

Greenwich Area Planning Committee 13th July 2021	Agenda Item: 7 Reference No: 21/0878/F and 21/0879/L
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Applicant: Young & Co Brewery PLC, Building Development, 26 Osiers Road, Wandsworth, SW18 1NH

Agent: Mr Dunford, Harrison, 15 Coleshill Street, Sutton Coldfield, B72 1SD

Site Address: Enderby House, 23 Telegraph Avenue, Greenwich, London, SE10 0TH	Ward: Peninsula Application Type: Full Planning Permission and Listed Building Consent
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1.0 Recommendation

1.1 The Committee is requested to grant Planning Permission Ref: 21/0878/F and Listed Building Consent Ref: 21/0879/L, as outlined below:

'Installation of one external pergola structures on the existing roof terrace seating area with outdoor heating'.

Recommendation:

- i. To resolve to grant conditional Planning Permission and Listed Building Consent according to the conditions in appendix 2, to be detailed in the notice of determination; and
- ii. To Authorise the Assistant Director of Planning & Building Control to make any minor changes to the detailed wording of the recommended conditions as set out in this report and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice.

2.0 Summary

2.1 Detailed below is a summary of the application:

The Site -	
Heritage Assets	Grade II listed building
Tree Preservation Order	N/A

Flood Risk Zone	Zone 3
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The Proposal	
The application proposes the installation of one external pergola structures on the existing roof terrace seating area with outdoor heating.	

Public Consultation	
Number in support	0
Number of objections	28 for the full application and 6 for the Listed Building application
Number of comments	0
Main issues raised by objectors	<ul style="list-style-type: none"> • Pergola would result in increased noise and disruption due to associated use. • Proposed use would result in an increase in footfall in the area and anti-social behaviour • Fire concerns and impact from the outdoor heating and the impact of the fire on the Grade II listed building and surrounding apartments. • Proposal would have an impact on the riverside environment • Electric heaters are bad for the environment and do not comply with environmental policy. • Opposition raised to increased opening hours • Proposal would result in smell pollution from associated smoking. • Area has had issues with Airbnb and associated parties. The proposed pergola would exacerbate this issue.

	<ul style="list-style-type: none"> • Pergola would detract from host Grade II listed building and character of area. • Pergola would increase usable floor space of pub by 45%.
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2.2 The report details all relevant national, regional and local policy implications of the scheme, including supplementary planning guidance.

2.3 The applications are considered acceptable and are recommended for approval, subject to the conditions listed in Appendix 2.

3.0 Site and surroundings (in detail)

3.1 Enderby House is a Grade II listed building situated within the Enderby Wharf development. The site is located on the west side of the Greenwich Peninsula, approximately half way between the O2 centre and Greenwich Town Centre/Royal Naval College.. The River Thames and the Thames Path sit to the west of the application site. The application site is not located within a conservation area.

3.2 The statutory listing for Enderby House reads as follows:

‘Early-mid C19 building of 2 storeys 2 windows and with wide projecting bay placed diagonally across left corner, Modern rendering with incised lines. Stone cornice and blocking course. Sash windows, some with vertical bars. Nondescript external appearance but contains a handsome octagonal first floor room (giving onto the diagonal bay, from whence the ship owner saw his vessels approach). At angles narrow columns, with leafy capitals, support enriched entablature. Above this a domed roof light with cast iron tracery. Oval landing outside has doors curved to wall shape.

The building is listed partly for its important associations with the history of industry and technology, especially the laying of the first transatlantic cable. Listing NGR: TQ3914178761’



Figure 1: Site Plan

4.0 Relevant Planning History

- 4.1 10/3063/F and 10/3064/L: Redevelopment of the site comprising the provision of a new jetty in the River Thames to provide docking for cruise liners and the Thames Clipper, a Cruise Liner Terminal, a 251 room hotel with conference, restaurant ancillary facilities (Use Class C1); skills academy (Use Class D1); 770 residential units (Use Class C3); commercial (Use Class B1); a crèche (Use Class D1) a gymnasium (Use Class D2); conversion and extension of Enderby House to provide tourist, community and retail facilities (Use Classes A1, A3, A4, B1, D1 and D2); the provision of vehicular access with associated servicing facilities; car, motorcycle and bicycle parking, provision of landscaping and public realm (including improvements to the Thames Walk); improvements to the river wall and other works within the river, including dredging, the provision of tidal gardens, piling, the provision of a pontoon and brow, and associated works. Approved 30/03/2012.
- 4.2 13/3025/MA: Redevelopment of the site comprising the provision of a new jetty in the River Thames to provide docking for cruise liners and the Thames Clipper, a Cruise Liner Terminal, a 251 room hotel with conference,

