

# Technical Note

**Project:** Former Masonic Hall and Old Telephone Exchange Site, Elmsleigh Road, Staines

**Subject:** Response to Car Parking Comments

<b>Client:</b>	Inland Homes Ltd	<b>Version:</b>	C
<b>Project No:</b>	04550	<b>Author:</b>	LS
<b>Date:</b>	28/04/2021	<b>Approved:</b>	MF

## I Introduction

1.1.1 This Technical Note (TN) has been prepared by PJA on behalf of Inland Homes Ltd in response to comments received from Paul Tomson, Principal Planning Officer at Spelthorne Borough Council (SBC), in an email dated 20<sup>th</sup> April 2021.

1.1.2 The key points raised in the comments are as follows:

- SBC are not convinced that the proposal will not cause parking overspill in the local area;
- SBC request a more substantial justification for the level of parking proposed and the view that parking controls would limit the viability of potential residents owning a car;
- SBC acknowledges that the 2011 Census indicates that there is reduced parking level in multi-residential units however the level proposed does not reflect that census data and therefore fails to support the case.

1.1.3 Further information is presented in the following sections to address the points raised.

## 2 Justification for Reduced Car Parking

### 2.1 Car Ownership

2.1.1 The Transport Assessment set out that, based on Census 2011 car ownership, an average of 23% of private one/two-bedroom flats and 49% of affordable one/two-bedroom flats do not own a car. Based solely on this, 72 flats would not own a car, while 134 would own a car. This information was not included to provide an estimation of likely car ownership at the scheme, but instead to demonstrate that a car-free lifestyle is possible within Staines with a significant proportion of people living in the town without a car.

- 2.1.2 It would not be expected that the levels of car ownership seen within the 2011 Census would be replicated at the development. The Census car ownership is based on a range of developments within the town centre that have a variety of parking levels. The proposed development has specifically been designed as a low parking scheme which will deter people from having a car and will attract those people that do not need to own a car. Therefore it can be expected that it will have considerably lower average car ownership.
- 2.1.3 The availability of parking within a scheme is the key driver of car ownership. The Transport for London (TfL) document “Residential Car Parking” (2017), which formed part of the London Plan evidence base, states that *“Developments with more car parking have residents who are more likely to own cars; this is consistent across a number of other factors”*. The document further found that *“reducing the maximum provision of parking could encourage those who could consider a car-free lifestyle to adopt one”*. In addition to this international research has also demonstrated the link between car parking availability and car ownership. A Norwegian study<sup>1</sup> found *“that access to private or reserved parking triples the likelihood of car ownership”*. Further to this an American study<sup>2</sup> identified that the influence of car parking availability outperforms household income and demographic characteristics in relation to determining factors for car ownership.
- 2.1.4 The proposed scheme has lower parking ratios than the majority of the flatted developments within Staines that would have been occupied at the time of the 2011 Census. The TfL document and wider academic studies all point to the lower parking provision therefore resulting in a lower level of car ownership.
- 2.1.5 It should also be noted that the 2011 Census data no longer provides an accurate representation of car ownership levels within Staines. Information has been obtained from the DVLA for the number of vehicles registered within a specific geographic location<sup>3</sup>. DVLA car registration information shows that output areas covering Staines town centre have seen a 8-9% reduction in vehicle registrations per capita over the 10 year period since the last Census. There has therefore been a significant shift to lower car ownership within Staines since 2011.

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<sup>1</sup> Petter Christiansen, Nils Fearnley, Jan Usterud Hanssen, Kåre Skollerud, Household parking facilities: relationship to travel behaviour and car ownership, Transportation Research Procedia, Volume 25, 2017, Pages 4185-4195, ISSN 2352-1465

<sup>2</sup> Zhan Guo, Does residential parking supply affect household car ownership?, Journal of Transport Geography Volume 26, 2013 Pages 18-28

<sup>3</sup> <https://transport-behaviour.shinyapps.io/application/>

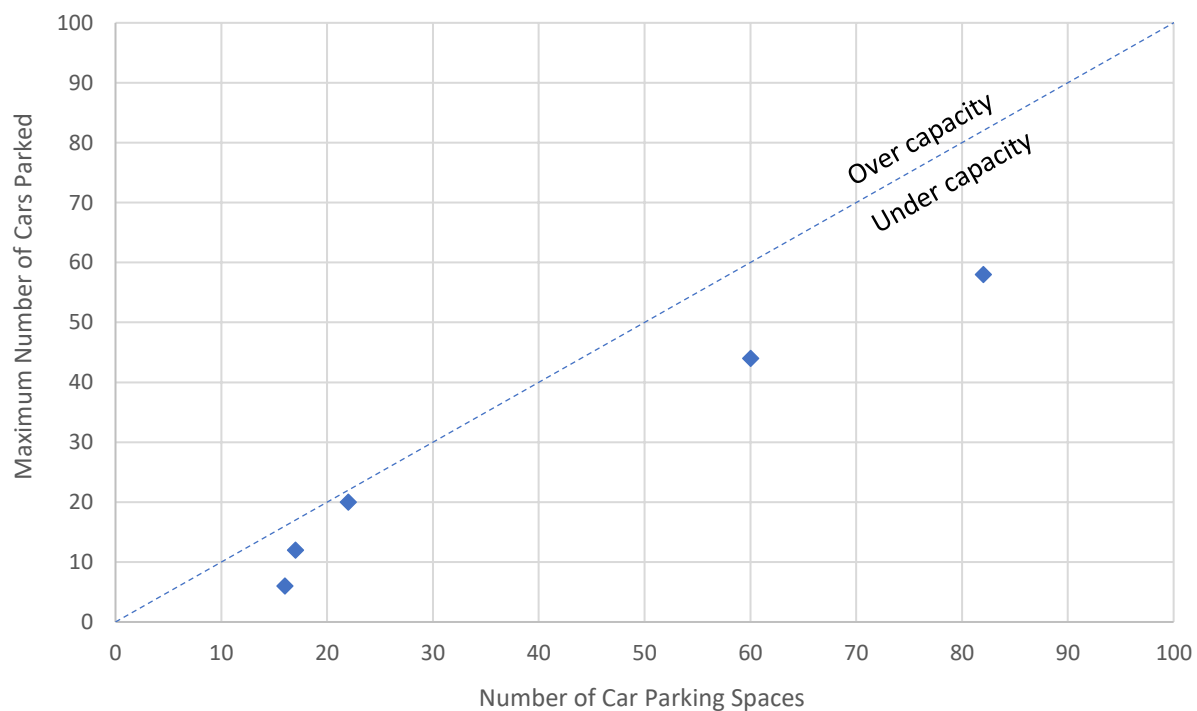
2.1.6 Surveys from the TRICS database also show that restricting car park availability does not automatically result in oversubscribed demand for parking, as seen in the graph in Figure 1.

2.1.7 The criteria used to select these sites were as follows:

- Privately owned flats;
- Town centre, edge of town centre and suburban areas;
- Surveyed on a weekday;
- Located in England excluding Greater London;
- Only sites with parking ratios less than 1 space per dwelling;

2.1.8 The line on the graph represents the total parking provision for each of the sites (i.e. maximum potential parking accumulation) and the dots illustrate the maximum recorded accumulation of vehicles for each site. In all cases the maximum recorded parking accumulation was less than the car park capacity and not all spaces were used. It can therefore be expected that no overspill car parking occurs at these developments, in spite of the parking ratio being less than one space per dwelling.

**Figure 1: Impact of Car Parking Availability on Parking Demand**

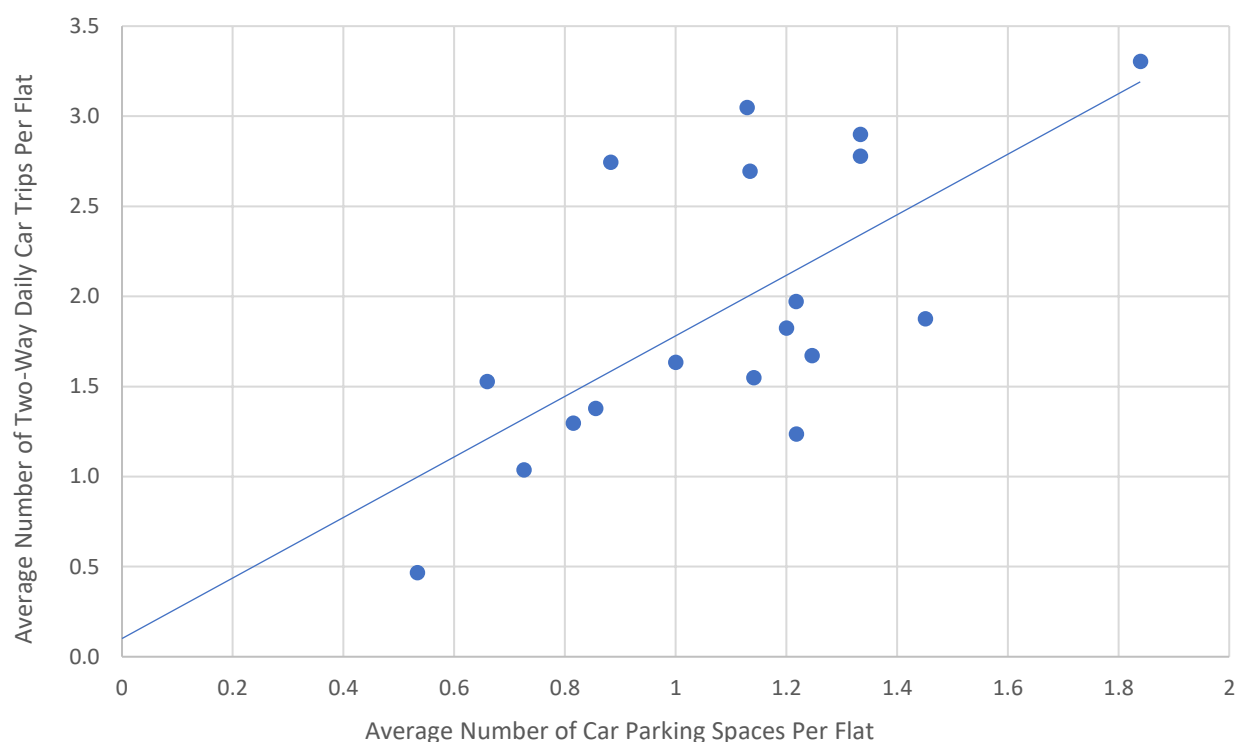


## 2.2 Minimising Car Use

2.2.1 There is also evidence from within the TRICS database that limiting car parking at flatted developments leads to a reduction in car usage. Figure 2 demonstrates this based on sites extracted from the TRICS database, clearly showing that reducing car parking is effective in limiting car use.

2.2.2 The criteria used to select these sites were as set out in the previous section, although all parking ratios were included.

**Figure 2: Impact of Car Parking Availability on Car Trips**



## 3 Measures to Mitigate Low Parking

### 3.1 Car Club

3.1.1 As set out within the TA and TP, the developer is committed to implementing a car club on the site with two vehicles provided to facilitate a genuine alternative to car ownership. In addition to the set-up of the Car Club, the developer has also committed providing free membership for the first year and a free mileage allowance.

3.1.2 The provision of Car Clubs is an effective measure in reducing car ownership. The Comouk England and Wales Car Club Annual Survey 2017/18 shows that nationally 38% of Car Club members did not own a car before joining the Car Club, increasing to 54% in the longer term once a member.

3.1.3 Furthermore, Car Club members are considerably more likely to travel by sustainable modes:

- Across England, 14% travel by bicycle at least once a week, compared to 42% of Car Club members
- Across England, 8% travel by train at least once a week, compared to 22% of Car Club members
- Across England, 7% travel by taxi at least once a week, compared to 14% of Car Club members
- Across England, 25% travel by bus at least once a week, compared to 32% of Car Club members

3.1.4 By providing space for up to two Car Club vehicles, there is therefore potential for a significant modal shift among residents, as well as a reduction in private car ownership. This benefit will also be available to residents in surrounding areas contributing to a wider shift to more sustainable patterns of travel and encouraging a continuation of the evidenced trend for reduced car ownership in Staines.

## 3.2 **Additional Travel Plan Measures**

3.2.1 In addition to the measures set out within the Travel Plan, the developer is willing to commit to providing additional measures within the Travel Plan to further encourage sustainable patterns of travel. Central to this will be offering membership of the Easit Sustainable Travel Scheme to residents for an initial one year period. This would provide the following benefits to residents:

- 15% Discount on Rail fares with South Western
- Discounts at Halfords
- Discounts with Enterprise Car Club
- Taster tickets for certain bus routes
- Discounts on electric bikes
- Discounts on eMopeds
- Access to the Easit journey share site

## 4 Effectiveness of Parking Restrictions

- 4.1.1 As set out within the TA and subsequent note on car parking availability, the roads surrounding the site are subject to restrictions that limit the ability for people to park. A parking survey was previously undertaken based on the Lambeth methodology, with the results included in the car parking availability note. The area covered by the survey was considerably larger than specified in the Lambeth methodology at the request of the council; the Lambeth methodology only requires an area of 200 metres from the site to be covered, within which there are no unrestricted on-street parking opportunities.
- 4.1.2 The research detailed previously also sets out that the availability of car parking has been shown to be a determining factor in car ownership levels. This applies as much to on-street parking as it does to allocated spaces within a development.
- 4.1.3 The nearest on-street parking opportunities are either covered by effective parking restrictions which prohibit parking or experience very high levels of parking demand and will therefore not be attractive options to any future resident wishing to park off-site as they would be very unlikely to regularly find an available space.
- 4.1.4 Whilst it is very unlikely that overspill parking would occur from the development, in the unlikely event that a small number of residents did park off site it can be expected that they would choose an area where parking was more readily available to minimise time spent searching for an available space.
- 4.1.5 Regardless of it being very unlikely that overspill parking onto the surrounding roads would result from the development, the developer has consistently offered to fund a consultation into the introduction of a residents parking zone for the Gresham Road area should this be considered appropriate. This would help to address the existing parking stress in this area and provide further reassurance that the development will not impact in this location.

## 5 Supporting the Climate Emergency

- 5.1.1 Spelthorne Borough Council has declared a climate emergency, stating that *“there now needs to be a greater step change to reduce carbon emissions and reduce the damage to the environment for our residents and future generations”*. In addition SBC have also stated that *“Across the*

*Council's services, all strategic decisions, budgets and approaches to planning decisions will be aligned with the goal of achieving a shift to carbon neutrality".<sup>4</sup>*

5.1.2 Paragraph 103 of the of the NPPF states that:

*"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."*

5.1.3 It has been clearly demonstrated that developments with lower levels of car parking generate fewer vehicle movements. The provision of Car Club vehicles and membership alongside a wider package of sustainable travel benefits has also been shown to reduce car ownership and significantly increase the likelihood of travel by sustainable modes.

5.1.4 As set out in the information submitted in this note, the approach to parking adopted for the proposed development will support SBC's ambition to achieve a step change in reducing carbon emissions.

## 6 Relevant Appeal Decisions

### 6.1 Introduction

6.1.1 The issues addressed within this note have been previously considered at numerous appeals where the Planning Inspectorate has found that low car or car free development is suitable in sustainable locations. A summary of a selection of appeal decisions are set out below for reference. These appeal decisions are included as **Appendix A**.

### 6.2 **APP/R5510/W/20/3250434 – 43-67 High Street, Yiewsley**

6.2.1 The development that was the subject of this appeal was for a mixed use scheme including 144 apartments. The appeal was allowed and planning permission was granted. A parking ratio of 0.16 spaces per dwelling was proposed.

6.2.2 In the consideration of this application the Inspector balanced the fact that, whilst the Borough of Hillingdon had one of the highest levels of car ownership in London, there are a significant proportion of households for whom car ownership is not required. At paragraph 15 of the appeal decision it is stated that:

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<sup>4</sup> <https://www.spelthorne.gov.uk/article/19727/Climate-Emergency-in-Spelthorne>

*“Although the Census data is now some years old, it seems clear that whether or not they have access to parking, a significant proportion of households in this area do not have access to a vehicle, particularly those in flats or other smaller dwellings which are of particular relevance given the nature of the development. I have not been provided with any clear evidence that these households are unable to access either local services or destinations to which they need to travel. As a result, I have significant doubts that ownership of a vehicle, and thus provision for parking, would necessarily be an overriding requirement in this area.”*

6.2.3 This statement would be equally applicable to the proposed development given the highly accessible location of the site in close proximity to a range of facilities and public transport services.

6.2.4 The Inspector also addresses the issue of the provision of parking influencing car ownership and goes on to conclude that use of historical ownership patterns is not necessarily the best approach when considering future development. Paragraphs 16 and 17 state that:

*“I also note examples of developments in the Yiewsely/West Drayton area where the Council advises parking ratios have been between 0.85-1 space per dwelling. I have no reason to doubt that this level of parking has historically been provided. Even so, surveys by the Council of parking within 2 of these developments indicated a significant number of spaces available, albeit that I note these were snapshots and during the daytime.*

*In any case, current levels of parking, vehicle ownership and use in this area do not amount to sufficiently robust evidence that parking to cater for a similar level of ownership or use is necessary, far less that it should be encouraged.”*

6.2.5 Paragraph 19 then states the following:

*“Overall, I find the case that reducing levels of parking encourages reduced vehicle trips and a mode shift to walking, cycling and public transport to be compelling. With regard to the submitted evidence, I have no doubt that current levels of vehicle ownership and use in the area around the site are, at least in part, a factor of the historic availability of parking. It seems to me that providing similar levels of parking in future would perpetuate the ownership and use of private vehicles contrary to wider policy objectives noted above.”*

6.2.6 The propensity for residents to park on-street given the limited on-site parking was also highlighted as a reason for refusing this application. Similarly to the situation in Staines, the appeal site was situated in an area with parking restrictions on the surrounding roads covering various time periods, with some areas of unrestricted parking located further from the site.



6.2.7 The Inspector addresses these concerns in Paragraphs 29-31 of the appeal decision:

*“The PMS [Parking Management Scheme] and time-restricted yellow lines do not currently operate at all hours of the day and week. Even so, the inability to park freely at all times would in my view limit the likelihood of occupiers considering this to be a practical or realistic option. There is a small amount of unrestricted parking near to the site on St Stephen’s Road, but I observed that much of this was occupied by vehicles which do not look to have moved for a significant period of time, considerably limiting scope for occupiers to rely on these spaces as available.*

*Given the restrictions on parking around the site, occupiers may instead look to parking on roads outside of the PMS area as an alternative, and the Council has highlighted Otterfield Road and Providence Road as particular locations of concern. Otterfield Road is around 300m away from the site while Providence Road is around 400m away. I accept that this would not necessarily deter all occupiers, but consider that the distance together with the lack of in-person surveillance of vehicles would lead very few potential occupiers to regard this as a practical alternative parking location. I further note that these distances would exceed the 200m walk distance threshold referred to as an area that residents may want to park within the commonly used ‘Lambeth method’ for parking surveys which is included within the evidence before me. The distance to town centre car parks, with the closest car parks on Fairfield Road and Falling Lane at around 250m and 450m from the site, together with charging and the inability to guarantee access to a space or permit to park in future means I similarly find that occupiers are unlikely to consider this a suitable or practical alternative.*

*Given the limited provision for parking on the site and minimal realistic options for parking in the surrounding area at all times, it is reasonable to assume that the vast majority of dwellings would attract occupiers who do not own or use, nor intend to own or use a car and I have already found that the accessibility of the site would offer suitable alternative modes of travel to support this as a realistic option. I recognise that this would not suit all potential future residents, but occupiers would make decisions whether or not the development would be suitable for their requirements and lifestyle according to their circumstances, and those who did require a vehicle would instead look to alternative developments nearby with greater parking provision.”*

6.2.8 The above conclusions are directly relevant to the proposed application site in Staines with the propensity for residents to park on the surrounding roads further limited by the distances to available parking which are similar to those considered within the appeal. The nearest unrestricted parking in the vicinity of the site is located on Richmond Road approximately 350 metres from the site.

### **6.3 APP/C3620/W/17/3187875 – 80a, 86 and 88 Woodfield Lane, Ashted**

6.3.1 The development that was the subject of this appeal was for a residential scheme of 10 flats where no off-street parking was to be provided. The appeal was allowed and planning permission was granted.

6.3.2 In consideration of this appeal the Inspector weighed the sustainability of the site and the nature of the flatted development proposed against the likelihood for residents to need to own a car. Paragraph 14 of the appeal decision states the following:

*“Overall, the site has good access to services, facilities and employment and there are practicable alternatives for travel other than by the private car for future occupiers of the proposed development. Consequently, it is realistic to assume that occupiers would not necessarily need to own a car in this location in order to provide for their day to day needs. I understand that the wider area generally has a high relative level of car ownership. However, as the proposed flats are of one bedroom rather than family accommodation and given the good accessibility described above, it is likely that car ownership levels for this particular development would be lower than average within the District. This is a site which is likely to attract some occupiers who do not wish to own a car.”*

6.3.3 This would be applicable to the proposed development to an even greater degree as the location of the application site has significantly better access to facilities and public transport services than the appeal site considered by the Inspector.

6.3.4 For the appeal scheme the Inspector did consider that some residents would likely own a car however concluded that if on-street parking was to occur this would have limited impact, stating that:

*“Whilst occupiers would need to locate vacant spaces, it is likely that they would gravitate to spaces known to be normally available. The resulting disruption and impacts on the highway network and local environment from cars seeking to park would be very limited in this case”*

6.3.5 It is accepted that some residents at the proposed development will need to own a car which is why car parking has been provided on site. In the unlikely event that a resident will wish to park off-site, areas where parking stress is lowest would likely be used in line with the inspectors conclusions above, minimising any impact.

## **6.4 APP/E0345/A/12/2178852 – The Old Bakehouse, Caversham**

6.4.1 The development that was the subject of this appeal was for a residential scheme of seven flats where no off-street parking was to be provided. The appeal was allowed and planning permission was granted.

6.4.2 This appeal decision also addresses the issue of parking availability and the impact of car ownership. Whilst the scale of the development differs, the context of the scheme is the same in that it is located in a “*very sustainable location*” with parking controls on the surrounding roads.

6.4.3 Within paragraph 19 the inspector concluded that:

*“A factor that is likely to be important for potential occupiers of the appeal development who are also car owners is whether they could park conveniently close to their flat.”*

6.4.4 At paragraph 20 of the appeal decision the inspector goes on to conclude that:

*“The inability to park conveniently would be a serious disincentive to potential occupiers owning a car. It is thus not unreasonable to conclude that the new residents would be part of the 25% non-car owning households [taken from 2011 car ownership data from the 2011 Census] who rely on public transport and other travel modes to get around.”*

6.4.5 In this appeal the Inspector has also made reference to the Lambeth Methodology for parking surveys which indicates that residents generally park their vehicles within 200 metres of home equating to a two minute walk distance. In the case of the application site there is no parking available within a 200 metre distance with the nearest unrestricted parking in the vicinity of the site located on Richmond Road approximately 350 metres from the site. The Inspectors conclusion in relation to the lack of convenient parking is therefore likely to be significantly amplified in this case.

