking are capable of being dealt with by suitably worded planning conditions.

55. In response to the Council's concerns the appellant has referred to the powers under the Landlord and Tenant Act 1954 (the 1954 Act). Whilst this reference is noted, I do not consider that the evidence demonstrates that any powers contained within the 1954 Act would overcome the concerns that I have regarding the effectiveness and enforceability of the undertaking.

Conclusion and Planning Balance

56. The proposal would provide a number of social and economic benefits associated with the provision of an additional 28 residential units of mixed size in an accessible location and the provision of B1 and D1 floorspace together with communal amenity space. The appellant also considers that the proposal would provide a number of environmental benefits including public realm improvements and the facilitation of a pedestrian link through the site to the York Estate as well as providing certainty and a catalyst to future development within Site 18.
57. However, weighed against any actual and potential benefits of the proposal is the material loss of D1 floorspace on the site together with its failure to provide a suitable mechanism for the delivery of the required obligations contained within the undertaking, most notably the provision of affordable housing.
58. The proposal as submitted is contrary to a number of development plan policies and the adverse impacts of the proposal outweigh any benefits associated with it. There are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan.
59. Consequently, for the above reasons and having regard to all matters raised and to policies contained within the development plan taken as a whole, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christiaan Zwart of Counsel	Instructed by Juno Asset Management Ltd
Sean Silk	Blake Morgan

FOR THE LOCAL PLANNING AUTHORITY:

Rob Hewson	Lambeth Council
Mark Heaney	Lambeth Council
Magdalena Kotyza	Lambeth Council
Nuala Kennedy	Lambeth Council

INTERESTED PARTIES:

Miss Ruba	Proprietor, Texaco Petrol Filling Station
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DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of appellant's Appeal Hearing rebuttal Statement dated 25 November 2019.
2. Copy of Policies PN6 and PN7 of Lambeth Local Plan September 2015 including supporting text for West Norwood, detailed plan extract showing application site, Site 18 and pedestrian links.
3. Copy of Norwood Green Town Plan – The Neighbourhood Plan for Norwood.
4. Copy of #Our Kind of Norwood – The Retail Heart workshop.
5. Copy of documentation relating to application 02/03407/FUL.
6. Copy of Policy ED2 of Lambeth Local Plan September 2015.