restaurant ancillary facilities (Use Class C1); skills academy (Use Class D1); 770 residential units (Use Class C3); commercial (Use Class B1); a crèche (Use Class D1) a gymnasium (Use Class D2); conversion and extension of Enderby House to provide tourist, community and retail facilities (Use Classes A1, A3, A4, B1, D1 and D2); the provision of vehicular access with associated servicing facilities; car, motorcycle and bicycle parking, provision of landscaping and public realm (including improvements to the Thames Walk); improvements to the river wall and other works within the river, including dredging, the provision of tidal gardens, piling, the provision of a pontoon and brow, and associated works. Approved on 22/08/2014.

- 4.3 15/1439/MA: Application for a minor material amendment under s73 to vary condition 1 (Approved Plans) of planning permission dated 22.08.14 (Ref 13/3025/MA) involving removal of second level basement from the southern element of the site reducing the total number of residential car parking spaces from 447 to 328. Approved on 9/2/2017.
- 4.4 17/1813/CLPL: Certificate of Lawfulness of Proposed Works to a Listed Building comprising essential repair works to ground and basement floor level. Approved on 7/7/2017.
- 4.5 17/2320/L: Internal and external amendments to Enderby House in association with non-material amendment under reference: 17/2321/NM. Approved on 27/9/2017.
- 4.6 17/2321/NM: Internal and external amendments to Enderby House as non-material amendment and variation of condition 1 (Approved Drawings) of planning permission dated 09/02/2017 (Ref: 15/1439/MA). Approved on 27/9/2017
- 4.7 18/3615/F + 18/3616/L: Various internal alterations and fit out works including the provision of W.Cs, plant room, kitchen and customer areas, alongside the installation of external plant equipment, approved on 05/02/2019).
- 4.8 18/1400/SD: Submission of part details pursuant to Condition 2 (Works & Finishes) and Condition 3 (Details of Glazing & External Panels) of Listed Building Consent dated 27.09.2017 Ref: 17/2320/L. Approved on 20/06/2018.
- 4.9 18/8316/L: Various internal alterations and fit out works including the provision of W.Cs, plant room, kitchen and customer areas, alongside the installation of external plant equipment. Approved on 5/2/2019.

- 4.10 19/0961/SD: Submission of part details (Enderby House) pursuant to discharge of Condition 58 (Noise Impact Assessment) and Condition 72 (Hours of Operation) of Planning Permission dated 09.02.2017 Ref: 15/1439/MA. Approved 8/10/19
- 4.11 19/1598/SD: Submission of details pursuant to discharge of condition 4 (Repair Works) and condition 5 (Historic Interior) of listed building consent dated 05/02/19 ref: 18/3616/L. Approved on 5/9/2019.
- 4.12 19/2805/NM: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission dated 09/02/2017 (Reference: 15/1439/MA) to allow:

Variation of the wording of Condition 58 (Commercial and Licensed Premises) to remove the reference to the Noise Impact Assessment and replacement with Noise Statement and Noise Management Plan. Approved on 4/9/19.
- 4.13 19/3346/LBP: Works to windows, formal response provided by 7/11/2019.
- 4.14 19/4346/CLPL: Lawful Development Certificate to a Listed Building for timber decay/dry rot eradication works including removal of windows, application of fungicidal treatment and reinstatement of windows. Approved on 5/2/2020.
- 4.15 20/2491/L & 20/2492/A: Installation of new signage to exterior of building comprising 1 x internally illuminated lightbox, 2 x externally illuminated halo fascia signs and erection of free standing externally illuminated totem post sign (re-consultation due to amended plans and site location plan). Approved on 2/2/2021
- 4.16 20/0580/L: Installation of 8 x external CCTV cameras, 32 x lighting fixtures, 1 x external emergency exit sign and 3 x external fire alarm sounder beacons (under consideration with this application)

5.0 Proposals (in detail)

- 5.1 When the application was original submitted it was proposed to install a pergola on the Riverside Terrace as well as the roof terrace. During the assessment of the application amended plans have been submitted so that the development only relates to the roof terrace. As such the application

proposes the installation of one external pergola structures on the existing first floor roof terrace seating area to increase its usability during the year.