## **6.5 APP/L5240/V/17/3174139 – 1-9 Banstead Road, Purley**

6.5.1 The development that was the subject of this call-in appeal was for a residential scheme comprising 220 apartments. A parking ratio of 0.12 spaces per dwelling was proposed. The inspector recommended that the application be approved and planning permission granted.

6.5.2 In this appeal the inspector concluded that the proposed parking was appropriate and limiting parking in sustainable locations would be one of the best ways to achieve meaningful change in travel patterns. Paragraph 15.31 states that:

*“Policy is geared towards persuading people to switch from private cars to public transport in order to try and reduce traffic. One of the best ways of achieving this is to limit parking provisions and one the best opportunities to persuade people to alter this aspect of their lifestyles is when they move home. While not a perfect solution, it follows that providing new residential accommodation with little or no parking at this highly accessible location is likely to help achieve that end and, on balance, would be a positive step”*

- 6.5.3 The proposed development in Staines is in a similar situation to the Purley scheme in that it is located in close proximity of local facilities and also direct transport links to larger employment locations including London. The provision of a low-car scheme in this location would therefore help to secure the wider policy objectives of achieving a modal shift away from private car use and support SBC’s response to the climate emergency.

## **6.6 APP/R5510/W/19/3230503 – 9 Nestles Avenue, Hayes**

- 6.6.1 The development that was the subject of this appeal was for a mixed use scheme including 81 apartments. Four parking spaces were proposed as part of the scheme. Whilst the appeal was dismissed, the dismissal was in relation to the scale, massing, design and townscape / streetscape impact.

- 6.6.2 As part of the LPA’s case against this application, they maintained that current drive to work patterns and historically high car ownership levels would continue in the future, such that a significant number of future residents would be likely to own a private car. The inspector however concluded that this was not necessarily the case and directly referenced the conclusions of the Inspector for the Purley scheme (detailed previously) indicating that limiting parking provisions in highly sustainable locations would change historic patterns of car use and ownership.

- 6.6.3 At paragraph 66 of the appeal decision the Inspector states that:

*“I am in no doubt that the absence of on-site parking and the parking restrictions on the adjacent roads would act as a natural deterrent to car ownership for future occupiers, informing the decision of future occupiers as to whether the scheme should suit their needs/demands”*

- 6.6.4 This appeal decision again demonstrates that the approach of reduced car parking for residential developments in highly sustainable locations is appropriate and would likely result in changes to patterns of car ownership and use.

## 7 Summary

7.1.1 This Technical Note (TN) has been prepared by PJA on behalf of Inland Homes Ltd in response to comments received from Spelthorne Borough Council.

7.1.2 Whilst it is not possible to provide car ownership information for recently consented schemes with similar parking ratios, it has been demonstrated that:

- There is an established pattern of car free living within Staines that is evident in the 2011 Census;
- In the intervening period, since 2011 there has been a further shift towards lower patterns of car ownership within Staines;
- Limiting car parking provision does not necessarily lead to overspill parking or the full utilisation of spaces provided;
- There is a direct correlation between lower parking provision and the number of vehicle trips made indicating lower levels of car ownership and use will be achieved at the proposed development;
- The provision of the car club will provide the opportunity for reduced car ownership, both for future residents and existing residents within Staines and will also likely result in more sustainable patterns of travel amongst members.

7.1.3 To provide further reassurance that sustainable patterns of travel will be achieved at the site in light of the limited car parking provision, the developer is also willing to commit to additional Travel Plan measures offering membership of the Easit Sustainable Travel Scheme to residents for an initial one year period. In addition to the car club, this will further encourage car-free living at the scheme by incentivising sustainable travel particularly by rail.

7.1.4 Overspill parking is highly unlikely to occur on the surrounding road network. However, if this was to occur, it would likely be in areas where the parking stress is lowest and therefore any impact would be minimal. Notwithstanding this, the developer is still willing to fund a consultation and review of parking restrictions in the vicinity of the site to help address current issues experienced and provide further deterrent to on-street parking from the scheme.

7.1.5 A series of planning appeal decisions has also been set out which support the conclusions in this note by stating that:

- Historic patterns of car ownership are likely the result of historic patterns of car parking provision and therefore not a sound basis for determining future demand;

- Restricting residential car parking in highly accessible locations is appropriate and one of the best ways in achieving a shift in existing patterns of car ownership and use; and
- Parking restrictions and the availability of parking is a key driver in the choice of future residents whether to own a car.

7.1.6 For the reasons set out in the note and previous submissions, the proposed scheme will result in a highly sustainable residential development, which will contribute to the delivery of a step change to reduce carbon emissions targeted by SBC. The proposed Travel Plan measures and Car Club will ensure residents have a viable and attractive alternative to private car ownership and the proposal to fund a consultation to review parking restrictions will address current issues experienced and provide a further deterrent to on-street parking from the scheme.

7.1.7 The development would not result in an unacceptable impact on highway safety as confirmed by Surrey County Council as highways authority and would not have a severe residual cumulative impact on the road network in accordance with paragraph 109 of the NPPF. There is therefore no reason for refusal on highways grounds.

## Appendix A      Appeal Decisions



# Appeal Decision v

Site visit made on 20 December 2012

by **Christina Dwyer MRTPI**

as instructed by the Secretary of State for Communities and Local Government

Decision date: 24 January 2013

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**Appeal Ref: APP/E0345/A/12/2178852 v**

**The Old Bakehouse, Hemdean Road, Caversham, Reading RG4 7QF v**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of a planning permission.
- The appeal is made by Mulhearn Properties Ltd against the decision of Reading Borough Council.
- The application Ref 11/01913/FUL, dated 18 December 2011, was refused by notice dated 8 March 2012.
- The development proposed is demolition of the existing industrial building and erection of 7 x one bedroom apartment units with associated bin, cycle store and landscaping at The Old Bakehouse, Hemdean Road, Caversham in accordance with the terms of the application, Ref 11/01913/FUL, dated 18 December 2011, subject to the conditions on the Schedule at the end of this decision.

## Decision v

1. The appeal is allowed and planning permission is granted for demolition of the existing industrial building and erection of 7 x one bedroom apartment units with associated bin, cycle store and landscaping at The Old Bakehouse, Hemdean Road, Caversham in accordance with the terms of the application, Ref 11/01913/FUL, dated 18 December 2011, subject to the conditions on the Schedule at the end of this decision.

## Procedural Matter v

2. Since the decision was issued the Council has adopted the Sites and Detailed Policies Document (SDPD). The policies therein have replaced the saved policies referred to in the Reading Borough Local Plan. Policy DM6 relates to affordable housing and requires that on sites of 5-9 dwellings there will be 20% of provision subject to viability considerations. Whilst affordable housing was not an issue when the decision was made it is pertinent now because the thresholds in the SDPD have been lowered. This is a matter which will be considered further below.

## Reasons v

### Effect on the character and appearance of the area

3. The appeal site is on the corner of Hemdean Road and Rectory Road and is currently occupied by a vacant industrial building. It is just outside the District Centre of Caversham and shops and services are within Church Street a short distance from the street. The site abuts a modern building known as Wellington House which is currently occupied by a physiotherapy practice. Adjacent to this is a service yard and some garages which are associated with the former street frontage of shops and flats forming Church Street. The proposal is to demolish the industrial building and erect a development of seven flats close to



he front of the building would adjoin the rear and part of the rear side elevation of Wellin House. f

4. Although Rectory Road the area is characterised by Victorian terraced houses. f These have a regular building line set close to the front and a side wing and f consist of a rhythm of narrow frontages and front side wings. In Hemdean Road there is a variety of frontages, including a terrace with wider frontages and a f semi-detached house. On the opposite corner is a large and considerably f extended detached house. The existing building is single storey with a variety of f front lines and a relatively austere facade of Rectory Road. It is felt that f different from the adjoining Victorian terraces in terms of its character and scale. f This reflects its location which is within the residential area but also close to the f commercial part of the District Centre. The site also has a number of f constraints including the relationship with Wellin House and 1 Rectory Road and the need to properly address the corner of f
5. The design of the new building has not attempted to mimic the architecture of f its immediate neighbours and has adopted a contemporary approach which f seeks to provide its own identity. Nevertheless some of the features on the f existing terraces would be incorporated in the Rectory Road elevation, most f noticeably the front side wing gabled bays which contribute to the rhythmic quality f the Victorian architecture. The style of fenestration and the size of the main f window openings would also emphasise the sense of regularity and the main f front wall and eaves line would be different from the adjoining terrace. The f drawings indicate a palette of materials including bands of brickwork that would f provide visual continuity with the older properties. f
6. The element closest to No 1 would be set in from the boundary and would be f single storey in height. This would provide a successful juxtaposition with the f existing property which has a number of windows on its side elevation. The f Council is particularly critical of the use of a hipped roof form but I noted f several such examples in the area including on the opposite corner of Rectory Road. The new building, like the existing one, would be lower in height than f the adjoining terrace and its footprint would not be consistent due to the f education in height of the central section. Whilst this would be different from f the unbroken front line of the Victorian terraces it would work appropriately in f terms of the overall scale and massing of the building itself. Furthermore it f would provide interest and articulation of the Rectory Road facade. f
7. The Council is concerned about the position of the bin store. However it would f be adjacent to the front entrance porch which would also extend forward in a f similar way. There would be a simple entrance door to the bin store and it is f not considered that this would appear an overly prominent feature of f the elevation on this elevation. The building would address the corner in a f appropriate manner and the entrance porch and bicycle store would provide f visual interest of the Hemdean Road elevation. The development would be f domestic in scale with its own individual identity. Nevertheless it would include f design cues from the Victorian terraces to provide an appropriate composition f that would successfully integrate with the existing townscape of this point. f
8. The new building would wrap around Wellin House and on the Hemdean Road f frontage it would partially obscure the front facade. Whilst this would be a f slightly awkward relationship the existing building would stand further back and f the main effect of the juxtaposition would be relatively contained in terms of f the street view. Whilst the existing front wall is currently a pronounced f

enjoy the roadside scene if the road is left as it is. The benefit of the scheme in the Hemdean Road. It is understandable that the Appellant would not favour the demolition of this building which is currently occupied and is not near the end of its useful life. Although the arrangement is not ideal it would, on balance, be acceptable within the context of the development as a whole.

9. The Council has objected to the failure of the scheme to address the service yard and take the opportunity to improve its layout and appearance. This land is in the context of the Appellant but is not within the appeal site. Whilst such enhancement would have been a benefit I do not consider that it is sufficient to should count against the scheme. It appears that previous occupiers of The Old Bakehouse only used the service yard for access to its parking area on the western side of Wellin on House. The appeal proposal would separate the residential area from the service yard by a brick wall and all access would be from the frontages. This would be a satisfactory arrangement and the inclusion of the service yard would serve no functional purpose in terms of the proposed development of the site.
10. For the reasons given above the appeal scheme would respect the character of its surroundings and would not have a harmful effect on the existing streetscape. It would therefore comply with Policies CS7 and CS15 in the Council's Core Strategy (CS) which, amongst other things, seek to ensure that development maintains and enhances the character and appearance of its surroundings and responds positively to its local context. It would also accord with the National Planning Policy Framework (the Framework) which sees good design as a key aspect of sustainable development.

**Whether the development would offer a contribution to housing mix and to the local community**

11. The maximum housing mix is dealt with by Policy CS15 in the CS and is informed by matters such as the area's character and the site's accessibility as well as the need to achieve high design quality and minimise environmental impacts. The support for the provision of an appropriate range of housing opportunities in terms of housing types, sizes and tenures in accordance with the findings of the *Berkshire Urban Housing Market Assessment* (May 2007) (SHMA). The policy therefore requires an appropriate proportion of units to be designed as Lifetime Homes. The SHMA identifies a wide range of housing needs. However, the *Housing Mix Bulletin* (Rural, which is based on the evidence base of the SDP, suggests that there have been a large number of small flats built within central Reading in the last few years and that there is now a need to rebalance the housing stock in favour of larger, family sized dwellings. The evidence suggests that household size and dwelling size do not necessarily equate and that larger dwellings are often occupied by smaller more affluent households. In order to meet the needs of larger households it is concluded that the greatest need in the future is likely to be for dwellings containing three or more bedrooms.
12. It is unlikely to be appropriate to provide three bedroom family units on the appeal site. This is partly due to its central location but also because of the constrained nature of the site and the lack of space for on-site parking for a significant amount of amenity space. It is interesting to note that one of the reasons for refusal of a previous scheme for 7 x four bedroom flats was the unsuitability of the door-to-door facility. The *Annual Monitoring Report* indicates that much of the Council's housing land supply will be provided

the windfall sites and the appeal proposal is an example of windfall development. Whilst the SHMA and Housing Mix Backgound Paper refers to the fact that all of the existing units by 2026 that does not mean that all of the smaller units should cease in the interim. It is anticipated that there will be a surplus of one and two bedroom units by 2026 but this will only happen if delivery continues as expected. Also it is the future of the two bedroom units which appears to be particularly acute. There is still a need to deliver homes to meet the needs of smaller households and this may be one reason why the housing mix provision in Policy DM5 of the SDP does not apply to smaller sites such as this.

13. The point raised by the Council that some two bedroom units would provide greater flexibility is acknowledged. However the accommodation would be of sufficient size for one of two person households. Whilst the Council considers that some two bedroom flats would provide a better mix there is no basis on which to decide what provision would be acceptable and what would not. For all these reasons I am unable to conclude that it would be essential in this particular instance. Policy CS15 does not require a specific proportion of family sized units and I do not consider that the appeal scheme conflicts with its objectives for the reasons given above. In the circumstances it is concluded that the housing mix is appropriate for this site in accordance with the policy.
14. Both CS Policy CS15 and SDP Policy DM5 refer to the provision of Lifetime Homes. However neither policy requires all homes to meet these standards and it is noted that the Inspector in her Examination Report specifically referred to the need for flexibility. In this case there seems no reason why a proportion of the units should not be sufficiently adaptable to provide the opportunity to meet the changing needs of its occupants over time.
15. The Council is critical of Unit 3 in the grounds that it would not be provided with sufficient internal light. The front windows of this unit, in common with several of the flats, face north. Whilst there is a slight reflection of the eaves this is not unique to this flat. The Council has not made a similar complaint in respect of Flat 4 for example. North facing windows are not unusual and the orientation is fairly generous. There is no evidence that light penetration would be substantially affected that a reasonable sunlight would not be achieved.
16. The rear kitchen/ breakfast room of Unit 3 would have glazed doors that would open up into the rear amenity space. This would be a relatively large and narrow room and the proximity of the two-storey flank wall of the Wellington House would reduce daylight penetration and sunlight. Nevertheless additional daylight would be provided by a skylight and it is not considered that this room would be unacceptably gloomy for a reasonable satisfactory internal lighting environment. The Council's concern about the position of the exit door from the communal hallway is noted. However it is not clear that there is any reason to doubt that the rear amenity space would provide an adequate level of facilities for the occupants of Unit 3. It is thus concluded that the scheme would not be contrary to Policy CS15. It would also not conflict with Policy CS3 concerning special inclusion and diversity, although this policy is directed at larger developments.

**Without car-free development would result in a more significant flow of traffic**

17. Policy CS24 in the CS indicates that maximum car and cycle parking standards will be applied which relate to the accessibility of the location. Policy DM12 in the

- the SDPD refers to accesses and facilities for energy and the safety of users on the highway network. Reference is made to a Supplementary Planning Document entitled *Revised Purkin U U ndathts Und DesiUn* (the SPD) adopted by the Council in 2011. The SPD has taken account of changes of environment policy and does not apply a maximum standard of residential uses. However, whilst the standard of a one bedroom flat is one space the guidance provides flexibility by allowing for less provision if the developer can demonstrate that fewer spaces would not result in detriment to highway safety. This accords with the Framework which indicates that local parking standards should take account of factors such as local car ownership levels, the type and mix of development, availability of public transport and accessibility.
18. The available information indicates that there was parking at the time of the site use by vehicles associated with the previous industrial use. It is also apparent that there was at one time a vehicular access to Rectory Road evidenced by the late vehicle crossing. The appeal development by contrast proposes on-site car parking. However, the site is within a very sustainable location. It is close to Carerham District Centre where there is a wide variety of shops and associated facilities. There are bus stops in Hemdean Road and Church Street which provide frequent services for a number of destinations including Reading town centre. Reading railway station is about 1.5 km away and this provides a regular service to London as well as to places such as Basing and Bournemouth.
19. It seems likely that new occupiers would be able to undertake their journeys on foot, by bicycle or using public transport. However, this does not necessarily mean that they would not own a car. As has already been commented the new flats would provide an attractive accommodation for young people and the evidence suggests that within the Carerham area there is an average car ownership level of about one vehicle for a two person dwelling. However, it is also relevant that 25% of such households do not own a car. A factor that is likely to be important for potential occupiers of the appeal development will also be car ownership is whether they could park conveniently close to their flat. The information provided by the Appellant shows that the appeal site is not within the Carerham Controlled Parking Zone (CPZ) which means that new residents would not be eligible for permits.
20. A parking survey was undertaken by the Appellant and shows that within a 400 metre distance of the site, which includes Priory Avenue and parts of Pines Hill, there are parking facilities in proportion in most places and that non-permit holders are limited to a two hour period during the day. Reference is made to the Lambeth Metropolitan Study which indicates that residents generally park their vehicles within 200 metres of home and that this equates to a walk time of about 2 minutes. It is possible that new occupiers would park in the Cheserf Street car park which is within the 200 metre zone. However, this site has a two hour restriction on parking during the day. It seems unlikely that a new occupier would be prepared to move their vehicle every 2 hours for a day of parking fines. The inability to park conveniently would be a serious disincentive for potential occupiers owning a car. It is thus not unreasonable to conclude that the new residents would be part of the 25% non-car owning households who rely on public transport and other alternative modes of transport.
21. Local representations make clear that existing streets are subject to parking pressure both during the day and at night. This reflects the fact that many of

the existing surfaced properties do not have off-street parking and rely on kerbside facilities. The Council is concerned that occupiers would park within the visibility splays of existing driveways but the reasons already given for this seems unlikely making account of the extent of the parking concerns. Based on the evidence it is concluded that existing parking problems would not become significantly worse as a result of the appeal scheme. f

22. The SPD indicates that a minimum of 0.5 cycle spaces would be required for a one bedroom flat. The proposal includes two secure stores for a total of 5 bicycles. The Highway Authority does not consider that the layout of the site on the Hemdean Road and the access would allow easy access for three bicycles and it is also critical that the access does not impinge on the pavement. However it is considered that these are aspects that could reasonably be dealt with by means of a planning condition. The site is in a highly sustainable location where a car is not necessary and bearing all of the above points in mind it is concluded that the development would not have an adverse impact on the free flow of traffic or highway safety. The proposal would thus not conflict with Policy CS24 in the CS or Policy DM12 in the SDP or the guidance in the aforementioned SPD. f

***Whether contributions towards local leisure, open space and transport are justified in order to make the development acceptable***

23. A Planning Obligation by Unilateral Undertaking has been submitted which makes a Leisure Contribution and a Transport Contribution. It is acknowledged that in an urban built-up area such as Reading there is often a cumulative impact of additional small developments. Whilst a single approach may thus be justified it is still incumbent on the Council to show that Regulation 122 of the Communities Infrastructure Levy (CIL) Regulations has been complied with in order that these payments can be taken into account. This includes a statement of evidence that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question. f
24. The policy supporting infrastructure contributions is provided by Policies CS9, CS20 and CS29 in the CS and Policy DM3 in the SDP. Additional guidance is provided by the Supplementary Planning Guidance on *Planning Obligations* adopted by the Council in 2004 (the SPG). This indicates that a single flat £10,500 would be required for open space and leisure provision for the appeal development. The Council has indicated several local facilities that are in need of improvement including the area around the river in the Thames Parks Plan. From the information provided and bearing in mind the very small amount of amenity space on the site the information is sufficient to be satisfied that this contribution would meet the requirements of the CIL Regulations. f
25. The single flat transport contribution is based on the principle that additional development generates an increase in trips on the network whether they are by car, public transport, walking or cycle. In this case the Council has concluded that the trip rate for the new and existing lawful use would be similar. It is reasonable to assume that even if the occupiers would make use of their modes of travel and thus should contribute towards them. Using the formula in the SPG a contribution of £3,641 has been calculated. However this in itself is based on the £7.5m cost of providing necessary infrastructure identified in a Local Transport Plan that has now been superseded. No update has been provided to be confirmed that this figure is still relevant for the implementation of the provisions in the Reading Transport Strategy referred to in Policy CS20. Whilst the Council has identified local projects on which the money may be spent it is f

impossible to conclude that the fact itself is fair and reasonably related in scale and kind to the appeal scheme.

26. It is thus concluded that the current situation would be a fair use of the space and is justified in accordance with the CIL Regulations. It meets the requirements of Policies CS9, CS29 and DM3 and can be taken into account. However, the proposed current situation is not justified in accordance with the CIL Regulations and cannot therefore be taken into account.

### **Other matters**

27. Policy DM6 in the SDP states that between 5 and 9 dwellings 20% of the provision should be in the form of affordable housing subject to considerations of viability. The SHMA confirms the high level of affordable housing need in the Borough. However, the Appellant's viability evidence is clear that the scheme would not be viable if affordable housing were to be provided. This would be the case regardless of the other circumstances made through the Planning Obligation. The facts and assumptions do not seem unreasonable and at the present time it seems that on the basis of 7 open market units the viability of the appeal scheme would be questionable. In the circumstances the lack of affordable housing would not count against the appeal proposal and would not be taken into account Policy DM6 in this case.
28. There has been a considerable amount of local objection to the appeal scheme and many of the issues have been dealt with above. Whilst existing residents have raised concerns about the effect on the loss of light and the new building would be a similar distance away from the other properties which face each other across Rectory Road. Whilst it is appreciated that the upper floor would also contain living rooms, taking account of the increasing distances it is not considered that the privacy of existing occupiers would be unreasonably diminished. The elevation facing towards No 1 would contain no windows and would be single storey in height. It would also be set back from the common boundary. It is not considered that these occupiers would suffer any adverse effects from the lighting conditions. In the circumstances the appeal scheme would not conflict with development plan policy in this respect including Policy DM4 in the SDP which seeks to safeguard amenity.
29. The new building would be set back safely from the bin and cycle stores which would have doors opening directly into the footway. This could cause conflict with pedestrians and the Council points out that such an arrangement would infringe the Highways Act. This seems a matter which could be resolved by a different design mechanism and could be dealt with through a planning condition.

### **Conditions**

30. The Council has put forward a number of conditions and these have been considered taking account of Circular 11/95: *The Use of Conditions in Planning Permissions*. Where necessary amendments have been made to ensure that they are precise and enforceable. In order to provide a satisfactory appearance it is necessary to provide details of materials and the landscaped areas. The inclusion of information on levels is required as a design feature is an issue. Whilst services would need to be provided most would be below ground and would be subject to approval by the relevant authority under the relevant regulations. No particular justification has been given as to why further information is needed at this stage.