- 5.2 The proposed pergola would have a maximum depth of 10.5m, a maximum width of 5m and would have a flat roof with a maximum height of 2.3m.
- 5.3 The submitted plans state the proposed pergola structure would have clear plastic vertically retracted sides, retractable fabric roof, coloured white with built in lighting. The lighting would be 2950k at 130 lumens, the new pergola frame would be powder coated white – RAL 9016 and the frame would be fixed to the existing floor slab.

6.0 Consultation

6.1 The applications since being submitted in March 2020 have been subject to public consultation.

6.2 The consultation involved the following:

- 118 neighbour consultation letters were sent out on **12/03/2021**;
- The Greenwich Society and Greenwich Conservation Group were notified on the **12/03/2021**
- 1 site notice was displayed at the site on **15/03/2021**;
- Press notices were published on **24/03/2021**;

6.3 Statutory Consultees

6.3.1. A summary of the consultation responses received along with the officer comments are set out in table below:

Details of Representation	Summary of Comments
Local Ward Councillors	No response received.
Greenwich Society	No response received.
Greenwich Conservation Group	No response received.
Historic England	No response received.

Greater London Archaeological Advisory Service (GLASS)	No response received.
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6.4 Local Residents

6.5 A summary of the consultation responses received from local residents, along with the officer comments are set out in the table below:

Summary of Comments	Officer's comments
<ul style="list-style-type: none"> Pergola would result in increased noise and disruption due to associated use. 	This comment will be assessed in the main report below.
<ul style="list-style-type: none"> Proposed use would result in an increase in footfall in the area and anti-social behaviour 	There is no evidence to suggest that the proposal would result in an increase in footfall or anti-social behaviour.
<ul style="list-style-type: none"> Fire concerns and impact from the outdoor heating and the impact of the fire on the Grade II listed building and surrounding apartments. 	There is no evidence to suggest the proposed pergola and/or the outdoor heating would result in a fire risk.
<ul style="list-style-type: none"> Proposal would have an impact on the riverside environment. 	There is no evidence to suggest the proposal would have a negative impact on the riverside environment.
<ul style="list-style-type: none"> Electric heaters are bad for the environment and do not comply with environmental policy. 	There are no environmental policies which restrict the implementation of electric heaters.
<ul style="list-style-type: none"> Proposal would result in smell pollution from associated smoking. 	It is considered the proposal is unlikely to result in any increase in pollution to what has already been consented on site.
<ul style="list-style-type: none"> Area has had issues with Airbnb and associated parties. The proposed pergola would exacerbate this issue. 	There is no evidence to suggest the proposed pergola would exacerbate issues relating to un-associated activities at Airbnb and associated parties.

<ul style="list-style-type: none"> • Pergola would detract from host Grade II listed building and character of area. 	This comment will be assessed in the main report below.
<ul style="list-style-type: none"> • Pergola would increase usable floor space of pub by 45%. 	The terrace area is already permitted to be used as part of the public house.
<ul style="list-style-type: none"> • Opposition raised to increased opening hours 	No increased in opening hours are proposed within this application.

7.0 **Planning Context**

7.1 This application needs to be considered in the context of a range of national, regional and local planning policies and Supplementary Planning Guidance / Documents.

- **National Planning Policy Framework (“NPPF” – 2019)**
- **The London Plan (March 2021)** - Full details of relevant policies refer to Appendix 3.
- **The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (“Core Strategy” – 2014)** - Full details of relevant policies refer to Appendix 3.

7.2 For full details of relevant SPD / Documents refer to Appendix 3.

8.0 **Planning Considerations**

8.1 The planning considerations relevant to this application are as follows:

- Principle of development
- Design and heritage
- Neighbouring amenity
- Flood Risk

Principle of Development

The use of the roof terrace to provide additional space for the public house was approved under applications 17/2320/L and 17/2321/NM. The hours of use for the roof terrace were approved under application 19/0961/SD. As such the roof terrace can presently be used between the hours of 8am and 10.30pm Monday to Saturday and 8am to 10pm on Sunday. The proposed

pergola would improve the functionality of the roof terrace, which is acceptable in land use terms. The principle of the proposed pergola is considered acceptable subject to the pergola being of an acceptable design and not presenting any adverse impact to the residential amenity to the adjoining neighbours.

Design and Heritage

- 8.2 The application site comprises a Grade II listed building. As such, it is important to ensure that any development preserves and enhances the character and appearance of this designated heritage assets.

Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that ‘in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 8.3 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF at para 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. The NPPF specifies that heritage assets include Listed Buildings, Conservation Areas and World Heritage Sites.
- 8.4 Paras 192-196 of the NPPF, Policy HCl of the London Plan (2021) and Policies DH3 and DH(i) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) sets out the framework for decision making in planning applications relating to heritage assets and this application has taken account of the relevant considerations in these paragraphs.
- 8.5 Policy D3 of the London Plan seeks to optimise site capacity through a design-led approach. This Policy states, that development proposals should enhance local context, respond to the existing character of a place and be of high quality.
- 8.6 Core Strategy Policy DH1 seeks that developments be of a high quality of design and to demonstrate that they positively contribute to the improvement of both the built and natural environments.

- 8.7 The existing roof terrace forms part of a non-original extension to the Listed Building and the proposed pergola would not be attached to the original building. It is considered that the height, scale and bulk of the proposed pergola would not have an adverse impact on the character and appearance of the host Grade II listed building. Furthermore, as the pergola would be a reversible addition, this minimises any harm that the development would have on the character and appearance of the Listed Building or its setting. Furthermore, the Council's Conservation Officer was consulted on the applications and raised no objection.
- 8.8 The pergola would have a white powder coated frame with a white retractable fabric roof and clear plastic retractable sides. This would ensure that the development would have a light weight appearance, whilst still allowing views to the original building.
- 8.9 On the basis of the above, it is considered that the proposal would not detract from the character and appearance of the Grade II Listed Building and the proposal is considered acceptable with regards to design and heritage impacts.

Neighbouring amenity

- 8.10 Royal Greenwich Local Plan: Core Strategy with Detailed Policy (2014) Policy DH(b) states that developments will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure.
- 8.11 In addition, Policy D14 of the London Plan and Core Strategy Policy E(a) seeks to ensure that development proposal do not have any adverse impact in terms of noise and pollution. It is considered that any impact on residential amenity would be limited to residents living in Distel Apartments located opposite and south of the site.
- 8.12 It is considered that due to the positioning, limited height, scale, bulk and design of the proposed pergola and the proposed materials that there would not be an unacceptable loss of residential amenity in terms of increase sense of enclosure or a loss of outlook. Furthermore, due to the position and orientation of the sun, the development would not result in a loss of

residential amenity in terms of a loss of daylight and sunlight. As the terrace can already be used as part of the public house it is considered that the introduction of the pergola would not result in any loss of privacy due to overlooking above that, which could currently occur.

- 8.13 With regards to noise pollution the hours of use of the terrace are currently controlled so that it cannot be utilised at unreasonable hours. This would not be altered as a result of the current application. It is accepted that without the development the use of the terrace is limited to a large extent by the vagrancies of the weather. Whilst the proposed development would potentially enable the terrace to be used throughout the year it is considered that this would not generate unacceptable noise level to the detriment of residential amenity.
- 8.14 With regards to light pollution the proposed downward lighting is to be 2950k (Kelvin colour temperature) at 130 lumens (brightness). 2950k gives off a soft white glow, often yellow in appearance and is the type of level that you would experience in a living room, dining rooms, bedrooms and outdoor spaces. A lumens level of 130 would be at the bottom end of a range for the brightness of a street lamp (120-180 lumens). It is considered at this level the proposed lighting level would not result in unacceptable light pollution. A planning condition is proposed to ensure that the lighting complies with the above standards and that the lighting for the pergola is switched off outside of the permitted hours for the terrace.
- 8.15 Overall the development is considered not to have unacceptable impact on neighbouring amenity and therefore complies with Policy D14 of the London Plan and Policies DH(b) and E(a) of the Core Strategy.

Flood Risk

- 9.0 Policy E2 of the Royal Greenwich Local Plan Core Strategy (2016) states that flood risk assessments must be prepared which address the risk of flooding to the development and identify options to mitigate the flood risk to the development, site users and the surrounding area.
- 9.1 Policy SI 12 states development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 9.2 The subject site is identified as being in Flood Zone 3 which is the highest possible rating for flooding.

- 9.3 The applicant has submitted a flood risk assessment to accompany the application.
- 9.4 It is noted that the proposed works now relate exclusively to the first floor roof terrace. As the development would not result in an increase in ground floor floorspace, it is considered there would be no material increase in flood risk at the site or the surrounding area in accordance with Policy SI 12 of the London Plan and Policy E2 of the Core Strategy.