31. The Design and Access Statement indicates that the dwellings would be of construction of Code 3 Sustainable Homes Level 3 and this would be an appropriate requirement. Within this closely developed urban area it is important to ensure that existing residents and their users suffer as little as possible from the inconvenience of construction. A Construction Method Statement is therefore necessary setting out the way that disruption would be minimised. As the details of construction hours would be included it is unnecessary to have a separate condition relating to this matter. The bin and cycle stores should be provided prior to occupation to meet the needs of new occupiers. The matter of the door opening into the highway and the accessibility of cycle racks has already been addressed. The plans need to be specified to the avoidance of doubt and in the interests of proper planning.
32. The site is adjacent to the CPZ and so new occupiers would be unlikely to park on the premises. It is reasonable that the Council should be informed of the potential addresses to ensure that its records are updated. Whilst it would be good practice for the developer to notify new occupiers of their inability to park on the premises it is not a necessary requirement that justifies a condition. In addition the CPZ boundaries may change in the future and the Council may decide that additional occupiers could be provided with permits. If that happened it would be unreasonable for residents of the appeal site to be automatically excluded.

### Conclusions

33. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development which therefore has three dimensions – economic, social and environmental. The scheme would deliver a desirable brownfield site for improved choice and competition in the marketplace. In context of the existing building the development would contribute to the local economy by providing a new use for the site. The lack of affordable housing is to be feared but it is not unreasonable to surmise that the small housing units would provide homes for those at the lower end of the housing ladder as well as market price. The Council relies on windfall sites to meet its housing requirements and whilst there is no evidence that a shortfall in terms of its 5 year supply this site would make a contribution in this respect.
34. The design and layout would result in an attractive development that would integrate successfully with the surrounding townscape, not withstanding the slightly awkward relationship with Wellington House. Small amenity areas would be provided so that new occupiers would have access to outdoor space. However, overall the development would deliver a good living environment with a reasonable standard of energy efficiency. This is a fairly accessible location for within close proximity of the centre of Caerlŷham and public transport so new residents would be able to undertake their journeys without the need for a car. In this case the failure to provide parking spaces on site would not interfere with the free flow of traffic to be harmful to highway safety. For all of these reasons it is concluded that the three dimensions are satisfied and that the appeal scheme would be a sustainable form of development.
35. I have considered all the matters raised in the representations but have found nothing that alters my conclusion that the appeal should succeed.

*Christina Downes*

INSPECTOR

## **SCHEDULE OF CONDITIONS v**

- 1) The development hereby permitted shall begin no later than three years from the date of this decision. f
- 2) No development shall take place details of the materials to be used in the construction of the external surfaces of the building hereby permitted, including window and door frames, have been submitted for and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. f
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 10447-019; 10447-021A; 10447-022; 10447-023; f 10447-024A. f
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted for and approved in writing by the local planning authority. These details shall include means of enclosure and hard surfacing materials. f
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development in accordance with a programme to be first agreed with the local planning authority. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with a tree of similar size and species, unless the local planning authority decides otherwise in writing. f
- 6) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it if certification of Level 3 has been achieved. f
- 7) No development shall take place, including any works for demolition, until a Construction Method Statement has been submitted for, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles for site personnel and visitors f
  - ii) loading and unloading of plant and materials f
  - iii) safe use of plant and materials used in construction of the development f
  - i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate f
  - ii) wheel washing facilities f
  - i) measures to control the emission of dust and during construction f
  - ii) a scheme for recycling / disposing of waste resulting from demolition and construction works f
  - iii) details of construction hours. f
- 8) No dwelling shall be occupied until the secure refuse storage area has been provided in accordance with the submitted plans. This provision shall be in accordance with the details to be first approved by the local planning authority which demonstrate how the access will be provided with the opening of access the adjoining footway in Rectory Road. f



- 9) No dwelling shall be occupied until the secure cycle of age areas have been provided in accordance with the submitted plans. This provision shall be in accordance with further details to be first approved by the local planning authority which demonstrate how the access to the site adjacent to Hemdean Road will be provided with accessible cycle stands and which demonstrate how the access will be provided with further opening across the adjoining footway. f
- 10) No dwelling shall be occupied until the full postal address for each of the units has been notified to the Council in writing. f
- f

*End of Conditions U*

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## Appeal Decision

Site visit made on 4 August 2020

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 October 2020**

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**Appeal Ref: APP/R5510/W/20/3250434**

**Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 2370/APP/2019/2880, dated 29 August 2019, was refused by notice dated 17 March 2020.
  - The application sought planning permission for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works without complying with conditions attached to planning permission Ref 2370/APP/2018/2793, dated 21 August 2019.
  - The conditions in dispute are Nos 2, 3 and 7 which are listed, along with their reasons, in the attached Schedule 1: Disputed Conditions.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works at Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ in accordance with the application Ref 2370/APP/2019/2880, dated 29 August 2019 without compliance with condition numbers 2, 3 and 7 previously imposed on planning permission Ref 2370/APP/2018/2793 dated 21 August 2019 but subject to the conditions in the attached Schedule 2: Imposed Conditions.

### Application for costs

2. An application for costs was made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

### Procedural Matters

3. In addition to policies within the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 and the adopted London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 ('the LP'), the Council's reasons for refusal cite policies T4 and DF1 of the draft London Plan (Intend to Publish Version 2019) ('the ITPLP'). The Secretary of State's response to the Mayor of London's ITPLP, includes directions for

modification of some aspects of it, although the Mayor may instead put forward alternative changes in order to address the concerns raised.

4. Policies T4 and DF1 of the ITPLP are not subject to modification directed by the Secretary of State. With regard to paragraph 48 of the National Planning Policy Framework (the Framework) and the advanced stage reached, these policies attract significant weight in my decision. Although not relied on within the Council's reasons for refusal, given the matters which are at issue in this appeal, Policies T6 (Car parking) and T6.1 (Residential parking) of the ITPLP are also relevant. Neither these policies, nor the maximum parking standards for Outer London Opportunity Areas identified at Table 10.3 are subject to modification directed by the Secretary of State. I therefore similarly afford significant weight to these policies.
5. I have taken into account comments by the main parties on the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('the Amendment Regulations') which came into force on 1 September 2020 and amend the Town and Country Planning (Use Classes) Order 1987 ('the Use Classes Order'). Under the Amendment Regulations, a new commercial, business and service' use class (Class E) is created which incorporates former use classes including shops (Class A1).
6. The parties suggest in the event the appeal were to be allowed that references to 'Class A1', including within the description of development, should be amended to the new Class E. However, I have determined the appeal in light of Regulation 4 of the Amendment Regulations which outlines that an application submitted prior to 1 September 2020 referring to uses or use classes specified in the Schedule to the Use Classes Order as at 31st August 2020 should be determined by reference to those uses or use classes. Accordingly, I have retained the references to Class A1 of the Use Classes Order.

## **Background and Main Issue**

7. Planning permission was granted on the appeal site under application reference 2370/APP/2018/2793 ('the original permission') subject to a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 (the Act), and planning conditions. These include condition 2 which sets out the approved plans for the development, condition 3 which sets out the supporting plans and documents, and condition 7 which requires a landscape scheme to include, amongst other things, details of car parking layouts including 101 residential car spaces and 69 retail car parking spaces.
8. The application which is the subject of this appeal was made under Section 73 of the Act for a minor material amendment to the original planning permission. The appellant is seeking to amend the plans approved at condition 2 in order to remove a lower basement level and reconfigure the upper basement level. The resulting changes include a small increase in the area of the upper basement level and a reduction in the number of residential car parking spaces from 101 to 23. In line with this change, some of the supporting information listed at condition 3 has also been updated, and there would be a change to the number of parking spaces from those cited within condition 7.
9. A completed Deed of Variation (DofV) securing planning obligations has also been submitted during the appeal and I return to this matter below.

10. Having regard to the above and the evidence before me, the main issue is the effect that variation of the parking arrangements would have on the safety and convenience of pedestrians and users of the highway network in the vicinity of the site, and on the quality of life of existing residents and future occupiers of the development.

## **Reasons**

11. The original permission relates to the site of an existing supermarket within the Yiewsley/West Drayton Town Centre and Heathrow Opportunity Area. The appeal proposal would not alter the number of retail parking spaces or levels of cycle parking provided. However, where the original planning permission provided for 101 residential parking spaces including 14 accessible spaces, 23 on-site spaces including 4 accessible spaces are now proposed.
12. Parking standards within Policy DMT 6 of the Local Plan and Policy 6.13 and Table 2 of the LP suggest a maximum residential parking provision for the development of around 226 spaces and 216 spaces respectively. Emerging parking standards at Policy T6.1 and Table 10.3 of the ITPLP indicate a lower maximum provision, and in Outer London Opportunity Areas suggest a maximum of 0.5 spaces per dwelling. The 23 residential parking spaces would be below these maximums. As a result, there would be no inherent conflict with these policies and they are not relied on within the Council's reason for refusal.
13. The Council does not seek the maximum residential parking provision of up to 226 spaces under Policy DMT 6. However, it considers the intended parking, with a ratio of 0.16 spaces per dwelling, to be unprecedented in this area, and insufficient to meet the needs of the ward profile and residents and to avoid parking stress along surrounding streets.
14. In support of this, the Council refers to data from the 2011 Census indicating that Hillingdon as a borough has one of the highest rates of car ownership in London, and it suggests that there is an average of one vehicle available per household in the Yiewsley ward which the site is within. Notwithstanding this, data within the Council's highways evidence indicates that 34% of households within the smaller 'output area' that includes the site have no car or van. Moreover, these overall averages mask variations in vehicle availability between different household types. The more detailed breakdowns within the appellant's evidence show that when only households residing in flats, maisonettes, apartments or caravans are considered, around 41% of households within the Yiewsley ward had no access to a vehicle in 2011.
15. Although the Census data is now some years old, it seems clear that whether or not they have access to parking, a significant proportion of households in this area do not have access to a vehicle, particularly those in flats or other smaller dwellings which are of particular relevance given the nature of the development. I have not been provided with any clear evidence that these households are unable to access either local services or destinations to which they need to travel. As a result, I have significant doubts that ownership of a vehicle, and thus provision for parking, would necessarily be an overriding requirement in this area.
16. I also note examples of developments in the Yiewsley/West Drayton area where the Council advises parking ratios have been between 0.85-1 space per dwelling. I have no reason to doubt that this level of parking has historically

been provided. Even so, surveys by the Council of parking within 2 of these developments indicated a significant number of spaces available, albeit that I note these were snapshots and during the daytime.

17. In any case, current levels of parking, vehicle ownership and use in this area do not amount to sufficiently robust evidence that parking to cater for a similar level of ownership or use is necessary, far less that it should be encouraged. In this regard, there are clear policy objectives within the LP, Hillingdon Local Plan Part 1 Strategic Policies 2012 and Local Plan Part 2 as well as the National Planning Policy Framework (the Framework) seeking to reduce private car dependency, congestion, vehicle emissions and impacts on air quality. These objectives are further embodied within the Mayor's Transport Strategy 2018 (MTS) which seeks a modal shift to 56% of trips in Hillingdon and 80% of trips in London by walking, cycling or public transport by 2041.
18. The evidence before me also includes research which shows a strong link between access to parking as a predictor of vehicle ownership, which is in turn closely related to vehicle use. TfL and the Greater London Authority (GLA) have both strongly supported the proposed reduction in parking on the site and I note comments by TfL that congestion, emissions and public health are challenges which all boroughs must contribute to addressing. Further, that reducing residential parking is essential in order to effectively manage the road network in London and deliver the new homes that the city requires.
19. Overall, I find the case that reducing levels of parking encourages reduced vehicle trips and a mode shift to walking, cycling and public transport to be compelling. With regard to the submitted evidence, I have no doubt that current levels of vehicle ownership and use in the area around the site are, at least in part, a factor of the historic availability of parking. It seems to me that providing similar levels of parking in future would perpetuate the ownership and use of private vehicles contrary to wider policy objectives noted above.
20. Nevertheless, Local Plan Policy DMT 1 requires that the transport needs of development are met and impacts addressed in a sustainable manner. I recognise that vehicle ownership and use, and as a consequence the related need for parking, will also be influenced by the accessibility of employment, services and facilities to meet community needs by non-car modes of travel. Policy DMT 2 further seeks to minimise the impact on the surrounding highway, including impacts on local amenity and safety.
21. The site is close to the outer boundary of London, and I acknowledge that the MTS advises that trips in such locations tend to be longer with different start and end points which is a challenge to efficient public transport, and that some people have no choice but to drive. I also note the Council's comments that there is a lack of orbital and north-south public transport links in this area, and that existing residents travel to destinations outside of London by car, highlighting expensive and inconsistent public transport outside of London. Be that as it may, I nevertheless agree with the comments of the Inspector in a recent appeal at Stanford House, 9 Nestles Avenue<sup>1</sup> that PTAL ratings are a good indicator of the level of services available. I note that there are differences in the circumstances and considerations relevant to that appeal, but I see no reason that the general principle should not equally apply here.

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<sup>1</sup> Appeal reference APP/R5510/W/19/3230503

22. The site currently has a PTAL of 3 which is categorised as 'moderate'. It is very close to West Drayton station which provides links to destinations including central London, Heathrow and west towards Reading, as well as bus stops served by a number of different local routes. These routes include a frequent 24-hour service, and relatively frequent services on most other routes which enable direct access to a range of service, employment or education centres.
23. While there will be some delay to its opening fully, the Elizabeth Line (Crossrail) will further improve connections from West Drayton in future, including into central London destinations and interchanges as well as to areas west of London. The line may reflect existing routes, but the increased frequency of services and reduced need to change trains to access some destinations will nevertheless enhance convenience, the practicality of various route options and the attractiveness of journeys for future occupiers. TfL and the GLA additionally advise that the opening of this line is expected to increase the PTAL rating of the site to 4 which is categorised as 'good'.
24. I accept that the PTAL rating of the site as existing and anticipated in future is below the highest grades of 5 or 6 where Table 10.3 of the ITPLP indicates development should be car free. Even so, the existing and future connectivity of the site by public transport indicated by these PTAL ratings would in my view undoubtedly provide future occupiers an alternative to travel by private car in order to access a range of destinations, services and employment options. In addition, facilities within walking or cycling distance of the site within the town include a GP surgery, library, primary school, shops and services. Given the range of employment, facilities and locations which are accessible by non-car modes of travel, I am not persuaded that occupiers would need to rely on ownership or use of a private vehicle to be able to access necessary services.
25. The DoFV also includes a replacement Residential Travel Plan (RTP) setting out measures intended to reduce resident car journeys and encourage walking, cycling and public transport use. TfL's Travel Plan Guidance 2013 provides relevant advice. Irrespective of the number of residential parking spaces on site, all occupiers would make travel choices and I therefore consider it important that targets and monitoring reflect the development as a whole according to the number of dwellings. Travel targets and a requirement for 'iTRACE' surveys at years 1, 3 and 5 of occupation of development are now included in the replacement RTP, and would ensure its effectiveness.
26. There is additionally provision within the DoFV for 2 car club spaces on St Stephen's Road, with free membership of the scheme for the first occupiers of each dwelling for 2 years. This is strongly welcomed by the GLA and would enable occupiers to conveniently access a vehicle for occasional journeys.
27. I note that operation of the car club spaces would be subject to consultation, and the Council's contention that car clubs in the borough have had mixed success and the requirement for consultation. Nevertheless, even setting aside the car club, I am satisfied that the level of parking on the site would not be a barrier to the ability of occupiers to access employment, education or other necessary services. While occupiers would not therefore need to rely on private vehicle use or ownership, their choices in this respect would also be influenced by the availability of parking.
28. The majority of dwellings would not have access to parking on the appeal site given the level of residential parking proposed. Much of the surrounding area is



subject to a permit-controlled parking management scheme (PMS), or is time-restricted by yellow lines. The DoFV provides that a restriction on the original planning permission preventing occupiers of the development from acquiring residential parking permits would continue to apply should permission be granted, and that this restriction would be made clear to potential occupiers at the outset.

29. The PMS and time-restricted yellow lines do not currently operate at all hours of the day and week. Even so, the inability to park freely at all times would in my view limit the likelihood of occupiers considering this to be a practical or realistic option. There is a small amount of unrestricted parking near to the site on St Stephen's Road, but I observed that much of this was occupied by vehicles which do not look to have moved for a significant period of time, considerably limiting scope for occupiers to rely on these spaces as available.
30. Given the restrictions on parking around the site, occupiers may instead look to parking on roads outside of the PMS area as an alternative, and the Council has highlighted Otterfield Road and Providence Road as particular locations of concern. Otterfield Road is around 300m away from the site while Providence Road is around 400m away. I accept that this would not necessarily deter all occupiers, but consider that the distance together with the lack of in-person surveillance of vehicles would lead very few potential occupiers to regard this as a practical alternative parking location. I further note that these distances would exceed the 200m walk distance threshold referred to as an area that residents may want to park within the commonly used 'Lambeth method' for parking surveys which is included within the evidence before me. The distance to town centre car parks, with the closest car parks on Fairfield Road and Falling Lane at around 250m and 450m from the site, together with charging and the inability to guarantee access to a space or permit to park in future means I similarly find that occupiers are unlikely to consider this a suitable or practical alternative.
31. Given the limited provision for parking on the site and minimal realistic options for parking in the surrounding area at all times, it is reasonable to assume that the vast majority of dwellings would attract occupiers who do not own or use, nor intend to own or use a car and I have already found that the accessibility of the site would offer suitable alternative modes of travel to support this as a realistic option. I recognise that this would not suit all potential future residents, but occupiers would make decisions whether or not the development would be suitable for their requirements and lifestyle according to their circumstances, and those who did require a vehicle would instead look to alternative developments nearby with greater parking provision.
32. For these reasons, I find that the evidence before me does not demonstrate that a higher level of parking would be required on the site to meet needs, and I find that the proposal would help to facilitate behaviour change away from use of private vehicles. Levels of vehicle ownership and use by occupiers of the development would therefore be markedly different to overall averages for the area, and it would be inappropriate to apply these historic averages to the development in order to predict how much parking is required as the Council has sought to do.
33. For the same reasons, I do not consider reference to Census 2011 data a sound basis on which to challenge the vehicle mode share and trip rates within the

updated Transport Assessment August 2019 (TA). I accept that they differ from historic averages in the area, but the lower predicted vehicle use reflects the circumstances of the development proposed. I am not therefore persuaded that they are unreasonable, nor that the TA significantly underestimates vehicle usage so as to result in high levels of displacement parking in the surrounding area.

34. Although the Council suggests that the trip rates within the TA would result in a peak of 14 vehicles wishing to park which cannot be accommodated on the site, the 'parking accumulation spreadsheet' on which this is based has not been provided and so I cannot be sure of the assumptions behind it. I note that the purpose of the trip rate assessment within the TA was to test junction capacity, rather than estimate actual traffic generation, but in any event, further details of the management of parking on the site are required by condition 18 of the original permission. The appellant has confirmed that dwellings would be marketed with no parking, with the option to purchase an on-site space if available. Those occupiers who have not purchased a space would therefore be aware that no parking would be available on-site, and the suggestion that vehicles would travel to the site to find no available parking, resulting in a need to seek alternative parking elsewhere therefore seems to me to be flawed and an unrealistic proposition.
35. Even if some occupiers without access to parking on the site did have a vehicle, whether initially or due to a change in circumstances, that does not signify that displaced parking would necessarily cause harm. At my visit, I saw some parking spaces available on both Otterfield Road and on Providence Road which the Council highlights as of concern being the closest unrestricted parking to the site beyond St Stephen's Road, as well as a greater number of spaces on other roads outside of the PMS area nearby. I also observed ample available spaces within the Falling Lane and Fairfield Road car parks, as well as many spaces on-street within the PMS area.
36. I accept that my visit during a weekday late morning was just a snapshot, and the situation may be different in the evening and overnight when residents are more likely to be at home. However, the appellant's Local Car Parking Demand Survey dated 13 December 2019 (LCPDS) considers the availability of parking on-street near to the site and within the Fairfield Road car park, and the Additional Parking Survey (APS) subsequently reviewed parking on Otterfield Road, Providence Road and part of Edgar Road in January 2020.
37. The LCPDS identified significant available parking capacity during the evenings and overnight when residential demand is likely to be greatest, including a substantial number on sections of single-yellow lines which would allow parking outside of the hours of restrictions. The APS also identified 7 available spaces in the early morning on the first survey day and 13 the second day; and 31 and 29 spaces respectively in the early evening on the surveyed unrestricted roads. The LCPDS additionally included a 48-hour parking accumulation assessment of the Fairfield Road car park which identified a minimum of around 74 spaces available. These spaces would offer some scope for occasional visitor parking, even if the number of spaces were to be reduced by up to 30 in future as the Council have suggested is the subject of ongoing discussion.
38. The Council has not disputed or offered any substantive challenge to the results of these surveys, and coupled with my site visit observations I consider that



the suggestion of existing parking stress in the area has not been substantiated. Given the limited number of future occupiers that I consider are likely to depend on parking in the surrounding area and the apparent availability of parking nearby, I see no reason that the development would lead to protracted searches for spaces or parking in inappropriate locations by either existing or proposed residents. I also have no firm indication that other schemes in the area would seek to vary already agreed parking arrangements which could result in cumulative impacts together with the development.

39. I note the location of the site near to an entrance to St Matthew's Primary School, but potential harm to the safety of pupils and others would be restricted by the lack of realistic capacity for additional parking to that which already takes place on St Stephen's Road. Similarly, while the Council refers to a petition requesting a review of traffic calming on Otterfield Road with apparent mention of parked cars hindering visibility of those seeking to cross the road, there is no substantive evidence that the development would be likely to exacerbate an existing highway safety problem.
40. Moreover, while not currently part of the adopted development plan, emerging Policy T6 of the ITPLP highlights that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets. Controls would be subject to consultation, and I note that implementation of controls on part of St Stephen's Road was not supported historically. However, I have no firm reason to find that new or extended controls within the wider area would fail to offer an effective means to manage parking if necessary, noting provision within the DofV removing eligibility of future occupiers for resident parking permits.
41. While I have had regard to concerns raised by the Council and interested parties, there is no compelling evidence that displacement parking, should it arise, would cause or exacerbate existing parking stress or lead to injudicious parking of vehicles on the local highway network. As a consequence, I do not find that the proposal would adversely affect the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development.
42. Drawing matters together, I find with particular regard to the accessibility of the site that occupiers would be able to access necessary services by non-car modes. Opportunities for occupiers to park freely at all times would be very limited, acting as a significant disincentive to vehicle ownership and use, and encouraging instead a modal shift towards walking, cycling and public transport use. Even if some overspill parking did occur, albeit that I consider this would be fairly limited, the evidence does not demonstrate that this would cause unacceptable harm.
43. I appreciate concern that the development could be used to set a precedent for other proposals with similar provision for parking. However, each proposal must be treated on its individual merits. My findings reflect the specific circumstances of the appeal site including with regard to its location in very close proximity to the station as well as bus stops and local services and the available evidence on parking conditions and available controls locally. No detailed examples of directly comparable sites have been put forward, but even if such proposals did emerge, given the absence of identified harm, I see no

reason that this should be unacceptable or that it would justify withholding permission in this case, particularly noting the strong policy support for reducing parking provision.

44. I therefore conclude on this main issue that the proposed variation of the parking arrangements would not unacceptably harm the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development. Accordingly, I find no conflict with Policies DMT 1 or DMT 2 of the Local Plan or Policy 6.3 of the LP. Nor do I find conflict with Policy T4 of the ITPLP to which I give significant weight. These policies require, amongst other things, that the transport needs of development are met, that transport impacts are addressed in a sustainable manner and that development does not contribute to the deterioration of air quality, noise, local amenity or safety.

### **Other Matters**

45. I have given careful consideration to representations made about the proposal. No changes are proposed to the scale or design of the building above ground, and I am satisfied that the effect of the development on the living conditions of neighbouring occupiers would remain acceptable including with regard to sunlight and daylight. There is also no change to the number or mix of dwellings on the site. The DoFV secures obligations previously agreed to provide infrastructure found necessary to support the development, and there is no substantive evidence before me to demonstrate that other existing services and facilities locally are already under undue pressure, or that they would not have the capacity to accommodate future residents. Congestion and noise associated with vehicle movements to and from the site would also be reduced given the lower residential parking now proposed.
46. The removal of the lower basement level means that any effects during the construction period would be likely to be less than under the original planning permission. Any effects would also be short-term, and could be mitigated by careful construction management, including measures to control dust and noise and construction traffic. For these reasons, I do not find that there would be interference to rights under Articles 1 or 8 of the European Convention on Human Rights, as enshrined within the Human Rights Act 1998.
47. I am satisfied that none of the matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and the comments by interested parties do not alter my findings on the main issue.

### **Planning Obligation**

48. The original permission was subject to an agreement under the provisions of section 106 of the Act which secured a number of planning obligations ('the principal agreement'). The DoFV dated 11 August 2019 secures the majority of these obligations unchanged in the event that permission is granted. However, Schedule 1 of the DoFV provides for an adjusted air quality and green infrastructure contribution which reflects the reduced number of parking spaces and the updated Residential Travel Plan discussed within the main issue above. Clause 7 of the DoFV additionally secures that upon commencement of development, the original planning permission shall not be implemented.

49. From the evidence before me, these obligations remain necessary to make the development acceptable in planning terms, and the amendments made by the DoFV ensure that the obligations secured are directly related and fairly and reasonably related in scale and kind to the development. I am therefore satisfied that these obligations accord with the tests at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') and reflected at paragraph 56 of the Framework. The proposal would therefore make appropriate provision for affordable housing and for infrastructure in accordance with Policy DMCI 7 of the Local Plan, Policy 8.2 of the LP and Policy DF1 of the ITPLP.
50. Schedule 1 of the DoFV additionally includes obligations which were not part of the principal agreement. These comprise a car club scheme, and a highway improvement contribution towards highway improvement works in accordance with an appended drawing. The highway improvement contribution is supported by a breakdown of costs provided by the Council, and the DoFV also provides that any unexpended or uncommitted part of the contribution would be refunded in accordance with provisions of the principal agreement.
51. The car club scheme would support a reduced reliance on private vehicles and pressure on parking in the area. On the basis of the evidence before me, I am satisfied that the obligations relating to a highway improvement contribution towards those highway improvement works associated with the provision of 2 car club spaces on St Stephen's Road, and outlined at 3.2 of Schedule 1 of the DoFV which secure appropriate membership and advertisement of the car club, are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. Accordingly, these obligations would meet the tests within Regulation 122 of the CIL Regulations and the Framework.
52. The further provision of new marked parking bays on St Stephen's Road are indicated to provide time-limited parking during the day for local residents and shoppers rather than for the development, and it is not clear from the available information how these works would be necessary to make the development acceptable in planning terms. Accordingly, and for the avoidance of doubt, I find that the highway improvement works beyond those related to the car club spaces would fail to meet the tests in Regulation 122 of the CIL Regulations and the Framework. I have not therefore given any weight to this element of the highway improvement works obligations, and it plays no part in my decision.

### **Conditions**

53. The Government's Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect, but should not extend the time limit under which the original permission must be started.
54. I have imposed a revised time limit for commencement in accordance with the original permission (condition 1). I have also imposed replacement conditions which contain the updated plan numbers (condition 2); updated supporting documentation (condition 3); and updated details of residential parking requirements as part of landscaping (condition 7). In doing so, I have had regard to the suggested conditions set out within the agreed Statement of

Common Ground (SoCG), as well as subsequent clarification from both main parties confirming the relevant supporting documentation at condition 3.

55. Condition 14 requires provision for cycle facilities. The SoCG highlights that the revision of the drawing referred to within this condition should reflect the updated plan number at condition 2. For the sake of clarity and to ensure the condition relates to the development permitted, I have therefore substituted a replacement condition 14 which contains the updated plan number.
56. I have no information before me about the status of the other non-disputed conditions imposed on the original permission, but in the event that some have been discharged, that is a matter which can be addressed by the parties. I have therefore imposed all those that I consider remain relevant as they appeared on the original permission decision. The appellant has agreed the wording of the pre-commencement conditions. I have not repeated the Council's 'Informatives', but the appellant should be aware of these from the Council's documentation.

### **Conclusion**

57. For the reasons given above, I conclude that the appeal should be allowed.

*J Bowyer*

INSPECTOR

## **Schedule 1: Disputed Conditions**

### **Condition 2**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:- 2 - 100 Rev. F, 2 - 101 Rev. DD, 2 - 102 Rev. U, 2 - 103 Rev. H, 2 - 104 Rev. R, 2 - 105 Rev. R, 2 - 106 Rev. S, 2 - 109 Rev. X, 2 - 110 Rev. U, 2 - 111 Rev. G, 2 - 112 Rev. K, 2 - 113 Rev. G, 2 - 114 Rev. C, 2 - 115 Rev. D, 2 - 121 Rev. C, 2 - 120 Rev. D, 2 - 130 Rev. D, 2 - 201 Rev. P, 2 - 202 Rev. J, 2 - 300 Rev. G, 2 - 400 Rev. L, 2 - 401 Rev. G, 2 - 600 Rev. E, 2 - 620 Rev. E, 2 - 701 Rev. H, 2 - 702 Rev. H, 2 - 703 Rev. H, 2 - 704 Rev. H, 2 - 705 Rev. H, 2 - 706 Rev. H, 2 - 707 Rev. J, 2 - 708 Rev. H, 2 - 709 Rev. J, 2 - 710 Rev. H, 2 - 711 Rev. G, 2 - 713 Rev. G, 2 - 715 Rev. G, 2 - 717 Rev. G and 4330/P/E/3010 Rev. P. and shall thereafter be retained/maintained for as long as the development remains in existence.

*Reason: To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (March 2016).*

### **Condition 3**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use and renewable technology installation [Energy Strategy, May 2019 and its Appendices, including BRUKL Output Document (Retail); Overall Carbon Emission Reduction Report and Energy Centre Indicative Plant Layout Plan dated June 2019;

Accessibility [Design & Access Statement Addendum - November 2018, received 27/11/18]

Provision of bird boxes and bat boxes/bricks [Sustainability Statement]

Noise mitigation measures [Noise Assessment]

Dust Mitigation Measures [Air Quality Assessment]

Highway works [Transport Assessment, Volumes 1 to 4]

Foul and surface water drainage [Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. B]

Tree works [Arboricultural Report]

Ground works [Preliminary Risk Assessment]

Archaeology Assessment and Mitigation [Archaeological Desk Based Assessment]

Assessment methodology and criteria [Daylight, Sunlight and Overshadowing Assessment]

Response to Planning Committee Queries Document received 23/1/19

Redwood Partnership Letter dated 28/1/19

Delivery and Servicing Plan received 19/11/18

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

*Reason: To ensure that the development complies with the objectives of Policies 5.2, 5.12, 5.13, 5.15, 5.21, 6.10, 7.2, 7.8, 7.14, 7.15, 7.21 and 7.27 of the London Plan (March 2016) and Policies EC5, BE3, BE20, BE38, OE1, OE3, OE11 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).*

## **Condition 7**

No above damp proof course level works shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

1. Details of Soft Landscaping, to include a possible 'rain garden' adjacent to the main store entrance, or justification as to why this is not feasible,
    - 1.a Planting plans (at not less than a scale of 1:100), to include details of a 2m deep area of defensible space outside of windows fronting the first floor podium amenity space,
    - 1.b Written specification of planting and cultivation works to be undertaken,
    - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  2. Details of Hard Landscaping
    - 2.a Refuse Storage
    - 2.b Cycle Storage (32 cycle spaces for the retail element and 165 spaces for the residential element including 4 short stay resident spaces close to building entrances)
    - 2.c Means of enclosure/boundary treatments
    - 2.d Car Parking Layouts, including 101 residential car parking spaces (including 14 disabled spaces) and 69 retail car parking spaces (including 6 disabled spaces) and including demonstration that 20% of all parking spaces are served by electrical charging points (active provision) and 20% of spaces can be made to be easily converted should the demand arise (passive provision),
    - 2.e Hard Surfacing Materials
    - 2.f External Lighting
    - 2.g Other structures (including details of the designated children's play area, play equipment and furniture)
    - 2.h Landscape details on the boundary with the Vicarage should include planters containing small trees around the balustrade boundary of the garden, preventing access to it apart from essential maintenance, and all seating in the garden must face inwards.
  3. Details of Landscape Maintenance
    - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
    - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  4. Schedule for Implementation
  4. Other
    - 4.a Existing and proposed functional services above and below ground
- Thereafter the development shall be carried out and maintained in full accordance with the approved details.

*Reason: To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 3.6 and 5.17 (refuse storage) of the London Plan (March 2016).*



**Schedule 2: Conditions Imposed**

1) The development hereby permitted shall begin before 21 August 2022.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

2 - 100 Rev. F, 2 - 101 Rev. EE, 2 - 102 Rev. U, 2 - 103 Rev. H,  
2 - 104 Rev. R, 2 - 105 Rev. R, 2 - 106 Rev. S, 2 - 109 Rev. EE,  
2 - 110 Rev. U, 2 - 111 Rev. G, 2 - 112 Rev. K, 2 - 113 Rev. G,  
2 - 114 Rev. E, 2 - 121 Rev. C, 2 - 120 Rev. D, 2 - 130 Rev. D,  
2 - 201 Rev. P, 2 - 202 Rev. J, 2 - 300 Rev. J, 2 - 400 Rev. N,  
2 - 401 Rev. G, 2 - 600 Rev. E, 2 - 620 Rev. G, 2 - 701 Rev. H,  
2 - 702 Rev. H, 2 - 703 Rev. H, 2 - 704 Rev. H, 2 - 705 Rev. H,  
2 - 706 Rev. H, 2 - 707 Rev. J, 2 - 708 Rev. H, 2 - 709 Rev. J,  
2 - 710 Rev. H, 2 - 711 Rev. G, 2 - 713 Rev. G, 2 - 715 Rev. G,  
2 - 717 Rev. G and 4330/P/E/3010 Rev. P

and shall thereafter be retained/maintained for as long as the development remains in existence.

3) The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use and renewable technology installation [Energy Strategy May 2019 and its Appendices including BRUKL Output Document (Retail); Overall Carbon Emission Reduction Report and Energy Centre Indicative Plant]

Accessibility [Design & Access Statement Addendum - November 2018, received 27/11/18]

Provision of bird boxes and bat boxes/bricks [Sustainability Statement]

Noise mitigation measures [Noise Assessment]

Dust Mitigation Measures [Air Quality Assessment]

Highway works [Transport Assessment August 2019, Supplementary Transport Statement October 2019, Amended Residential Travel Plan April 2020]

Foul and surface water drainage [Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. B]

Tree works [Arboricultural Report]

Ground works [Preliminary Risk Assessment]

Archaeology Assessment and Mitigation [Archaeological Desk Based Assessment]

Assessment methodology and criteria [Daylight, Sunlight and Overshadowing Assessment]

Response to Planning Committee Queries Document received 23/1/19

Redwood Partnership Letter dated 28/1/19

Delivery and Servicing Plan received 19/11/18

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

4) No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor

levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

- 5) No development above damp proof course level shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

- 6) Prior to commencement of development, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with respect to:
1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
  2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
  - 2.b No materials or plant shall be stored;
  - 2.c No buildings or temporary buildings shall be erected or stationed.
  - 2.d No materials or waste shall be burnt; and
  - 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
- 7) No above damp proof course level works shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Details of Soft Landscaping, to include a possible 'rain garden' adjacent to the main store entrance, or justification as to why this is not feasible,



- 1.a Planting plans (at not less than a scale of 1:100), to include details of a 2m deep area of defensible space outside of windows fronting the first floor podium amenity space,
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Refuse Storage,
  - 2.b Cycle Storage (32 cycle spaces for the retail element and 165 spaces for the residential element including 4 short stay resident spaces close to building entrances),
  - 2.c Means of enclosure/boundary treatments,
  - 2.d Car Parking Layouts, including 23 residential car parking spaces (including 4 disabled spaces) and 69 retail car parking spaces (including 6 disabled spaces) and including demonstration that 20% of all parking spaces are served by electrical charging points (active provision) and 20% of spaces can be made to be easily converted should the demand arise (passive provision),
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
  - 2.g Other structures (including details of the designated children's play area, play equipment and furniture)
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation
5. Other
  - 5.a Existing and proposed functional services above and below ground.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 8) Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the

effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

- 9) The side living room and bedroom window(s) on Units C02, C13, C24 and C35 on the first to fourth floors respectively facing St Mathews Church of England Primary School shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.
- 10) Details of side privacy screens on the balconies serving Units C02, C13, C24 and C35 on the first to fourth floors respectively facing St Mathews Church of England Primary School, Units C06, C17 and C28 on the first to third floors facing the internal courtyard and details of the boundary treatment of the first floor amenity areas shall be submitted to and approved by the Local Planning Authority prior to the development is brought into use.
- 11) The ground floor commercial premises hereby approved shall only be used for Class A1 retail purposes as defined within the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended).
- 12) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. The plan shall be in accordance with the GLA Control of Dust and Emissions from Construction and Demolition SPG. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.
- 13) Notwithstanding the details in the submitted Delivery and Servicing Plan, prior to the occupation of development details of a Delivery and Servicing Plan which identifies efficiency and sustainability measures to be

undertaken once the development(s) is operational, to include revised servicing and delivery hours, shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries/servicing during am and pm peak hours.

- 14) Notwithstanding the details shown on Drawing No. 2 - 101 Rev. EE, revised details shall be submitted to and approved by the Local Planning Authority to show appropriate provision being made for cyclist showering and changing facilities.
- 15) The development hereby approved shall ensure that 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwellings, with all remaining units designed to the standards for Category 2 M4(2) dwellings, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.
- 16) The ground floor retail premises shall only be open to the public between the following hours:-  
  
0600 to 2300 hours, Mondays to Saturdays and  
1000 to 1800 hours on Sundays.
- 17) There shall be no loading or unloading of vehicles, including the collection of waste from the site outside of the hours of:-  
  
0700 and 2300 hours, Mondays to Saturdays and  
0900 to 1800 hours on Sundays, Public or Bank Holidays.
- 18) Prior to the occupation of the proposed development, a Car Park Management Plan for the new store and residential units shall be submitted to and approved in writing by the Local Planning Authority
- 19) Prior to the commencement of use of the new food store, a trolley trap(s) to prevent shopping trolleys leaving the site shall be implemented and thereafter retained for so long as the development remains in existence.
- 20) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI
- 21) Prior to the occupation of development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10 dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Measures shall be implemented prior to the occupation of the residential units and thereafter retained.

- 22) Prior to the commencement of the use, any plant, equipment, extraction/ventilation system and/or ducting at the development shall be mounted with proprietary antivibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.
- 23) Prior to the commencement of works above damp proof course level, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the ground floor plant room, basement car park, from noise sensitive dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the internal noise levels criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 24) The noise level in rooms at the development hereby approved shall meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas.
- 25) Prior to commencement on above ground works, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen above bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- 26) Prior to the commencement of works above damp proof course level, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details, plans and specifications of the low and zero carbon technology to be used to meet the CO2 reduction targets (as a minimum) identified in the general energy strategy (Watkins Payne, 4330-HighSt Yiewsley-Ener Strat-PlanningJC-AT-07-18). The assessment shall also include, where appropriate, location plans of the identified technology, heat networks and emission data (noise and/or pollutants) and roof plans (PVs).

The development must be completed in accordance with the approved assessment.

- 27) Prior to the commencement of works above damp proof course level, a low emission strategy (LES) shall be submitted to and approved in writing by the Local Planning Authority. The LES shall address:-

1) Demonstrate that delivery/servicing fleets are EURO VI (or equivalent through implemented retrofitting devices that will enable compliance with such Euro standards) and or zero emission (e.g. Electric)

2) Detail the provision of, and number of, electric vehicle charging units.

The Low Emission Strategy shall have targets for emission reduction and timescales, with pollution savings clearly quantified and a clear Delivery and Implementation Plan of Measures. At the end of each calendar year an implementation plan shall be submitted for approval in writing by the local planning authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The measures in the agreed scheme shall be maintained throughout the life of the development.

- 28) Prior to the occupation of the development, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around an Aerodrome' attached \*See para below for further information\*

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

- 29) (i) Prior to the commencement of development, a scheme to deal with contamination shall be submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning

Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

- (a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and
  - (b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.
  - (ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and
  - (iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.
  - (iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.
- 30) Prior to the commencement of works above damp proof course level, details of a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the store(s) will be managed to ensure that they are secure and provide details of the storage areas, design and any ventilation. The Plan shall also minimise the use of the High Street for collection of refuse.
- 31) Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.



The scheme shall follow the strategy set out in Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. A, produced by Ward & Cole dated July 2018.

The scheme shall clearly demonstrate how it, Manages Water and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,
- iii. where identified in an area at risk of surface water flooding, include additional provision within calculations for surface water from off site
- iv. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, (safe access and egress must be demonstrated).

b) Capacity of Receptors

- i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.
- ii. Where infiltration techniques (soakaway) or a basement are proposed a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).
- iii. Where groundwater is found within the site and a basement is proposed suitable mitigation methods must be provided to ensure the risk to others is not increased.

c) Minimise water use.

- i. incorporate water saving measures and equipment.
- ii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage and flooding system.

- i. Provide a management and maintenance plan
- ii Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).
- iii Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.
- iv. Clear plans showing all of the drainage network above and below ground. The responsibility of different parties such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services.

e) From commencement on site

i. How temporary measures will be implemented to ensure no increase in flood risk from commencement on site including any clearance or demolition works.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

- 32) The development and car park areas shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.
- 33) Details of the glazing specification which demonstrate that the fit out of the food store will be designed to reduce potential overheating in accordance with the GLA cooling hierarchy and London Climate Change Adaption Strategy, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the fit out of that part of the development. The development shall be carried out in accordance with the details as approved.
- 34) Details derived using dynamic simulation software demonstrating that all dwellings comply with CIBSE TM 59 using the DSY1 design summer year weather file from CIBSE TM 49 to prevent overheating shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the relevant part of the development. The development shall be carried out in accordance with the details as approved.
- 35) Prior to occupation of the retail unit, details shall be submitted to the Local Planning Authority that demonstrate that all sanitary ware and taps installed in the nonresidential development hereby approved achieves a BREEAM rating of excellent for water consumption.

**End of Schedule**



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## Appeal Decision

Site visit made on 13 February 2018

**by David Cliff BA Hons MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> April 2018**

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**Appeal Ref: APP/C3620/W/17/3187875**

**80a, 86 and 88 Woodfield Lane, Ashted KT21 2BS**

- 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 Mr Giles Pittman against the decision of Mole Valley District Council.
  - The application Ref. MO/2016/1934/PLAMAJ, dated 29 November 2016, was refused by notice dated 12 June 2017.
  - The development proposed is described in the application form as 'demolition of 2no. existing structures and construction of new-build apartments (10no. dwellings)'.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 10.no flats following removal of existing buildings at 80a, 86 and 88 Woodfield Lane, Ashstead, KT21 2BS in accordance with the terms of the application Ref. MO/2016/1934/PLAMAJ, dated 29 November 2016 and subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description used in my formal decision above is that subsequently agreed between the appellant and the Council following the submission of the application. It more clearly describes the proposal than the description used in the planning application form. The site address I have used, taken from the Council's decision notice, also more clearly describes the location of the site than that used in the application form.

### Main Issues

3. The main issues are:
  - i) The effect of the proposed development upon the character and appearance of the area, and
  - ii) The implications of the proposed lack of on-site car parking provision for local highway conditions and the surrounding environment.

### Reasons

#### *Character and appearance*

4. The appeal site is located in a prominent position close to the junction of Woodfield Lane, Barnett Wood Lane and Craddocks Avenue. Surrounding development is fairly mixed in form and design, including modest two storey

- cottages of traditional appearance to the south east, along with other two storey and three storey buildings. An area of open space is located to the west, adjacent to the opposite side of Woodfield Lane.
5. The proposed building steps up from two storeys on either side to three storeys in its central corner section. Therefore, in massing terms it would satisfactorily respect the setting and significance of the existing neighbouring terrace of modest two storey dwellings to the south east, whilst also being generally in keeping with other larger development in the vicinity of the site including other three storey buildings.
  6. Although it would be in a prominent location and would be taller than the immediately adjacent buildings, its height would not be so significantly greater than other buildings to result in it appearing as incongruous within the streetscene. Surrounding building heights vary and the design of the proposed building including varying eaves and ridge heights would satisfactorily integrate with the general form of existing development within the streetscene.
  7. The footprint of the building would occupy a large proportion of the site. Nevertheless, the proposed footprint is only moderately greater than the existing buildings on the site. Existing buildings on and adjacent to the site are positioned immediately adjacent to the footpath. Space for landscaping would be limited. However, located at the edge of the village centre where the pattern of development tends to be less spacious than further afield, this footprint, considered in association with the proposed massing of the building, would not result in any unacceptable impacts upon the existing appearance of the site and its surrounds.
  8. The different heights of sections of the building would add visual interest to the overall development. Coupled with the well articulated elevations, the design of the building would be acceptable in its location adding positively to the mixed form of development in the surrounding area.
  9. The Council's Built up Area Character Appraisal draws attention to the importance of the open space and the need to retain an attractive balance of modest buildings in varied styles with no individual building or style being over dominant. The proposal, replacing existing buildings and on the opposite side of the road, would not challenge the quality of, or the contribution the open space makes to the character and appearance of the area. Whilst it would be one of the larger buildings, it would not be out of place with the mixed form and sizes of buildings in the locality. Replacing existing buildings of limited merit, it would make its own contribution to the character of the area without appearing as dominant or out of place in this location.
  10. The proposal would not result in any harm to the character and appearance of the area. It would accord with the design aims of policy CS9 of the Mole Valley Core Strategy 2009, policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan 2000 ('the Local Plan'), policy AS-En3 of the Ashted Neighbourhood Development Plan 2015-2026 ('ANDP') and the National Planning Policy Framework ('the Framework').