10.0 Conclusion

- 10.1 The proposed development is considered acceptable with regard to design and heritage. The development is also considered to have an acceptable impact on neighbouring amenity.
- 10.2 Based on the above, it is therefore recommended that Planning Permission and Listed Building Consent be granted for application references 21/0878/F and 21/0879/L, subject to the conditions outlined in Appendix 2.

Background Papers: Planning (Listed Building and Conservation Areas) Act 1990
 National Planning Policy Framework (2019)
 The London Plan (2021)
 Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014)

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Appendix I - Drawing numbers

The following drawings and associated documentation have been submitted by the applicant in support of application reference 21/0878/F and 21/0879/L:

3714/1001/B, 3714/1007/B, 3714/1009/A, 3714/1000/B, 3714/1001/B, 3714/1003/A, 3714/1005/A, 3714/1006/*, Flood Risk Assessment (Ref. 09027), Heritage Impact Statement and Design and Access Statement.

Appendix 2 – Conditions and Informative(s) For Planning Application 21/0878/F

Condition 1

The development to which this permission relates must be begun not later than the expiration of three (3) years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

3714/1001/B, 3714/1007/B, 3714/1009/A, 3714/1000/B, 3714/1001/B, 3714/1003/A, 3714/1005/A, 3714/1006/*, Flood Risk Assessment (Ref. 09027), Heritage Statement and Design and Access Statement Rev A.

Reason: In the interests of good planning and to ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

Condition 3

The development shall be constructed in those materials as submitted namely:

- Clear plastic vertically retracted sides
- Retractable fabric roof
- Colour white with built in lighting.
- Pergola frame to be powder coated white – RAL 9016 and the frame and fixed to existing floor slab.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies D3 and HCI of the London Plan (2021), Policies DH1, DH3 and DH(i) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014).

Condition 4

The proposed lighting hereby approved shall not exceed 2950k and 120 lumens and the lighting shall be switched off outside of the permitted hours of use of the pergola.

Reason: To ensure that the lighting does not create unacceptable light pollution to the detriment of the residential amenity enjoyed by the occupiers of Distel Apartments and that the development complies with the requirements of Policy E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014).

Condition 5:

The pergola hereby approved shall only be used between the following hours:

Monday to Saturday: 08.00 to 22.30; and

Sundays: 08.00 to 22.00

Reason: To ensure that the lighting does not create unacceptable light pollution to the detriment of the residential amenity enjoyed by the occupiers of Distel Apartments and that the development complies with the requirements of Policy E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014).

Informative(s)

1. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and in accordance with the Development Plan, no contact was made with the applicant prior to determination.

2. Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.

Reference shall be made to: The Councils' Construction Site Noise Code of Practice

http://www.royalgreenwich.gov.uk/downloads/417/pollution_control_-_construction_information_and_advice

The Mayor of London's 'The control of dust and emissions from construction and demolition' Best Practice Guidance

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.

Conditions and Informative(s) For Listed Building Application 21/0879/L

Condition 1

The development to which this permission relates must be begun not later than the expiration of five (5) years beginning with the date on which the permission is granted.

Reason:As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 2

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

3714/1001/B, 3714/1007/B, 3714/1009/A, 3714/1000/B, 3714/1001/B,
3714/1003/A, 3714/1005/A, 3714/1006/*, Flood Risk Assessment (Ref. 09027),
Heritage Statement and Design and Access Statement Rev A.

Reason: In the interests of good planning and to ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

Appendix 3 - National, regional and local planning policies and Supplementary Planning Guidance / Documents

The NPPF (2019)

The National Planning Policy Framework (NPPF) confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Of relevance in this instance is:

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

The London Plan: The Spatial Development Strategy for London (March 2021)

In March 2021 the London Plan (2021) was adopted. The policies relevant to this application are:

Policy D3: Optimising site capacity through the design-led approach

Policy D14: Noise

Policy HCl: Heritage conservation and growth

Policy SI 12 Flood risk management

The Royal Borough of Greenwich Adopted Core Strategy (July 2014)

The Royal Greenwich Local Plan: Core Strategy with Detailed Policies was adopted by the Council on 30th July 2014. The Core Strategy and the London Plan are the borough's statutory development plans. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Core Strategy as they relate to this application:

Policy DH1	Design
Policy DH3	Heritage Assets
Policy DH(b)	Protection of Amenity for Adjacent Occupiers
Policy DH(i)	Statutory Listed Buildings
Policy E2	Flood Risk
Policy E(a)	Pollution