#### *Parking Implications*

11. The proposal does not include provision for any off-street parking. This would be contrary to policy AS-H6 of the ANDP which seeks 1 space per one or two

bedroom unit along with an additional visitor parking space, recognising that excessive on-street parking can restrict the passage of vehicles and pedestrians. Policy MOV5 of the Local Plan also sets out parking standards though states that regard should be given to the accessibility of the location to means of travel other than the private car.

12. There is already an existing shortfall of on-site parking at the appeal site in connection with the existing retail and residential uses at the site. On the basis of the existing uses requiring 8 spaces, the additional shortfall arising from the proposed development would only be 4 spaces (or 5 spaces should No.80 be converted to residential use). In either case the increased parking demand arising from the proposed development would be limited to a small number of vehicles. Given this existing shortfall, the extent of the implications arising from the lack of parking provision for the proposal would be limited. Whilst representations have been made regarding the low parking requirement in relation to existing occupiers, this could change over time.
13. The site is very close to a range of shops and facilities within the village centre providing for a good proportion of the day to day needs of residents. It is also within comfortable walking distance of Ashted railway station which provides regular services to and from London and other destinations. Furthermore, local bus services are easily accessible providing links to places including Epsom, Leatherhead and Guildford. Though the regularity of bus services is limited in the evening and on Sundays, they still add to what I consider to be a generally good level of accessibility for the site.
14. Overall, the site has good access to services, facilities and employment and there are practicable alternatives for travel other than by the private car for future occupiers of the proposed development. Consequently, it is realistic to assume that occupiers would not necessarily need to own a car in this location in order to provide for their day to day needs. I understand that the wider area generally has a high relative level of car ownership. However, as the proposed flats are of one bedroom rather than family accommodation and given the good accessibility described above, it is likely that car ownership levels for this particular development would be lower than average within the District. This is a site which is likely to attract some occupiers who do not wish to own a car.
15. I recognise that it is still likely that at least some of the future occupiers would own a car. However, taking account of the evidence before me, it appears that there would be a sufficient amount of on-street parking available within comfortable walking distance of the site to accommodate the limited increase in parking demand arising from the development. In this respect I note the arguments made regarding the peak parking time being during the daytime in the week. I noted at my site visit during midweek daytime that a reasonable amount of spaces were available within comfortable walking distance of the site. There is no detailed evidence before me which proves that there is not sufficient parking available for this development.
16. I also consider it likely that, whilst parking demand is at its highest during the daytime, the largest demand for parking from the occupiers of the development who choose to use a car would be during the evenings, night-time and at weekends when more spaces are available. I have also considered the possibility of further parking controls being introduced by the Council.

Nevertheless, the limited increase in parking demand arising from the development would mean that it remains likely that adequate off street parking would be available to meet the demands of this development.

17. I also note that the Highway Authority has not raised any objections on the ground of local highway conditions. Whilst this does not bind my consideration of this matter, from all the evidence before me I do not consider it likely that any significant implications would arise. There are also sufficient spaces available to prevent the need for any unauthorised parking. In any case, unauthorised parking would be capable of being enforced against. Overall, given the limited increase in demand likely to result from the proposal, I am satisfied that the availability of unrestricted parking in the area would satisfactorily provide for the parking needs of the proposed development.
18. Whilst occupiers would need to locate vacant spaces, it is likely that they would gravitate to spaces known to be normally available. The resulting disruption and impacts on the highway network and local environment from cars seeking to park would be very limited in this case. Taking account of the proximity to local facilities and public transport provision, those residents owning cars would be likely to use their vehicles less frequently than in a less accessible location. Given the limited likely demand, cars seeking to park in connection with the proposed development would lead to, at worst, only modest impacts upon local highway conditions, the convenience of highway users or the general environment around the site.
19. The proposal would accord with the Framework's aim to ensure that development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
20. Whilst the development would be in breach of policy AS-H6 of the ANDP, in this particular case, for the reasons set out above, the shortfall in parking provision would result in at worst only modest harm upon local highway conditions and the general environment around the site. Given my reasoning above, I am satisfied that the development would be in general accordance with policies MOV2 and MOV5 of the Local Plan and the Framework.

### **Other matters**

21. Given the position of the existing retail units on the periphery of the local centre and their small size, I am satisfied that their loss would not have a harmful impact on the character or vitality of the shopping centre. The core area of the local centre would be unaffected by the proposal.
22. The separation distances and positioning from the proposed development to neighbouring residential properties, along with the reduced massing of the two storey parts of the building, would ensure that no unacceptable impacts would result in terms of day/sunlight or outlook for neighbouring occupiers. Some overlooking would occur from a proposed first floor bedroom window of the proposed development into the garden of No.84 Woodfield Lane. However, taking into account the relationship with existing properties and the location of the site at the edge of the local centre where development tends to be closer knit, no unreasonable impacts on privacy would occur.
23. It has been put to me that the proposal does not meet the government's Nationally Described Space Standards. However, the Written Ministerial

Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, I have not been made aware of such a relevant current policy. The Council has also not raised an objection on this ground. Whilst several of the units are fairly small in size, the general standard of accommodation would be satisfactory. Consequently, this is not a matter which carries any significant weight against the proposal.

24. There is no detailed evidence before me which suggests the proposal would put excessive pressure on local services and infrastructure. Whilst the pavement width is limited, the increased pedestrian movements arising from the development would not be so significant to create any undesirable impact upon pedestrian movement or safety. Refuse collections taking place from the road would be typical for many other developments and whilst likely to cause some inconvenience at the time of the collection the overall harm would be modest given the likely limited frequency of such collections. Similarly, I do not anticipate the intensity of delivery movements to be such to result in any significant harm. The limited increase in the number of vehicle movements would not be so significant to result in any unacceptable impacts on the surrounding highway network.
25. Whilst concern has been raised that the development would set an undesirable precedent for further development, any future proposal would need to be judged on its individual merits and the circumstances applicable at the time.
26. The appellant considers that the Council has a housing land supply of 3.14 years, taking account of current OAHN figures. A previous appeal decision in June 2017 found that the Council is not able to demonstrate a five year supply<sup>1</sup>. However, it is stated that the Council currently considers it can demonstrate a five year supply of housing and the Housing Land Supply Statement (April 2017-2022) concludes that a 7.35 year supply can be demonstrated. The evidence before me is mixed and rather limited on this matter. However, in view of my finding below that the development would be acceptable when applying the normal planning balance, it is not necessary for me to consider this matter further in this instance. The finding of a lack of five year housing supply would not alter my overall conclusion that the appeal should be allowed.

## Conditions

27. I have considered the Council's list of suggested conditions. A condition specifying the approved plans is necessary as this provides certainty. Conditions requiring the approval of external materials and landscaping are required in order to provide an appropriate standard of design. A condition requiring details of boundary treatments is necessary to also provide for an appropriate appearance and to safeguard residential living conditions. Approval of details of hard surfacing is required to provide for a good standard of residential environment and to reduce the risk of surface water flooding. Details of finished floor levels also need approval to safeguard the living conditions of neighbouring residents.
28. An energy use condition is necessary to reduce carbon emissions. I have imposed a contamination investigation/remediation condition to prevent risks

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<sup>1</sup> APP/C3620/W/16/3155493

from any on site contamination upon human health. I have varied the wording for this condition from that suggested by the Council in order to accord with the relevant Planning Practice Guidance. However, the essence of the condition remains the same. A cycle storage condition is necessary in order to encourage alternative methods of transport to the private car. A Construction Method Statement is needed to reduce impacts during demolition and construction upon the local environment including roads and pavements in the vicinity of the site. Conditions regarding the cill level of roof lights and requiring obscure glazing are required in order to safeguard the privacy of neighbouring residents.

29. I have varied the wording of some conditions for clarity but this has not affected the essence of the requirements sought. Condition 11 requires details to be approved prior to the commencement of works. This is necessary as it relates to demolition and construction works.

### **Planning Balance and Conclusion**

30. No harm would result upon the character and appearance of the area. In respect of parking, despite the breach of the development plan in respect of policy AS-H6 of the ANDP, the proposed development would only result in, at worst, modest harm upon local highway conditions, the convenience of highway users and the general environment around the site.
31. The proposal would be located where the need to travel would be minimised and the use of sustainable transport modes can be maximised, in accordance with the aims of the Framework. The development would make effective use of previously developed land and would provide ten residential units, helping to boost the supply of housing in the area. Whilst the dwelling mix would not be varied it would provide for one bedroom units sought by policy AS-4 of the ANDP for the Central Area of Ashted. Furthermore, the provision of one bedroomed apartments with no parking helps to make effective use of this fairly small site in a location which would encourage the use of alternative methods of transport to the private car and therefore could reduce vehicle ownership and the demand for parking.
32. I have given the above benefits considerable weight and find that such benefits would outweigh the, at worst, modest harm arising from the lack of on-site parking. In the circumstances of this case, despite the breach of policy AS-H6 of the ANDP, I consider that material considerations weigh in favour of the development being permitted.
33. Therefore, for all the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR



### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A16606 03 001 A, A16606 03 002, A16606 03 05 B, A16606 03 010 A, A16606 03 011 A, unless as varied by any of the following conditions.
- 3) Before the commencement of any above ground works details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approved details.
- 4) The development shall not be first occupied until boundary treatment has been erected in accordance with details (including positioning, design and materials) which shall have previously been submitted to and approved in writing by the local planning authority. The boundary treatment shall subsequently be retained thereafter.
- 5) Before commencement of any above ground works, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the local planning authority. The details shall indicate either porous materials or the provision of direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter retained.
- 6) No development shall take place, other than demolition, until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) Prior to the commencement of development, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted to and approved by the local planning authority, and be implemented prior to the first occupation of the development.
- 8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the

course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the works being completed and approved in writing by the local planning authority.

- 9) Prior to the commencement of any above ground works, details of a landscaping scheme shall be submitted to and approved by the local planning authority. The approved landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the local planning authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die with like for like replacements.
- 10) Prior to the first occupation of the development facilities for the secure and covered parking of bicycles shall be provided in accordance with a scheme which shall have previously been submitted to and approved in writing by the local planning authority. The bicycle storage facilities shall subsequently be retained thereafter.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include details of:
  - i) the parking and manoeuvring of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) programme of works;
  - v) measures for traffic management.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period of the development.

- 12) Prior to the first occupation, the second floor window in the development hereby permitted, as identified on the approved plan A16606.03.05 B, shall be glazed in obscured glass in accordance with that drawing. The window shall be permanently retained in that condition thereafter.
- 13) The cill height of the roof lights in the south eastern elevation of the development hereby permitted shall be constructed to be not less than 1.7 metres above internal floor level and retained as such thereafter.





Ministry of Housing,  
Communities &  
Local Government

Rob Pearson  
Director  
Nexus Planning Ltd  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Our ref: APP/L5240/V/17/3174139  
Your ref:

9 July 2020

**By email only:**

[r.pearson@nexusplanning.co.uk](mailto:r.pearson@nexusplanning.co.uk)

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY THORNSETT GROUP AND PURLEY BAPTIST CHURCH  
LAND AT PURLEY BAPTIST CHURCH, 1 RUSSELL HILL ROAD, 1-4 RUSSELL HILL  
PARADE, 2-12 BRIGHTON ROAD, PURLEY HALL AND 1-9 BANSTEAD ROAD, PURLEY  
APPLICATION REF: 16/02994/P**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Paul Jackson BArch (Hons) RIBA, who held a public local inquiry between 3 and 6 December 2019 into your client's full phased application for planning permission for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.
2. On 12 April 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.
3. The Secretary of State initially issued his decision in respect of the above application in his letter dated 3 December 2018. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 1 April 2019. The application has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 3 December 2018 decision letter.

## **Inspector's recommendation and summary of the decision**

4. The Inspector recommended that the application be approved and planning permission granted subject to conditions.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided that the application should be approved and planning permission granted subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

## **Matters arising since the close of the Inquiry**

6. The 2019 Housing Delivery Test results were published on 13 February 2020. The London Borough of Croydon's score changed from 151% (2018 measurement) to 132% (2019 measurement). As this would not represent a material change to any calculation of LB Croydon's housing land supply and there was no dispute between parties that the Council could demonstrate a 5 year housing land supply. The Secretary of State is satisfied that this does not affect his decision, and does not warrant further investigation or a referral back to parties.

## **Policy and statutory considerations**

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the Croydon Local plan (February 2018) The London Plan (March 2016) and the South London Waste Plan (January 2012). The Secretary of State considers that relevant development plan policies include those identified at paragraphs 3.1-3.14 of the [original Inspector's report of Dec 2018](#) as referenced in IR9.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), together with the National Design Guide (Oct 2019). The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
11. For the reasons given in IR160-167, the Secretary of State agrees with the Inspector that there is nothing in the up-to-date Framework, associated Guidance or National Design Guide to indicate that a different conclusion should be drawn on the meaning and objectives of the adopted policies (IR167).

### *Emerging plan*

12. The emerging plan comprises the draft New London Plan and the Croydon Local Plan review, which is at an early stage having gone through its initial consultation. In December 2019, the Mayor issued the “Intend to Publish” version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed.
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
14. New London Plan policies which are relevant to this case where changes must be made include policy D3 (Optimising site capacity through the design-led approach). However, details of the way in which the Plan will deliver the aims set out in the Secretary of State’s directions are not yet finalised. The Secretary of State therefore considers that these policies in the emerging Plan carry moderate weight. Other policies in the emerging Plan which are relevant to this case and where no modifications have been directed include D9 (Tall Buildings) and policy H1 (Increasing housing supply). The Secretary of State considers that these policies carry significant weight. Given its early stage of preparation, the Croydon Local Plan review carries very limited weight.

### *Character and appearance/effect of the proposed development*

15. The Secretary of State has carefully considered the findings of the Inspector on the character of the area at IR168-171 and then the effect of the development on this from IR172-184. No party at the Inquiry disputed the massing, siting or overall design quality of the proposal for the South site in particular. For the reasons given at IR174 the Secretary of State agrees with the Inspector that there would be no harm caused to the character or the appearance of the area through the South site redevelopment as proposed.
16. In respect of the Island site, for the reasons given at IR175 the Secretary of State agrees with the Inspector that there is no dispute as to the benefits of bringing back retail and residential activity to an important part of Purley’s centre, and to the public open space and public realm improvements proposed. He agrees with the Inspector that there is no evidence that these aspects breach any development plan policy or national guidance.
17. With regard to the tower element of the proposal, for the reasons given at IR176–183 the Secretary of State agrees with the Inspector that there is policy support through allocation for the potential for a new landmark of up to a maximum of 16 storeys’ at the Island site location (IR176). The Secretary of State agrees with the Inspector (at IR181) that whilst the tower would be a prominent feature of Purley and would change the character of the town, it would not unacceptably dominate it or the surrounding residential area to the extent that any material harm is caused (IR181), and further that the proposed scheme would positively transform the area with a building of high architectural and material quality (IR183). Therefore, the Secretary of State agrees with the Inspector’s overall conclusion at IR208 that the height of the tower element on the island site is in conformity

with, and is led by, adopted development management policies for the district centre of Purley. He further agrees that the whole scheme would be of a high quality of design and materials. The development would be beneficial in terms of character and appearance and would greatly enhance the public realm in Purley District Centre, as well as regenerating a long term disused site (also at IR208).

18. Overall the Secretary of State agrees with the Inspector; the development would be in accordance with London Plan policies 7.7; Local Plan policies DM15, SP4.5-SP4.10, DM42.1 and national guidance (IR184), the latter which provides support, through allocation, for a landmark tall building in this area.

### *Heritage*

19. The Secretary of State has carefully considered the Inspector's analysis of the impact of the scheme on the historic interest of the Grade II listed Purley Library at IR185-188. He agrees with the Inspector for the reasons given at IR186-188, that while harm arises in the effect on the setting of the Library, that harm would be near the bottom of the scale of 'less than substantial'. Furthermore, the harm is outweighed by the specific heritage benefits arising from the significantly improved quality of the public realm around the entrance, better linking it to the rest of the Purley centre (IR185) and from the changes and very minor loss of hard landscape fabric involved in creating new steps near the entrance (IR186). Those changes would be beneficial in heritage and access terms (also IR186) and overall, he finds no harm to the heritage significance including in respect of the library (IR196).
20. The Inspector has similarly considered the effect on the Webb Estate and Upper Woodcote Conservation Areas at IR189 and agrees for the reasons given in that paragraph, that their character and appearance would be preserved, and that their heritage significance would be unaffected by the tower. With regard to other non designated heritage assets identified at IR190-192, the Secretary of State agrees with the Inspector for the reasons given that the effect of the scheme would be neutral, or that no harm is identified. Overall the Secretary of State agrees that, as stated at IR209, the overall effect on the heritage significance of Purley Library, the Brighton Road Local Heritage Area and the locally listed former bank at 960 Brighton Road would be neutral. He further agrees that the character and appearance of the Webb Estate and Upper Woodcote Conservation Areas would be preserved (also in IR209).
21. Overall, the Secretary of State agrees that the scheme would be neutral in effect and therefore not conflict with the heritage protection objectives of policy 7.8 of the London Plan, policies SP4.13, DM15c, DM15d and DM18.1 and DM18.2 of the Local Plan, the Framework or national guidance (IR194) On that basis it is not necessary to go on to weigh any harm to the heritage assets against the public benefits of the development in accordance with Paragraph 196 of the Framework.

### *Other matters*

22. The contribution of the proposal to housing supply was not in itself contested or considered at the inquiry and therefore the Secretary of State considers there is no reason to alter the weight in favour of the proposal from that concluded at the earlier inquiry and outlined in the original Secretary of State decision of 3 December 2018 in respect of housing supply. He therefore gives significant weight to the provision of 200 new homes (including the affordable units provided).

23. The Secretary of State agrees with the Inspector's conclusion at IR210, that in addition to the benefits of the homes provided, the reinvigoration of Purley District Centre, economic benefits including jobs and the marked improvement in the quality of the public realm all weigh heavily in favour of the scheme, He considers they attract significant weight.
24. The IR confirms the site has a high Public Transport Accessibility Level (PTAL5) i.e. IR111, and overall there are no changes to the car parking provision as set out in Section 5 of the original Inspector's report of May 2018; 28 spaces are proposed across all 220 units (0.13 spaces per unit). As stated at IR195 the Inspector considers the parking in accordance with the development plan policies that support a low level of on-site car parking or car free-free development in areas with a high PTAL. However, the Secretary of State considers this level of provision would conflict with the Direction issued to the Mayor on 13 March in respect of the emerging New London Plan, which would require the development to be car free. Nevertheless, given compliance with adopted development plan policies, overall the Secretary of State considers this relatively small breach against emerging policy should carry only limited weight against the proposal.
25. For the reasons given at IR196-200 the Secretary of State agrees there is no new evidence to indicate there would be any unacceptable increase in traffic or congestion in the gyratory because of the scheme (IR197), or any unacceptable effects on air quality (IR199). He also agrees that due to the provision of attenuation tanks to handle excess surface water as described at IR201, there would be no increase in the existing flood risk. Furthermore, he agrees with the Inspector for the reasons given at IR203- 205 the resulting living conditions would not be unacceptable in an urban location, and given the very small number of properties that would be affected in respect of loss of sunlight, daylight and overshadowing, the effects identified should not prevent redevelopment of the site as proposed (both IR205).
26. Finally the Secretary of State is satisfied that the proposed scheme is designed to meet current regulations controlling means of escape and fire spread and resistance, and that IR202 confirms the current position in respect of the proceedings of the Grenfell Tower Inquiry.

### **Planning conditions**

27. The Secretary of State has examined the Inspector's consideration of conditions as set out at IR158, and considers there is no reason to conclude differently in respect of national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A should form part of his decision.

### **Planning obligations**

28. Having had regard to the Inspector's comments at IR159, the planning obligation of 30 April 2018 as endorsed in the original Inspector's report of 1 May 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

## **Planning balance and overall conclusion**

29. For the reasons given above, the Secretary of State considers that the application is in accordance with London Plan policy 7.7, Local Plan policies DM15, SP4.5-SP4.10 and DM42.1 of the development plan. Furthermore the scheme would not conflict with the heritage protection objectives of 7.8 of the London Plan or policies SP4.13, DM15C, DM15d and DM18.1 and DM18.2 of the Local Plan. He therefore concludes that the proposal is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
30. The provision of housing including affordable units, contribution to regeneration of Purley, economic benefits and community benefits all attract significant weight in favour of the proposal. The public realm improvements proposed have moderate weight. The Secretary of State considers the impact on heritage assets to be neutral.
31. The Secretary of State has found that there would be a minor breach of parking provision when considering policy in the emerging London Plan, but given that he has found the impacts on highways and air quality to be acceptable, he attaches limited weight to this breach.
32. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a grant of permission.
33. The Secretary of State therefore concludes that that the application be approved and planning permission granted subject to conditions.

## **Formal decision**

34. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.
35. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

## **Right to challenge the decision**

36. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
37. A copy of this letter has been sent to the London Borough of Croydon and the joint Residents' Association, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Andrew Lynch*

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf

## **Annex A List of conditions**

Where in these conditions the following defined terms and expressions are used they shall have the following respective meanings:

“Phase 1” means all elements of the Development relating to the South Site, proposed Class C3 (residential use);

“Phase 2” means all elements of the Development relating to the Island Site, proposed Class A1 (retail use), Class C3 (residential use) and Class D1 (community use);

“Occupation of Phase 1” means ‘residential occupation’;

“Occupation of Phase 2” or “occupied” means the earliest of either ‘opening to trade’/ ‘opening to the public’/‘residential occupation’;

“Highway Agreement(s)” means one or more agreements made under s38 and/or s278 of the Highways Act 1980 (or under other appropriate statutory powers) relating to works on in under or adjacent to a highway or creating new highway.

### **Conditions specifically related to Phase 1**

1. The windows on the north western elevation of Phase 1, other than those serving bedrooms, shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.
2. The roof areas of the building within Phase 1 hereby permitted shall not be used as a balcony, roof garden or similar area and no alterations at upper floor levels shall be carried out to create access to it.
3. Fencing for the protection of those trees and other planting on this site shown to be retained shall be erected in accordance with the tree survey report dated Jan 2016 (Rev 25 Oct16) including plan in appendix 3B before any materials, equipment or machinery are brought onto the site for the purposes of development within Phase 1, including demolition. The fencing shall be retained in position until Phase 1 is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority (LPA).
4. Prior to the commencement of Phase 1 development the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A083346-SK037 (and drawings numbered 1272-CA-A-DR-LEGAL-002-P1 and 1272-CA-A-DR-LEGAL-001-P1 attached to the Section 106 as plan 5a and plan 5c respectively). The agreed works shall include but not be limited to, the provision of new accesses, and the proposed layby. These works shall be carried out prior to the occupation of Phase 1 and implemented in accordance with such approved details.
5. Prior to above ground works taking place on Phase 1, full details of the following shall be submitted to and approved in writing by the LPA:
  - i) External facing materials including sample boards of all facing materials and finishes;
  - ii) Full scale (1:1) mock ups of:
    - A typical panel of loggia brickwork
    - A typical panel of principal elevation treatment including brickwork and cast composite buff stone lintels
    - A typical panel of standing seam zinc
    - A typical black painted balustrade



- A typical panel of the dark oak screen
- iii) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular access and all window-type reveals, heads and cills;
- iv) Details of junctions between external facing materials at 1:5;
- v) Typical details of all balconies;
- vi) Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
- vii) Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
- viii) Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
- ix) Details of rainwater goods

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 1.

## **Conditions relating to Phases 1 and 2**

6. Prior to the first occupation within each Phase, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the LPA. Such details shall include, but not be limited to:
  - 1) public realm design (including proposed seating, cycle storage and street furniture);
  - 2) species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including trees on roof terraces and on top of tower and including details of planters and means of permanently securing trees);
  - 3) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
  - 4) details of junctions with other areas of public realm including drainage
  - 5) all boundary treatments within and around the development;
  - 6) Details at 1:5 in plan and section of retaining walls to ground floor amenity areas (Phase 1) and ramps and steps to all entrances (Phases 1 and 2);
  - 7) Details of ramps and steps to Library Forecourt at 1:5 (Phase 2);
  - 8) Details of the interface between the retained library wall and the north-west corner of the development (Phase 2);
  - 9) Details of roof gardens and courtyard play areas (Phase 2);

All landscaping works shall be provided in accordance with the approved details on site before any part of the development within each Phase is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided. The strategy for permanently securing trees shall be retained and maintained in perpetuity.
7. No residential occupation of either Phase shall take place until full details of the equipment to be contained within the identified playspace of each Phase have been submitted to and approved in writing by the LPA. The facilities shall then be provided on site in accordance with the approved details prior to the first occupation of each Phase or within such longer period or periods as have been previously agreed in writing by the LPA. The playspace shall be retained for the life of the development.

8. Prior to commencement of development for each Phase a detailed drainage strategy detailing on and/or off site drainage works for that Phase, shall be submitted to and approved in writing by the LPA. No discharge of foul or surface water from the Site shall be accepted into the public system for any part of the Site until the relevant drainage works have been constructed and completed in accordance with the details approved pursuant to this condition and such works shall be thereafter retained in accordance with the details approved pursuant to this condition for the life of the Development.
9. Prior to commencement of development for each Phase detailed impact studies on the existing water supply infrastructure for that Phase shall be submitted to, and approved in writing by, the LPA. The detailed impact studies for each Phase should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The outcomes of the impacts studies approved pursuant to this condition should be implemented and completed for each Phase in accordance with the details approved pursuant to this condition and should thereafter be retained in accordance with those details for the life of the Development.
10. No demolition or development of either Phase shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing for each phase. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI's.
11. Prior to above ground slab construction works for each Phase, details of all external mechanical plant on the roof to be provided and details of the screening to any such external mechanical plant within that Phase shall be submitted to and approval in writing obtained from the LPA. The screening of external mechanical plant shall be implemented and completed in accordance with the details approved pursuant to this condition prior to the commencement of operation of the plant within each Phase and all external mechanical plant shall be screened in accordance with the details approved pursuant to this condition for the life of the development.
12. Prior to the first occupation of each Phase of the development (or within such other time period or periods as had been previously agreed in writing by the LPA) electric vehicle charging points to serve 20% of the car parking spaces, and passive provision for electric vehicle charging points for a further 20% of spaces shall be provided as specified in the application. These shall be retained for the life of the development.
13. Prior to the first occupation of both Phases the development (or within such other time period or periods as has been previously agreed in writing by the LPA) the following matters shall be provided in each Phase in accordance with the approved planning drawings or those drawings subsequently approved:

#### Phase 1

- 1) Vehicle access and egress arrangements.
- 2) Car parking spaces
- 3) Refuse storage arrangements
- 4) Courtyards and communal areas

#### Phase 2

- 1) Vehicle access and egress arrangements.
- 2) Car and mini bus parking spaces
- 3) Refuse storage arrangements
- 4) Terraces/courtyards and communal areas

14. Prior to the first occupation of each Phase a travel plan (TP) in relation to the occupiers of both Phases to encourage sustainable modes of transport, including a cycle strategy, shall be submitted to and approved in writing by the LPA. The TP shall be in accordance with the aims, objectives and targets identified in the Residential Travel Plan completed by WYG (May 2016) and the Purley Baptist Church Travel Plan completed by WYG (May 2016) and TfL best practice guidance at the time.  
The TP shall be implemented fully in accordance with the details approved pursuant to this condition prior to first occupation of each Phase and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the development.  
The TP may be revised with the written approval of the LPA in consultation with TfL and any revised TP approved pursuant to this condition shall be implemented in full in accordance with the details approved pursuant to this condition.
15. Prior to first occupation of either Phase, a Delivery and Servicing Plan for vehicles in relation to that Phase shall be submitted to and approved in writing by the LPA. Vehicles servicing each Phase shall do so in accordance with the details approved pursuant to this condition, from first occupation in either Phase and shall continue to do so for the life of the development.  
The approved Servicing Plan may be revised with the written approval of the LPA and vehicles serving any Phase the subject of a revised Servicing Plan approved pursuant to this condition shall do so in accordance with the details approved pursuant to this condition.
16. Prior to first occupation in either Phase, details of a waste collection management plan for the relevant part of that Phase shall be submitted to and approval in writing obtained from the LPA. Refuse shall be collected for each Phase in accordance with the details approved pursuant to this condition for the lifetime of the development.
17. Prior to first occupation in either Phase, a ventilation strategy (including the recommended mitigation measures identified within the air quality assessment by AMEC Foster Wheeler dated March 2016 (ref: 37742rr005i2) and any other mitigation measures required for an acceptable level of internal air quality throughout the development) shall be submitted to and approved in writing by the LPA. The development shall be carried out entirely in accordance with the approved details which shall be maintained and retained thereafter.

18. The development shall be carried out in accordance with the recommendations made within the Noise Impact Assessment by AMEC Foster Wheeler dated April 2016 (ref: 37742 Final Report 16072i4) and retained thereafter.
19. The noise level from any air handling units, mechanical plant, or other fixed external machinery on either Phase shall be at least 10dB below existing background noise levels.
20. Prior to occupation of either Phase, insulation to all flats shall be provided to ensure noise levels shall not exceed the Guidelines for Community Noise (World Health Organisation, 1999). These levels are:
  - 1) 35 dB LAeq, [16hours] within the dwelling during the day and evening;
  - 2) 30 dB LAeq, [8hours] and 45 dB LMax in bedrooms during the night.
21. Any heat and power systems to be installed shall be air quality neutral in line with London Plan policy 7.14.
22. Prior to above ground slab construction works for each Phase the following shall be provided to and approved in writing by the LPA to ensure the incorporation of green and brown roofs:
  - The planting details of the green and brown roofs;
  - A programme for the provision of the green and brown roofs;
  - The green and brown roofs shall be provided, completed and thereafter retained in accordance with the details for the green and brown roofs approved in writing by the LPA pursuant to this condition.
23. The development shall be constructed to achieve a reduction in carbon dioxide emissions of 35% over the Target Emission Rate (as outlined in the Building Regulations 2013) in accordance with the submitted Energy & Sustainability Statement. Prior to occupation in each Phase of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the LPA and thereafter retained and used for energy supply for so long as the development remains in existence.
24. No works shall take place prior to commencement until the applicant has provided to the LPA for approval a District Energy Connection Strategy. This will show how the development has incorporated design features which facilitate future connection to a District Energy Network. The development shall only be implemented in accordance with the approved details.
25. The development shall achieve a water use target of 110 litres per head per day for residents.
26. Prior to commencement of either Phase, a detailed drainage strategy should be submitted for approval in writing by the LPA and Lead Local Flood Authority (LLFA) in line with Flood Risk Assessment and SuDS Assessment for both Phases (South and Island sites - Price & Myers, October 2016) and Geotechnical Assessment (Geotechnical Consulting Group, 10th November 2016) and accounting for LLFA comments (July, October & November 2016).  
The Strategy should conform to requirements of NPPF and Planning Practice Guidance, the London Plan (2011), policy 5.13, its supporting document; Sustainable Design and Construction Supplementary Planning Guidance (2014), the

SuDS Non-Statutory Technical Standards (2015) and Croydon Local Plan Policies on Flood Risk and Drainage. Specifically the following elements must be included;

- Provision of floatation calculations to ensure any proposed below ground attenuation tanks are resilient to high groundwater (both sites);
- Confirmation of construction measures to reduce the impediment of sub-surface flow around the south site basement including the inclusion of viable flood paths either side of the basement;
- Confirmation that all raised thresholds will maintain a 300mm freeboard above predicted flood levels;
- Updated drainage strategy plan to show the dimensions of proposed SuDS, for both sites, with consideration of buffer distances from buildings and boundaries.
- Provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
- Provision of additional mitigation and/or clarification to ensure properties adjacent to Flood Zone 3 are not affected by watercourses (in accordance with the LLFA Response Statement (Price & Myers, 2016)).

The development shall be carried out in accordance with the approved strategy and retained thereafter.

27. 10% of the dwellings shall be designed to be Category 3 'wheelchair user dwellings' M4(3). The units shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.
28. 90% of the dwellings shall be designed to be Category 2 'accessible and adaptable' M4(2) and shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.
29. Prior to the commencement of development in each Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
  1. A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.
30. If, during development in either Phase, contamination of a type not previously identified (and for which a remediation strategy has not been previously agreed by the Local Authority) is found to be present at the site then no further development

(unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

31. Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.
32. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.
33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
34. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any demolition, building or engineering operations, a Construction Method Statement and a Construction Logistics Plan (which shall include a site waste management plan) shall be submitted to the LPA for approval in writing. The documents shall include the following information for all phases of the development, which shall only be carried out as approved:-
  - 1) hours of deliveries,
  - 2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
  - 3) facilities for the loading and unloading of plant and materials,
  - 4) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway
  - 5) details outlining the proposed range of dust control methods and noise mitigation measures during the course of construction of the development, having regard to Croydon Councils 'Code of Practice on Control of Pollution and Noise from Construction sites', BS 5228, Section 61 consent under the Control of Pollution Act 1974, and the 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.

35. Unless otherwise previously agreed by the LPA in writing the development shall be carried out in accordance with the approved drawings and other documents submitted with the application.

Phase 1

A304\_PL\_001 Rev C,  
1272-CA-A-XX-DR-PL-095 Rev P3, 1272-CA-A-XX-DR-PL-096 Rev P2, 1272-CA-A-LG-DR-PL-099 Rev P1, 1272-CA-A-GF-DR-PL-100 Rev P3, 1272-CA-A-01-DR-PL-101 Rev P5, 1272-CA-A-02-DR-PL-102 Rev P5, 1272-CA-A-03-DR-PL-103 Rev P2, 1272-CA-A-04-DR-PL-104 Rev P2, 1272-CA-A-05-DR-PL-105 Rev P2, 1272-CA-A-RL-DR-PL-106 Rev P1, 1272-CA-A-RL-DR-PL-107 Rev P1, 1272-CA-A-XX-DR-SE-200 Rev P1, 1272-CA-A-XX-DR-SE-201 Rev P1, 1272-CA-A-XX-DR-EL-300 Rev P1, 1272-CA-A-XX-DR-EL-301 Rev P1, 1272-CA-A-XX-DR-EL-302 Rev P3, 1272-CA-A-XX-DR-EL-303 Rev P2, 1272-CA-A-XX-DR-EL-310 Rev P1, 1272-CA-A-XX-DR-EL-311 Rev P1, 1272-CA-A-XX-DR-EL-320 Rev P1, 423.01 Rev E, 423.02 Rev D, 423.03 Rev D, 423.04 Rev A, 423.05 Rev A, 423.06 Rev A, 423.07, 423.08, 423.09, A083346-SK037 and 13718-100 2DT (3).

Phase 2

A304\_PL\_001 Rev C, A304\_PL\_002 Rev A, A304\_PL\_003 Rev A, A304\_PL\_004, A304\_PL\_005 Rev A, A304\_PL\_006 Rev B, A304\_PL\_010 Rev A, A304\_PL\_011 Rev A, A304\_PL\_012 Rev B, A304\_PL\_013 Rev C, A304\_PL\_014 Rev C, A304\_PL\_015 Rev C, A304\_PL\_016 Rev A, A304\_P\_017 Rev A, A304\_PL\_018 Rev A, A304\_P\_019 Rev A, A304\_P\_020 Rev A, A304\_P\_021 Rev A, A304\_PL\_022 Rev A, A304\_PL\_023 Rev A, A304\_PL\_024 Rev A, A304\_PL\_025 Rev A, A304\_PL\_026 Rev A, A304\_PL\_027 Rev A, A304\_P\_028 Rev A, A304\_P\_029 Rev A, A304\_PL\_050, A304\_PL\_051, A304\_PL\_100, A304\_PL\_101, A304\_PL\_102, A304\_PL\_103, A304\_PL\_104, A304\_PL\_105, A304\_PL\_106, A304\_PL\_107, A304\_PL\_108, A304\_PL\_109, A304\_PL\_110, A304\_PL\_111, A304\_PL\_112, A304\_PL\_113, A304\_PL\_114, A304\_PL\_115, A304\_PL\_116, A304\_PL\_117 Rev B, A304\_PL\_130, A304\_PL\_131, A304\_PL\_132, A304\_PL\_133, A304\_PL\_150, A13392-T-01, and MSTE100 Rev 0.

36. The development shall be begun within three years of the date of the permission.

**Conditions specifically related to Phase 2**

37. Prior to above ground works taking place on Phase 2, full details of the following shall be submitted to and approved in writing by the LPA:
- i. External facing materials including sample boards of all facing materials and finishes;
  - ii. Detail and sample of the precise colour and specification of the buff coloured Dryvit reconstituted stone tracery material;
  - iii. Full scale (1:1) mock ups of:
    - A typical bay of buff tracery showing a corner and typical joints between elements
    - A typical bay of tower curtain walling system
    - A panel of typical tower infill panel material
    - A panel of typical tower terracotta pier

- A mock-up of the junction between panels of the main ground floor tower materials (red/brown/grey brick, terracotta pier, composite panel, ceramic tile)
  - A typical panel of brickwork ventilation
  - A typical panel of terracotta perforated feature brickwork panel (prayer room)
  - A panel of typical ceramic tile feature cladding
  - A panel of typical stainless steel perforated screens depicting imagery
  - A panel of typical dark grey polyester coated metal ventilation grill
  - A panel of the terracotta feature brickwork (perforated brick Flemish bond)
  - A panel of the terracotta feature brickwork (split projecting brick Flemish bond)
  - A typical panel of the red/brown/grey brickwork intended to be similar to Purley Library
  - A typical panel of the red/brown/grey brickwork (vertical stack bond triple course recessed 25mm)
  - A typical panel of the red/brown/grey brickwork (herringbone pattern recessed 75mm)
  - A typical panel of pink/brown brickwork (stretcher bond)
  - A panel of Banstead Road car park vent system
  - A typical panel of perforated brickwork as shown on elevation SS
- iv. Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular accesses and all window-type reveals, heads and cills;
  - v. Details of junctions between all external facing materials at 1:5;
  - vi. Typical details of all balconies including fixing details;
  - vii. Sections through typical winter gardens at 1:10;
  - viii. Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
  - ix. Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
  - x. Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
  - xi. Details of rainwater goods;
  - xii. Details of the sprinkler fire suppression system in the tower.

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 2 and retained and maintained for the lifetime of the development.

38. Prior to any above ground slab construction works for Phase 2, a public arts feature strategy, including, but not limited to, selection of the artist, the final proposal, the detailed design of the proposals at 1:5 in plan, section, elevation, and samples of the materials to be used shall be submitted to the LPA for written approval. The public art shall be implemented in accordance with the approved details prior to occupation of the building and maintained for the lifetime of the development or as otherwise approved by the LPA.
39. Prior to the commencement of development of Phase 2 the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A13392-T-01 (and drawing numbered A304\_L\_00\_006 attached to the Section 106 as plan 5b). The agreed works shall include but not limited to, the provision of new accesses, removal of redundant crossovers, the proposed loading



and drop off bays, cycle parking, footpaths and tree planting. These works shall be carried out prior to the occupation of Phase 2 and implemented in accordance with such approved details.

40. Before Phase 2 opening for occupation, a car park management plan ("CPMP") shall be submitted to and approved in writing by the LPA. The operation of the car park shall be carried out in accordance with the details approved pursuant to this condition for the lifetime of the development.  
The approved CPMP may be updated from time to time provided the revised CPMP has been approved in writing by the LPA and the car parks shall be operated in accordance with any revised plan approved pursuant to this condition.
41. Petrol and oil interceptors shall be fitted and retained in all new car parking facilities within Phase 2 and retained thereafter.
42. The windows on the north western elevation, serving Core A at first to third floor level of Phase 2 shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.
43. Prior to the first occupation of Phase 2 details of any window cleaning equipment (including machine tracks) for the relevant part of that Phase shall be submitted to and approved in writing by the LPA. Window cleaning equipment shall be provided and completed in accordance with the details approved pursuant to this condition prior to occupation of the relevant part of Phase 2. The window cleaning equipment shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the Development.
44. Prior to the operation of the community facilities within Phase 2 the following details/documents shall be submitted to and approved in writing by the LPA –
  - 1) Visitor Management strategy
  - 2) Noise insulation details for exit doors, windows and walls to the multi-purpose hall.
  - 3) Ventilation strategy for when the multi-purpose hall is in use (to ensure these doors and windows remain closed)The development and community uses shall be carried out entirely in accordance with the provisions of the strategy prior to opening, for so long as the use remains in existence.
45. All exit doors and windows serving the multi-purpose hall within Phase 2, at both first and second floor level, to remain closed while the room is in use.
46. No sound amplification equipment shall be used in the multi-purpose hall within Phase 2 until suitable noise limiting and cut out devices have been fitted to the electrical supply and the fire exit doors and windows. These devices should cut out the supply to amplified music should noise levels exceed levels, to be agreed by the Council in writing prior to sound amplification equipment being used on site, or when windows or the fire exit doors are opened. Such measures shall be retained for so long as the development remains in existence.
47. Within one month following the installation of the noise limiting and cut out devices in the multi-purpose hall, in accordance with condition 46, a noise assessment shall be carried out to the written approval of the LPA assessing the effectiveness of these devices in safeguarding local residential amenity. The report shall identify any necessary additional remedial measures which shall be carried out to the written approval of the LPA within two months of the approval of the noise assessment.

Such measures shall be retained for so long as the development remains in existence.

48. Community uses (including the Church) that involve amplified speech or music, or any sporting activity shall not be open to the public (which includes congregation) except:-
- |              |                |
|--------------|----------------|
| Mon-Thur     | 07:00 to 23:00 |
| Fri-Sat      | 07:00 to 23:00 |
| Sun          | 08:00 to 21:30 |
| Bank Holiday | 08:00 to 20:00 |
49. Prior to the installation of any architectural lighting for Phase 2, a scheme for the night time illumination of the exterior of the buildings, including details of fixtures, fittings and operation, shall be submitted to and approved by the LPA in writing. Any night time illumination shall only be installed and completed in accordance with the details approved pursuant to this condition prior to first occupation and the night time illumination shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the development.
50. The development shall be constructed to achieve a BREEAM 'Excellent' rating in accordance with the submitted BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to phase 2 occupation of the development.
51. Prior to commencement of development for Phase 2, a scheme for the protection of the adjacent Listed Library during the demolition of the existing buildings and the construction of the Development shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to demolition and retained for the period of the demolition of the existing buildings and construction of the development.
52. Prior to commencement of development for Phase 2, a construction methodology for works adjacent to the Listed Library shall be submitted to and approved by in writing the LPA. The approved scheme shall be implemented in accordance with the approved details and methodology.
53. No occupation of Phase 2 shall commence until the approval of the LPA has been obtained with respect to a CCTV scheme for the publicly accessible areas. The scheme shall include details of fixtures and fittings and location of cameras. This shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.
54. Cranes used during the construction phase shall be provided with aviation warning lights in accordance with the following details:
1. For those which extend the maximum height (building plus crane mounted above it) to 150m / 492ft or more, aviation warning lighting shall be provided in accordance with Article 219 of the UK Air Navigation Order.
  1. For those which extend the maximum height (building plus crane mounted above it) to 60-90m, low intensity steady red aviation warning lighting shall be provided

1. For those which extend the maximum height (building plus crane mounted above it) to between 90-150m high, medium intensity steady red aviation warning lighting shall be provided.
55. If 12 months after demolition of the buildings on Phase 2 rebuilding does not commence, the developer shall submit a strategy for meanwhile uses of the site which shall be submitted to the LPA for approval in writing to identify uses and activities on site. The approved strategy will be implemented in accordance with the approved details, which shall include a timetable for implementation of meanwhile uses.
56. Prior to above ground slab construction of Phase 2 a tree planting strategy for street trees (including, but not limited to the guying system and tree surrounds) shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of phase 2.
57. Prior to above ground slab construction of Phase 2 a strategy for minimising the water use in relation to the church and community uses shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of the community use and shall be retained for the lifetime of the development.
58. Prior to commencement of development, details of how full fibre connectivity infrastructure is to be provided to the whole development are to be submitted and approved in writing by the local planning authority. The full fibre connectivity infrastructure is to be provided before any occupation takes place or in accordance with a programme to be approved.



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# **Report to the Secretary of State for Housing, Communities and Local Government**

**by Paul Jackson B.Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Date: 12 February 2020**

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**Town and Country Planning Act 1990**

**London Borough of Croydon**

**Application by**

**Thornsett Group and Purley Baptist Church**

**Re-determination**

Inquiry opened on 3 December 2019

Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall and 1-9 Banstead Road, Purley

File Ref: APP/L5240/V/17/3174139

## LIST OF ABBREVIATIONS

### Abbreviation

AH

AMR

App.

CD

DL

EiP

GLA

ha

ID

IRSoCG

km

LHA

LP

LonP

m

NDG

NPPG

NPPF

OR

OSoCG

p/pp

Para.

PoE

PTAL

RA

R-ex

S

SoS

sPoE

Sqm

UPSoCG

UTSoCG

Xic

Xx

### Reference

Affordable Housing

Annual Monitoring Report

Appendix

Core Document

Decision Letter (by SoS)

Examination in Public

Greater London Authority

hectare

Inquiry Document

First Inspectors Report Statement of Common Ground (colour coded)

kilometre

Local Heritage Asset

Local Plan

London Plan

metre

National Design Guide

National Planning Practice Guidance

National Planning Policy Framework

Original Report of 1 May 2018

Original Statement of Common Ground

Page/s

Paragraph

Proof of Evidence

Public Transport Accessibility Level

Residents Association

Re-examination

Section

Secretary of State

Supplementary Proof of Evidence

Square metre

Updated Planning Statement of Common Ground dated 4 November 2019

Updated Transport Statement of Common Ground

Examination in Chief

Cross-examination



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**File Ref: APP/L5240/V/17/3174139**

**Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall and 1-9 Banstead Road, Purley**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 April 2017.
- The application is made by Thornsett Group and Purley Baptist Church to the Council of the London Borough of Croydon.
- The application Ref 16/02994/P is dated 20 May 2016.
- The development proposed is a full phased planning application for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works.
- The reason given for making the direction was that in the light of his policy on calling in planning applications, the application should be called-in.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - i. Its consistency with the development plan including the London Plan;
  - ii. Policies in the National Planning Policy Framework (NPPF) in requiring good design of the built environment; and
  - iii. Any other matters the Inspector considers relevant.
- This report is to be read alongside that issued on 3 December 2018.

**Summary of Recommendation: that the application be approved and planning permission granted subject to conditions.**

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## **Background**

1. The original Inquiry into this application opened on 9 January 2018 and closed on 17 January 2018. The Secretary of State's decision to refuse planning permission was issued on 3 December 2018. This decision was challenged under S.288 of the Act in the High Court on 10 January 2019.

The grounds for challenge were as follows:

- 1) Failure to provide adequate reasons for rejecting the design quality of the tower proposed for the Island site;
  - 2) Applying the wrong policy test when assessing the quality of the design of the proposals for the South Site;
  - 3) Erroneous conclusion about the impact of the proposed development on the heritage significance of the Purley Library; and
  - 4) Failure to provide reasons for concluding that there would be harm to Conservation Areas and to non-designated heritage assets.
2. The SoS acknowledged that he failed to give adequate reasons for his conclusions with regard to the harm to designated and non-designated heritage assets. The decision was quashed by consent on 1 April 2019 and remitted for re-determination.
  3. The Inspector's Report to the SoS dated 1 May 2018 (OR) is not quashed by the High Court and this Report should be read alongside that Report. Consequently,



the matters on which the SoS needs to be informed in the re-determination relate to:

- 1) The effect of the proposed development on the character and appearance of the area with particular regard to the height of the tower and the standard of design;
- 2) The effect of the proposed development on designated and non-designated heritage assets;
- 3) The policy tests that are appropriate; and
- 4) Any changes to the development plan, national policy or guidance since the Secretary of State's first decision on 3 December 2018: and any other material changes in circumstance that may be relevant, such as recent nearby planning permissions.

### **Procedural Matters**

4. The redetermination Inquiry was held on 3-6 December 2019. I carried out an accompanied site inspection on 5 December 2019. An unaccompanied site inspection was carried out on 29 November 2019 when I observed the site and its surroundings from public viewpoints referred to in the representations and visualisations; and other points referred to in written representations.
5. The Rule 6 party, the Residents' Associations, also raise matters of traffic and air quality. I have also had regard to the submissions of interested parties, in particular local occupiers.
6. An updated Planning Statement of Common Ground (UPSoCG) dated 4 November 2019<sup>1</sup> and an updated Transport SoCG dated 1 November 2019<sup>2</sup> were prepared for the re-determination Inquiry. At the Inspector's request, the first Inspector's Report is used as the basis for a colour-coded table clarifying matters of agreement or disagreement between the Applicants, the Council and the Rule 6 party<sup>3</sup>. This was agreed on 28 November 2019.

### **The Site and Surroundings**

7. A full description of the site and surroundings is contained in paragraphs 2.1-2.9 of the OR. This description remains accurate. The church buildings continue to deteriorate (OR para. 2.6). I was advised at the Inquiry that the Purley Cross Centre in the High Street has now closed because the lease has expired. Its continuing and valued community function is now carried out within the church buildings (OR para. 2.9).

### **Planning Policy**

8. The adopted development plan comprises:
  - The Croydon Local Plan 2018 (LP) (adopted February 2018);
  - The London Plan (LonP) (adopted March 2016); and

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<sup>1</sup> CD 5.3

<sup>2</sup> CD 5.4

<sup>3</sup> Inquiry Document 20

- The South London Waste Plan (adopted January 2012).
9. Policies of the adopted development plan are set out in paragraphs 3.1-3.16 of the OR. In view of the imminent adoption of the LP at that time, the previous Inspector requested that the parties at the first Inquiry assume it had been adopted for the purposes of making their submissions. Currently Croydon is in the early stages of reviewing the LP with a view to adoption in 2022. There are no draft policies as yet that can be given meaningful weight.
  10. The Greater London Authority is preparing a new LonP. The most recent version of the draft Plan was published in November 2017 and was therefore a material consideration at the time of the SoS's decision of 3 December 2018. Since that time, the plan has been subject to Examination in Public (EiP), which opened on 15 January 2019 and closed on 22 May 2019.
  11. There are no policies in the South London Waste Plan that bear on the issues considered at this Inquiry.
  12. Turning to national guidance, the July 2018 revisions to the National Planning Policy Framework (NPPF) were commented on and taken account of in the SoS' decision letter of 3 December 2018. Subsequent minor alterations in February 2019 and June 2019 concern housing delivery calculations and habitats regulations and do not materially impact on the matters under consideration.
  13. The Government published the National Design Guide (NDG)<sup>4</sup> in October 2019 to be read alongside the revised Planning Practice Guidance (NPPG) chapter 'Design: process and tools'.

## **Planning History**

14. The planning history of the site is contained in the UPSoCG in Section 3. With regard to applications for development on nearby sites, an application for demolition of existing dwellings and redevelopment with 34 retirement living apartments for older persons with car parking at 11-17 Banstead Road<sup>5</sup> was made in March 2018. After being refused in September 2018, the subsequent appeal was dismissed in March 2019 on grounds of character and appearance in terms of layout, scale and massing. An application for 41 two and three bedroom flats in a 5/6/7 storey building at 1-9 Foxley Lane<sup>6</sup> to the north of the application site, adjacent to the north east side of the library, was allowed on 17 May 2019. The Committee Report indicates that the proposed development on the Thornsett/Purley Baptist Church site was taken into account<sup>7</sup>. Prior approvals have been granted<sup>8</sup> for residential units within the existing building at 5a Russell Hill Parade adjacent to the proposed vehicular access to the application site<sup>9</sup>.

## **The Proposals**

15. There is no change to the proposals as described in Section 5 of the OR.

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<sup>4</sup> CD 16.9

<sup>5</sup> CD 16.11 ref 18/01377/FUL

<sup>6</sup> CD 16.12 ref 18/04742/FUL. See drawings at Mr Lacovara's supplementary proof at pp57-8

<sup>7</sup> CD 16.13

<sup>8</sup> Refs 10/00475/GPDO, 10/00476/GPDO, 10/00477/GPDO

<sup>9</sup> Plans are shown at James White sPoE p23

## **The Case for Thornsett Group and Purley Baptist Church**

*The main points are:*

16. The previous Inspector rightly concluded that the proposals are plan-led (OR 15.55, 15.56, 15.57) and that the whole scheme “*fully*” complies with the development plan (OR 15.57) and in particular (OR 15.56) that: “*the principle of a building of roughly the height proposed on the Island site would not only accord with the development plan, but be led by it, and has been part of the emerging Local Plan for several years.*” The LP explicitly supports a “landmark” tower in Purley District Centre<sup>10</sup> and the application sites are allocated for the uses that are proposed in the application<sup>11</sup>. The scheme is in complete accordance with the mix and disposition of uses proposed in the plan.
17. The only controversial element is the tower but this amounts to disagreeing with what the LP has to say on the subject. In a plan-led system where the LP is up-to-date, there would need to be something quite extraordinary by way of material considerations to justify departing from the plan which was adopted as recently as 2018. There is nothing which even remotely justifies steering a different course to that set out in the LP. Nothing that has happened since the first Report justifies reaching different conclusions, nor does any of the evidence to this second Inquiry substantiate that it would be right to do so. The Secretary of State should not reach the same or similarly erroneous and ill-founded conclusions as expressed in the previous decision.

### *The Tower*

18. The (then) Secretary of State said that he had “serious concerns about the height of the tower in this location” (DL 13). To the limited extent that the Secretary of State explained what his “serious concerns” were, he made 5 points which amounted to a miscellaneous collection of errors, inconsequential points and bare assertion. The points he made in DL 13 & 15 are (with numbering added for ease of analysis):
  - 1) the tower would “exceed the maximum height” referred to in the Local Plan;
  - 2) in referring to a tower in the district centre, the Local Plan is not site specific;
  - 3) there is “no specific justification ...in the Local Plan ...to support the height of this site” (sic)
  - 4) there is “no specific justification ...in ...the application to support the height of this site” (sic), and
  - 5) the height and proportions of the tower would be “intrusive”.
19. The question is whether the proposals accord with the development plan when read as a whole; it is well-established that in order to accord with the plan, a proposal does not have to accord with every aspect of it; instead, one looks to see whether what is proposed broadly accords with the plan. With this in mind, turning to point (1) that the proposed tower is 17 storeys whereas the Local Plan refers to a tower of 16 storeys, it is pertinent to ask “so what”? This is a point

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<sup>10</sup> DM15 a. read together with DM 42.1 b.

<sup>11</sup> DM 42.4 and sites 35 and 130 in Local Plan Table 11.10 and Appendix 7 sites 35 and 130

which goes nowhere. The difference of a single storey certainly does not mean that in applying s.38(6) of the P&CP Act 2004 the determination which would accord with the development plan would be to refuse the application. No-one contends that the proposed tower is unacceptable because it would be 17 rather than 16 storeys. The previous Inspector was right to conclude (IR 15.56) that: *"the principle of a building of roughly the height proposed on the Island site would ...accord with the development plan..."*.

20. Point (2) that in referring to a tower in the district centre, the LP is not site specific, and point (3) that there is "no specific justification ...in the LP ...to support the height of this site" are very closely related. Since the earliest draft several years ago of what is now the adopted LP, the Council made clear that it considered the district centre to be an appropriate location for a tall landmark building<sup>12</sup>. Objections were made to this by amongst others the Rule 6 parties and the local MP. Notwithstanding, the examining Inspector found the plan to be sound. It is a truism to say that the LP isn't site specific. The LP identifies *the district centre* as an appropriate location for a landmark tower. The Island site is *within* the district centre. Accordingly, the location of the proposed tower on this site accords with the LP. The fact that the LP isn't site specific does not tell against the proposals but is in support.
21. Point (4) is not only incorrect but also so wrong as to be a bizarre thing to have said. The application documents, including the design and access statement, and the evidence provided to the first Inquiry provide extensive "specific justification" to support the proposed tower on this site. Evidence to this Inquiry adds yet more support. The independent review of the scheme by the Design South-East Review Panel expressly "supported the principle of a tall tower in this location"<sup>13</sup>. Both the Council and the GLA agree. The evidence to both inquiries also explains why, contrary to the assertion otherwise in the last sentence of DL 12, the role of the tower on this site as a marker particularly of the start of the district (town) centre would constitute good urban planning.
22. Point (5) that the height and proportions of the tower would be "intrusive" (DL 15) is a wholly unexplained conclusion. Although he made the 4 points that have just been considered, none of them have anything to do with whether the proposed tower would be "intrusive" and in any event, all of them relate to its height rather than its proportions. Further, no clue is given concerning from where it is said that the tower would appear intrusive. The evidence given to the first and second Inquiries demonstrates that far from being "intrusive" the proposed tower with its "outstanding design quality" (OR 15.39) would be a worthy addition to Purley's townscape. The previous Inspector was right to conclude as he did in OR 15.5 that this would be the highest quality modern development in Purley. The scheme has been carefully designed specifically for this location, for this context, in Purley; the design is unique rather than ubiquitous. Put simply, far from being intrusive, for the reasons explained in OR 15.12 – 15.16, the tower would be something well-worth looking at. It would bring change which from the base of the tower right through to its crown would be change for the better. Two passages in the National Design Guide<sup>14</sup> are particularly apt: *"Well-designed tall buildings play a positive urban design role in*

<sup>12</sup> CD 14.7 (7.35 – 7.50)

<sup>13</sup> CD 12.7

<sup>14</sup> CD 16.9 (p.20 para. 69) & (p.12 para. 48)

*the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.” and: “Today’s new developments extend the history of the context ...representing the architecture & placemaking of the early 21<sup>st</sup> century.”*

23. Nothing that has happened since the first Report undermines the conclusions reached. There is nothing to be found in the 2019 NPPF when compared with the 2012 NPPF, or the policies in the emerging LonP when compared with the extant LonP, which provides any basis for reaching different conclusions.

#### *The South Site*

24. The “concerns” expressed by the (then) Secretary of State in DL 14 & DL 15 about the “quality of the design of some of the elements of the South Site proposals” were unexpected as no-one had raised any issues about this part of the scheme at the first Inquiry. Remarkably, as much is said about the design of the south site as it is of the tower. Regrettably, mistakes are made about the nature of the proposals in DL 14 which are then compounded by the erroneous application in DL 15 of the more-exacting policy requirements for tall buildings to the south site proposals. It is still the case that no issues have been raised about the south site proposals and on the material before the Inquiry, it is right that they do not constitute a main issue for consideration.
25. The evidence explains compellingly that the carefully detailed yet “calm” design of the south site proposals is of high-quality and is sympathetic to its immediate, and wider, context. The applicants’ supplementary proof on design (which includes new images and verified views)<sup>15</sup> shows that the north-west elevation would not impact on adjoining owners.
26. It was said in DL 14 that “more attention should be given” to the inclusion of some north-east facing single aspect homes in the south site proposals. The inclusion of these homes is the product of the quad-style layout of this element of the proposals. This layout provides an attractive inner shared courtyard which would be sheltered from its currently heavily trafficked surroundings. The DL refers to the GLA but, once the GLA understood the rationale for the proposals, the point was no longer pursued. In other words, and it seems unknown to the (then) Secretary of State, this element of the scheme was given more attention, to the satisfaction of the GLA. Another advantage of the scheme is that it does not turn its back on the road.

#### *The effect on heritage assets*

27. The previous Inspector gave very detailed reasons<sup>16</sup> to explain his conclusion that there would be no net harm to any of the heritage assets potentially affected by the application scheme. Nothing has happened since to undermine this. The (then) Secretary of State reached different conclusions (DL 16 – 18). The Secretary of State consented to the decision being quashed by the High Court because he recognised the inadequacy of his reasoning concerning heritage. Not least of his errors was his mistaken belief that the previous Inspector had found

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<sup>15</sup> Mr Matthews’ supplementary proof of evidence

<sup>16</sup> (OR 15.17 – 15.24)

that there would be harm to the listed library, when in fact he found that it would be preserved.

28. Looking at the library, the issue is whether the proposed development, which would be within the setting of the library, would harm or would undermine the heritage significance (the heritage interest) of the library; that assessment is to be carried out on a "net" basis in which any harm to the heritage interest of the library should be balanced against any benefit to it so as to reach an overall conclusion. The previous Inspector concluded at OR 15.17 – 15.19 & 15.23, 15.24 that while "to a small extent" the tower would distract from the library this "would be outweighed by the heritage benefits of better and more extensive public realm" adjoining the library, such that there would be no overall, net, harm but rather preservation. The Secretary of State's DL did not consider whether the heritage benefits to the library outweighed any harm by way of distraction, and instead latched onto the element of harm and then inflated it to being "at the upper end of less than substantial". This is difficult to understand.
29. In order for heritage harm to be at this "higher magnitude" there would need to be harm approaching draining away very much if not all of the heritage interest of the library. Once one properly understands what the heritage significance of the library is, it is impossible to rationally conclude that there would be harm of the nature referred to in the DL or anything like it. The setting of the library has changed substantially since it was built, and there is no evidence that its setting was a factor in its listing; the entry on the list for the library describes the building itself in some detail, including its internal features which would, of course, be entirely unaffected by the proposals; the distance between the tower and the library would allow the viewer to distinguish between them, and to appreciate the proportions, symmetry and architectural detailing of the listed library on its own terms whereas the public realm improvements in the vicinity of the library would be beneficial in heritage terms. More recently the Council has approved a scheme at 1–9 Foxley Lane, next door to the library, which involves development of up to 7 storeys in height, which the Council concluded would cause only limited impact to the library, and overall would result in no harm. As far as the library is concerned, the position is as recorded in the OR.
30. Next, the DL asserts without a word of explanation that the proposals would cause "a clear negative impact on the (non-designated) former bank at 960 Brighton Road, the (non-designated) Brighton Road LHA, and both the Upper Woodcote Village and Webb Estate conservation areas." In contrast, the previous Inspector explained why he concluded as he did that: "The net result would be neutral" in respect of 960 Brighton Road (OR 15.20) and similarly with regards the Brighton Road LHA (OR 15.21); the tower would not be visible from within the Upper Woodcote Village CA and: "At worst, the effect on the Webb Estate CA would be neutral" (OR 15.22). Given that the DL does not even attempt to explain why different conclusions were reached it is impossible to analyse what was in the author's mind.

#### *Highways and air quality*

31. The highways objections made by the Rule 6 Parties overlapped to a substantial degree with their objections on air quality. The objections made, however, remain in substance exactly the same as those made to the last Inquiry (see OR 9.35 – 9.42). The previous Inspector addressed these objections (see OR 15.28 –



- 15.29 and OR 15-42 – 15.44) and concluded that there were no unacceptable highways or air quality impacts. In particular, he concluded that while access from Banstead Road might involve less congestion, because the access from Russell Hill Road would be acceptable and comply with relevant NPPF and development plan policies, there was no need to consider whether an alternative access might work better (OR 15.28 – 15.29): and air quality impacts from the scheme would be negligible, and any such impacts would be mitigated by contributions secured through the s.106 agreement (OR 15.42). Such negligible impacts took account of engine idling by vehicles waiting to exit on to Russell Hill Road (IR 15.43 – 15.44).
32. During the course of the Inquiry, the R6 Parties provided some additional traffic surveys. The applicants' highways witness provided a note in response<sup>17</sup> which explained why little if any weight should be placed on this information, which in any event does no more than seek to support the points already considered by the previous Inspector concerning the contention that access from Banstead Road would be a better solution; however, even were it the case that access from Banstead Road would be "better" than what is proposed, that does not mean that what is proposed is unacceptable. The new material does not provide any good basis for disagreeing with the previous Inspector's conclusion that the access from Russell Hill Road is acceptable.
33. The Council's air quality witness otherwise confirmed that the air quality impacts of the application scheme would be negligible, and that in so far as there would be air quality impacts, these would be mitigated by the recommended conditions and the s.106 planning obligation concerning the funding of anti-idling measures. In response to the contention made in paragraph 9.9 of the Rule 6 Parties' closing remarks, that because of concerns regarding air quality, "we should not be placing high density housing within such an area", the applicants reiterate that the two sites are allocated for the mix and disposition of uses proposed in this planning application.
34. In respect of highways matters, the proposals are acceptable in respect of the policies in the emerging LonP concerning residential parking and short-stay cycle spaces; this is agreed in the Updated Transport Statement of Common Ground<sup>18</sup>. There is no good basis to reach any different conclusion in respect of highways, the proposed access and air quality matters than those reached by the previous Inspector, with which the Secretary of State agreed.

#### *Public opinion*

35. The previous Inspector addressed matters relating to public opinion at OR 15.47. It is not the strength of public opinion that is relevant to the decision to be made in this matter, but rather the reasons given for any objections.

#### *The overall planning balance*

36. The applicants' position remains that the determination which would be in accordance with the development plan would be to grant the permission applied for. This means that the presumption in favour of the development plan that is provided for by s.38(6) of the P&CP Act 2004, amounts in this matter to a

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<sup>17</sup> Inquiry Document 12

<sup>18</sup> CD 5.4

(strong) presumption in favour of approving the scheme. This is all the more so having regard to the other material considerations in play, which almost entirely act only to support the grant of permission. Included among these material considerations are the very real public benefits that the scheme would deliver. In large part, the extent of weight to be given to the public benefits of the scheme was not a matter of dispute at the inquiry.

37. The previous Inspector gave "considerable" weight to the proposed 220 new homes, new church, "greatly enhanced community facilities", economic benefits to the district centre, new jobs and regeneration benefits (OR 15.38 - 15.40). The DL gave significant weight to all these save that only "moderate weight" was attributed to the new church and community facilities (which nonetheless were described as "greatly enhanced") (DL 27). This seems grudging and certainly understates just how beneficial the new church and (agreed to be) greatly enhanced community facilities would be. The Rule 6 Parties expressed surprise that more weight had not been given to these matters. The scheme would provide much needed new and hugely improved community and church facilities, which would provide substantial benefits to the wider community.
38. The DL regards the 39 proposed affordable homes as "neutral in the planning balance" (DL 27) and it seems so too did the previous Inspector. With respect, this seems hard to justify. There is an acute need for affordable homes in London, and Croydon, and the need has increased between the position at the time of the 2016 LonP, compared to that in the emerging LonP. It would seem only right to give at least some weight to the proposed affordable homes.
39. For completeness, if it is concluded that there would be some or other heritage harm, the considerable public benefits of the proposals would readily - as the previous Inspector concluded in OR 15.24 "very easily" - outweigh any such harm (applying, as appropriate, NPPF para 196 or 197).

#### *Overall conclusion*

40. Applying the presumption in favour of sustainable development in the NPPF the application "should be approved without delay" (OR 15.57). The urgency is all the greater now. The applicants cannot emphasise strongly enough that the application scheme truly is a once in a generation opportunity for the church to realise its aspirations, to the benefit of the community at large; it would be a travesty to shun this opportunity. That consent, should it finally now be forthcoming, would benefit not just the Purley Baptist Church and its congregation, but also those who would benefit from the Church's greatly enhanced community facilities, those who would come to live in the new market and affordable housing that would be provided, and those who work in and visit the district centre, which would receive a worthwhile boost by the long overdue regeneration of this eyesore site. It is rare in planning to have the opportunity to make a decision that would bring so much benefit to so many people - to the local community at large. This wonderful opportunity for so much good to be done should be seized rather than shunned.

### **The Case for the London Borough of Croydon**

*The main points are:*



41. Reliance is placed upon the ten points made in support of the proposals set out in the Council's Opening Statement (and closing submissions for the first Inquiry). These points remain valid and convincing, as do the conclusions and recommendations of the original Inspector. It is to be noted that the careful and thorough evolution of the scheme was acknowledged by the original Inspector who concluded "*There can be little doubt that the scheme's designers have gone to painstaking efforts to achieve exceptionally high quality. There is no good reason that new development should mimic the neo-Tudor in order for its design to complement the existing streets. For most of the scheme it was not disputed that the high standard of design merits substantial weight.*"<sup>19</sup> The evidence before this Inquiry has further demonstrated the great care taken with, and the acceptability of, the design including that of the tower.
42. It is also important to highlight the limited areas of dispute and the concessions made. There is no issue regarding the south site proposals as confirmed by the Rule 6 party the RAs and Chris Philp MP, in CX. It is clear that the main issue relied upon by objectors is the tower element of the proposals for the Island Site. It is accepted by the RAs that the proposed 220 residential units would make a significant contribution to Croydon's housing stock at this highly sustainable location. There is no dispute that the community facilities are welcomed. Neither the RAs nor Chris Philp MP rely upon any impact on the listed library.
43. There are two particular features of the evidence relied upon by objectors at this second Inquiry. Firstly, the failure of the RAs to explain in their Statement of Case or their presentation paper why they disagree with the original Inspector's Report. Secondly, the failure of any objector to demonstrate any meaningful new matter or change in circumstances which undermines that Inspector's assessment and conclusions in any substantive way. In particular:
- Chris Philp's attempt to demonstrate some change in policy (in respect of the NPPF and Local Plan) to undermine the original Inspector's conclusions fell completely flat and was without foundation.
  - The RAs attempted to rely upon increased awareness of air quality (AQ) issues. That there is increased awareness is to some extent generally true but neither the development plan nor the NPPF has changed since the decision of the Secretary of State in December 2018. The original Inspector and SoS were satisfied in respect of the acceptability of the proposals in AQ terms, and Mr Simmonds provided detailed evidence as to the acceptability of the proposals with the measures proposed incorporated.
44. Turning back to the 10 original matters relied upon:
- Both of the two sites that comprise the Mosaic Place application site (the Island Site and the South Site) are crying out for re-development*
45. Even the strongest objectors again appeared to accept the urgent need for redevelopment. As the original Inspector concluded, the scheme should be approved without delay. This is just the sort of site that Government policy is seeking to be effectively utilised and swiftly. However, the policy prerogative is not just redevelopment of such a site. It is optimal redevelopment that should be

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<sup>19</sup> OR p48 – CD16.8 .

sought and delivered. Making optimal use of vacant and underused previously developed land by appropriate intensification is an ever-increasing theme at all levels of policy as is reflected in recent statements from then Ministers<sup>20</sup>. That is also seen in the draft LonP.

46. It is hardly surprising therefore that the GLA strongly supports the regeneration of this key town centre site<sup>21</sup>. And it should not be thought, even if it were relevant to consideration of the current proposals, that there is some alternative that is likely to come forward and be viable and deliverable as objectors suggested at the original Inquiry<sup>22</sup>. There were some hints of that again at this Inquiry but there is still no evidence to support that and these proposals are of course to be judged on their own merits. The evidence is that the Church had looked at every possible option and they and the developer had made significant compromises even with the current scheme.
47. Huge caution also needs to be applied to the suggestion that there might be some other location for a tall building in Purley that might possibly be acceptable. That does not ring true given much of the basis of the objections to a tall building. One third party objector for example went as far to say that she and “an awful lot of people” did not like modern design/buildings at all. Therefore, nothing has changed in respect of ‘alternatives’ since the original Inquiry. However, the need is even more compelling. Moreover, the Council’s design witness gave convincing testimony as to the suitability of the Island Site, and the particular position proposed, for a tall building.

*The Site has the significant advantage of having a PTAL of 5. It is also located part within and part adjacent to the Purley District Centre (as designated on both the existing and emerging Local Plan)*

48. No one can really dispute the excellent transport accessibility of the site. The original Inspector recognised this with his conclusion that “*Purley is a commuter town with excellent rail and road links to and from Croydon and central London*”. That accessibility and the pivotal location of the site strongly point to the potential for development of a high density development to optimise the development in accordance with national and local policy, including the LonP and Draft LonP and the NPPF, referred to above<sup>23</sup>. This is a policy-consistent opportunity begging to be taken. Sites with high levels of PTAL, especially where within town centres, are highlighted for intensification and low level parking/parking free developments. The current LonP is not proscriptive in density number terms and the emerging draft LonP will add to that flexibility<sup>24</sup>.
49. The location within and adjacent to the District Centre is significant. The RAs are unjustifiably very dismissive of the benefits that would arise to the District Centre but these are plain and help to explain the continuing support of the business community for the proposals<sup>25</sup>.

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<sup>20</sup> See NPPF 2019 [para 123] and Mr White’s Supplemental Proof at paras. 7.69-7.75 pp.21-22.

<sup>21</sup> See para. 8 p2 of Council’s original Closing Submissions – CD15.28

<sup>22</sup> See Council’s original Closing Submissions at paras 19-25 pp5-7 – CD15.28

<sup>23</sup> E.g. policy H1 of the Draft London Plan seeks to address the supply of housing in the capital and states that boroughs should optimise the potential for housing delivery on sites within areas of high PTAL (3-6) – see para. 7.5 p.8 of Mr White’s proof.

<sup>24</sup> See Mr White’s Supplemental Proof at paras 7.20-7.23 on pp10-11 re. Objective GG2.

<sup>25</sup> See para. 11.1 p13 of the RA’s Statement of Case, 4 November 2019, where they unconvincingly say “*rather than using the OPDC for their shopping and leisure needs the RAs believe that residents of the scheme, given the lack of*

*The development potential of the site is recognised in the adopted and emerging Local Plans*

50. Both the Island Site and the South Site are allocated in the adopted LP, the Island Site ref. 35 for mixed use comprising new church, community facility and residential for 20 to 111 homes and the south site ref. 130 for 77 to 100 homes. As the original Inspector concluded, church and community use of the site would be entirely policy compliant. The original Inspector also found no difficulty with the fact that the number of dwellings proposed (220) exceeds (by 9) the maximum indicated by these allocations. That is consistent with the policy objective of optimising brownfield sustainably located sites such as this. The original Inspector concluded that the proposals would closely follow the expectations of the LP and was probably led by it. That is still the case.
51. Although not site specific, policy DM42.1(b) (Purley) states that within the District Centre and its environs developments should complement the existing predominant building heights of 3 to 8 storeys with a potential for a new development of up to a maximum of 16 storeys. The basis for that approach was set out in the Council's original evidence and the relationship of the proposals to the LP was confirmed at this Inquiry<sup>26</sup>. It was clear that the Local Plan process was transparent and thorough with regard to the tall building proposals for Purley and led to active objections and a specific hearing session for this issue, with the policy being found sound.
52. It is therefore hardly surprising that the original Inspector concluded that the principle of a tower in this location has been accepted in the development plan. It is of note that the recent National Design Guide now also endorses the role that tall buildings can fulfil. As the Guide states "*Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline*".

*The development will assist in the meeting of important planning objectives*

53. The SoS agreed in the main with the original Inspector's views on the benefits<sup>27</sup>. Although the affordable housing (18% of units) is below the policy target figures, a higher level is not supported by the viability assessment, as the applicants' and Council's independent advisers have confirmed in their updated assessments<sup>28</sup>. This demonstrates that the conclusion drawn on viability is still robust. The affordable housing element should be given significant weight, whilst the SoS previously treated it as neutral<sup>29</sup>.
54. The development would also inevitably add activity in the District Centre. It will have an active frontage, including a shop unit, which will be a distinct qualitative improvement over the units it replaces and should be attractive to an occupier. There is likely to be significant direct and spin-off benefits in that context. As the evidence to the Inquiry has confirmed, the Centre is struggling and these

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*connectivity with the district centre, are more likely to use public transport to travel to Croydon, London and the south coast etc. for these purposes."* Mr Pearson's Supplemental Proof at para. 4.42 on p23 updating his sum of £1.24m to £1.4m per annum.

<sup>26</sup> Mr Lacovara's original proof paras. 7.44-7.51 on pp35-7 – CD14.7

<sup>27</sup> DL[22] p5 – CD16.7.

<sup>28</sup> Updated viability assessment for Applicant CD16.19; consideration of that by Council's advisers, BNP Paribas Real Estate November 2019, handed in on first day of Inquiry (Doc 2).

<sup>29</sup> DL [27] p5 – CD16.7 .

benefits could also signal that Purley is “open for business” and lead to further investment and improvement.

*The proposals accord with the adopted and emerging plans and would be of a very high quality design in so doing*

55. The accordance of the proposals with the then emerging local plan was thoroughly assessed in the original evidence. The Inspector agreed with this compliance<sup>30</sup>. Nothing material has changed in the development plan with regard to design issues.
56. Chris Philp MP accepted under XX that there was no material difference between a 16 and 17 storey building. Mr King for the RAs also agreed, in XX.
57. Contrary to Mr Philp’s assertion, policy DM42.1(b) is far from a weak policy. This was borne out by the explanation of its evolution by the Council’s design witness. As the original Inspector concluded, the principle of a tower in this location, as referred to above, has been accepted in the development plan<sup>31</sup>. The unsubstantiated concerns of the SoS have been convincingly addressed in the evidence in respect of:
- (i) The role of a landmark building (DL[12]).
  - (ii) The proportions and height of the tower (DL[13]).
  - (iii) The design quality of the South Site and the single aspect homes that face north-east as well as its relationship with adjoining owners (DL[14] & [15]).
58. None of these concerns were supported by the original Inspector. It is of note that nonetheless the SoS did agree with the Inspector that some lower elements of the scheme would provide an enormous lift to the appearance of the area. The Inspector also specifically identified the vast improvement to the appearance of, and the considerable improvements to, the public realm.
59. This scheme is of rare quality for Croydon and in the opinion of the Council’s design witness, one of the finest that he had come across. That was clearly based upon the most thorough understanding of the context and of the scheme itself. He recognised the failings of tall building schemes in the past, which no doubt has understandably led to the concerns of many objectors. However, he convincingly explained why this scheme is different and of genuinely very high calibre. The original Inspector concluded that the scheme would incorporate the highest standards of architecture and materials<sup>32</sup>. Further, the conditions and architect retention clause in the section 106 Agreement would ensure that what has been proposed would be delivered<sup>33</sup>. One of the many exemplary characteristics of this scheme is the range of uses proposed, which he described as a distinctive and positive mix that will contribute to positive placemaking and will create a genuine asset for the people of Purley<sup>34</sup>.

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<sup>30</sup> OR 15.55 – CD16.8.

<sup>31</sup> OR 15.14 p50 – CD16.7

<sup>32</sup> OR [15.14] p50 – CD16.8

<sup>33</sup> The architect retention clause in clause 6.20 on p60 of the s.106 Agreement – CD15.29

<sup>34</sup> See Mr Lacovara’s reference to sections U1 and U2 of the Design Guide on pp.32-33 of his Supplemental Proof.

*The design is appropriate and acceptable with regard to the impact on existing heritage assets*

60. There is no basis for the SoS's conclusions in respect of the library, the nearby conservation areas or the locally listed 960 Brighton Road<sup>35</sup>. With regard to the latter, which was a concern of the RAs, any impact on the setting of that building is far outweighed by the overall benefits. It has to be emphasised that this building is of course not subject to statutory protection and as a non-designated heritage asset any harm has to be taken into account by a balanced judgment being made in accordance with paragraph 197 of the NPPF. That balance is overwhelmingly in favour of the proposal. Overall there would undoubtedly be a very significant enhancement to the townscape character generally. The quality of the townscape that would result compared to the existing and very longstanding state of the site far exceeds the relatively minor harm to the heritage assets.

*The development would provide acceptable living conditions for the new occupiers*

61. These were found acceptable by the SoS, save perhaps for some reservation the SoS had on the single aspect homes of the south site proposals that face north-east, dealt with by the Council's design witness. With regard to AQ, the AQ Assessment recognises the existing conditions. Further information is provided by the Air Quality Addendum<sup>36</sup>. Design measures will ensure that the residential occupiers of the lower floors of the buildings, which are affected by these conditions, are adequately protected as will be the users of community areas. They were accepted by the original Inspector and the SoS and there is no change that materially affects that conclusion<sup>37</sup>.

*The impact on existing occupiers and users of the area*

62. The only new point that has arisen in this respect relates to the SoS's concern regarding the impact of the south site proposals on neighbouring occupiers. That has been referred to above and the evidence firmly demonstrated the lack of any material impact in that regard. With regard to AQ, the development's contribution to pollutants would be negligible. That is not to underestimate the importance of this matter and the understandable concern of residents. It is a not a matter that is new on the Council's agenda and idling patrols are proposed.
63. Despite the RA's strong preference for a Banstead Road access, the SoS concluded that the proposals were AQ neutral, based on the Russell Hill Road access. There has been no change in policy since that decision. Further, this site is allocated for development and everyone wishes to see development on it. The RAs have confirmed that they support the principle of development of both the south and island sites. Accordingly, appropriate measures are included to address the conditions. Additional parking, which some objectors urged, would not of course assist in respect of AQ.

*The proposals would be acceptable in terms of highways and parking aspects*

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<sup>35</sup> DL [16]-[18] p.4 -CD16.76

<sup>36</sup> See Mr Simmonds's Supplementary Statement (Appendix JW2) at section 4 on p5 and CD16.20

<sup>37</sup> DL [20] p5 -CD16.7

64. There is nothing new in respect of these issues, save for a stricter approach to residential parking and a greater requirement for short stay cycle parking in the draft LonP. These have both been addressed in evidence. The residential car parking is modest, development plan compliant and acceptable in the circumstances. Many wished for more parking provision but this is just the type of location which is ideal for a significantly reduced parking provision – being within and adjacent to the District Centre and with a PTAL of 5. Further, the complementary measures (removing rights to apply for a parking permit/car club/travel) will assist. Any shortfall in short stay cycle parking can be addressed if there is a demand for it.
65. The RAs' arguments on highways were rejected by both the original Inspector and the SoS and there was extensive evidence to support those conclusions as referred to in more detail in the Council's original closing submissions. Servicing and deliveries have been accounted for and can be accommodated, as was addressed at the original Inquiry. There is no basis for taking a different view now. There is no basis for now rejecting the access onto Russell Hill Road as this has been found to be acceptable in highways and AQ terms and Mr King's recent surveys do not alter that. There is no highways objection from Transport for London (TfL) (the highways authority for the A23 Brighton Road, Banstead Road and Russell Hill Road). Further, a Banstead Road access could have its own problems, including increasing congestion on the gyratory that could be worse than the impact of the development on Russell Hill Road.

*An overall assessment of the proposals demonstrates the proposals are not just acceptable but would meet significant planning objectives*

66. The RAs have presented their case in a fair way and their concerns are acknowledged. However, no new matters of substance have been raised that undermine the significant merits and overall acceptability of the scheme as argued for by the Council and applicant at the original Inquiry and as strongly concluded by the original Inspector. Indeed the RAs fairly acknowledged at the Inquiry that the weight that should be given to the community benefits that would arise should be 'very high'.

### **The Case for the Residents' Associations**

67. The RAs prepared a joint statement on behalf of:

Coulsdon West Residents' Association (CWRA)  
East Coulsdon Residents' Association (ECRA)  
Hartley and District Residents' Association (HADRA)  
Kenley and District Residents' Association (KENDRA)  
Old Coulsdon Residents' Association (OCRA)  
Riddlesdown Residents' Association (RRA), and  
Sanderstead Residents' Association (SRA);

68. The RAs pointed out that many of the residents live within the Purley postcode district of CR8.



*The main points are:*

69. The RAs are a group of lay-people who represent up to 15,000 members and our case has been built largely on the objections we have received from the majority of those living in the whole Purley area (postcode CR8). We do wish to make it clear that all of the aforementioned Residents' Associations support the work that the Purley Baptist Church does for our local Purley community and we have no problem in principle with the expansion of their proposed church and associated facilities. Indeed, we would place greater significant weight on the work carried out by Purley Baptist Church than expressed by the Secretary of State's letter of 3 December 2018 where he affords it only "moderate weight."
70. We share many similar aspirations - in the provision of affordable housing, the regeneration of Purley town centre and increasing the facilities available to the local community. For the record, we would like it noted that the Rule 6 party relied upon the correct computer generated imagery (CGI) throughout the various stages of this application and we have published them accordingly on our websites and social media. We wish to see these two sites redeveloped, as part of one of these sites has been an eyesore and a detriment to Purley for over 35 years now.
71. However, where we differ is on the point that we do not believe an oversized and tall building development at this location in the centre of Purley is appropriate and contend that the proposed development will generate a number of problems for our area, due largely to its inappropriate scale. We support a development on the proposed site and none of the RAs lodged any formal objections with Croydon Council to the previous planning application submitted for that purpose in 2006 and determined in 2011<sup>38</sup>.

*Landmark building*

72. We do not in principle object to a landmark building on the site, however there is no stipulation that a landmark building must be 17 storeys in height. Indeed, this point was contested by many Residents' Associations when the amended Croydon Plan for the Purley District Centre (PDC) was proposed.

*Proposed building height*

73. LonP policy 7.7 deals specifically with tall buildings and states that "Tall and large buildings should not have an unacceptably harmful impact on their surroundings". We contend that this proposed development does impact on the surroundings, due largely to the resultant reduction in air quality and the extra pressure which will be put on local services and facilities, such as schools and the already overstretched local GPs and dentists.
74. LP policy DM42.1(b) states that development should "Complement the existing predominant building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys;" Just because there is potential for a tall building, that does not necessarily give express permission for one and we have argued that a building height of up to 8 storeys would be more acceptable.

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<sup>38</sup> Ref 06/02756/P 'Demolition of existing buildings; erection of 6 storey building comprising retail use on ground floor and community/church use on upper floors; erection of 6 storey building comprising 65 flats with basement parking on two levels (115 spaces in total); and construction of vehicular accesses off Russell Hill Road and Banstead Road (Outline application with only siting and means of access to be determined).'

The local plan makes no mention of developments exceeding 16 storeys, which this one does.

75. LP policy SP4.6 states that "applications for tall buildings will be required to respect and enhance local character and heritage assets;" We contend that the proposed development does little to enhance the local character of Purley.
76. LP policy DM15 states that developments should "ensure tall or large buildings respect and enhance local character, and do not harm the setting of heritage assets". We contend that the tower does neither and therefore contravenes the Council's own plans. It is our contention that the sheer height of the proposed development is excessive and wholly out of place. Whilst the Purley District Centre may have been earmarked for a tall building, we have argued that this specific location is not suitable and other more suitable locations could potentially be a better solution. Such locations may in the future include the current "Tesco" site along Brighton Road, which also forms part of the Purley District Centre.
77. We support the Secretary of State's view in his report of 3 December 2018 where he expressed his "serious concerns about the height of the tower in this location". We believe the height of this building at just under 60 metres from ground level on Brighton Road frontage should have been mentioned in the Design and Access Statement, in the Planning Officer's report, and also in the Planning Inspector's report. It hasn't been and is buried within just one or two drawings from many hundreds of other drawings submitted.

#### *Overshadowing*

78. We still believe that overshadowing to part of the Purley District Centre from the tower will occur and the effect was not fully appreciated at this Inquiry. We believe that overshadowing will occur to neighbouring properties, especially Tudor Court and the surrounding Purley District Centre, in part of Russell Hill Road and Brighton Road.

#### *Adherence to Revised Building Regulations*

79. In December 2018, the government published amended Building Regulations restricting the external use of combustible materials above 18m<sup>39</sup>. We would suggest that the trees intended to be placed outside the 15<sup>th</sup> floor penthouses are of a combustible nature and fall foul of these amended regulations and therefore render this particular aspect as impermissible from a planning perspective.

#### *Heritage*

80. Paragraph 127(c) of the NPPF states that planning policies and decisions should ensure that developments "are sympathetic to local character and history, including the surrounding built environment and landscape setting". We contest that because of the proposed height, the tower does not conform to this.
81. Paragraph 131 states that "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings." We

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<sup>39</sup> The Building (Amendment) Regulations, SI 2018/1230



contend that this proposed development, due to its height, does not fit in with the overall form and layout of Purley District Centre.

82. We are still concerned that the proposed 17 storey block will have a detrimental effect on 960 Brighton Road ("Pizza Express"). The Council's Heritage Officer<sup>40</sup> had both in the previous inquiry and the current inquiry agreed with us that this development will present a degree of harm to Brighton Road, especially number 960. We agree with the Secretary of State's findings that there would be a "clear negative impact on the former bank at 960 Brighton Road and the Brighton Road Local Heritage Area (LHA)".
83. We do not believe at 17 storeys high that these proposals seek to form a positive relationship with the Purley District Centre, principally the Victorian shopping parades in Brighton Road and Russell Hill Road. This is due to the bulk and massing of the buildings proposed and will mean that they will dominate the townscape and skyline, which is exacerbated by the lack of any architectural rhythm or shared detailing. The contrast between the proposed development and the existing urban grain is jarring rather than striking, reflecting the lack of any positive relationship between the proposal and the Purley District Centre.
84. In addition, we believe that for tall buildings to function best and sit within an urban environment, they require public open space at ground level with good connectivity to and with the surrounding uses, both of which this proposal fails to provide given the tight, restricted nature of both sites. There is a danger that, due to the lack of space surrounding the proposed development, it will appear very dominating and overbearing to pedestrians standing in its near proximity.
85. Given the heritage significance of Brighton Road, the campanile (side tower) does nothing to enhance the main tower and will have a detrimental impact to the surrounding area. Indeed, in the previous Inspector's report, he summarised the Design South East Design Review Panel's advice that "the tower could be slimmed down as well as removing the attached campanile element"<sup>41</sup>.

#### *Regeneration of Purley town centre*

86. We strongly support the regeneration of the island and south sites.

#### *Transportation*

87. Being local residents who use the junction on Russell Hill Road (A23) on a regular basis, we do not believe that the Council or TfL have made the correct decision in relation to the vehicle exit point from the proposed development. It is only 5 vehicle lengths to the signalled junction of Brighton Road and Russell Hill Road and TfL has also raised adverse comments in relation to this on their initial site visit. Poor siting of these entrances will exacerbate traffic congestion on Purley Way travelling south from Croydon and Foxley Lane, thereby also increasing pollution levels.
88. We are still of the view that when a major event finishes, up to 80% of church vehicles could attempt to leave at the same time, adding to congestion and pollution in the area. The proposed exit is in the narrowest part of Russell Hill

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<sup>40</sup> Mr Lacovara

<sup>41</sup> CD16.8 in section 15.9. See CD12.7 for actual wording

Road almost opposite the junction to Russell Hill Place, the exit to a Council car park.

89. We fear that if development takes place on this site, there will be increased traffic flow to major vehicle arteries during the construction stage. This will include construction traffic with deliveries. We would also question where the site workers are intending to park. It has been agreed by all parties that the A22/A23/A235 and the Purley gyratory are one of the busiest and complex traffic areas in the borough of Croydon.
90. It is clear that, due to the requirement of traffic to change lanes crossing the path of other traffic in Russell Hill Road, the majority of recorded accidents are in this part of the gyratory. Although most of these are low speed collisions with minor injuries, they can cause considerable delays to traffic flows.
91. No studies have been carried out in relation to the level of deliveries from online shopping providers. Whilst there is a Tesco store in the close proximity, residents of the proposed development may choose to shop online at other major food retailers and we question where these delivery vehicles will park.
92. To our knowledge, there is no UK law that states that a leaseholder of a flat cannot own a vehicle, or be a registered keeper of a vehicle. We believe that leaseholders will park on streets like Plough Lane, or Woodcote Valley Road, where there are no yellow line restrictions, or in a Controlled Parking Zone (CPZ). They could also park in Whytecliffe Road South where there are free parking bays in a 1 hour restricted CPZ (1pm to 2pm). These streets are only a few minutes walking distance away from the two sites. If the two Purley CPZ's are extended by the Council because of this development we believe leaseholders will then park further away from the Purley District Centre in unrestricted streets. By parking elsewhere, this will then create parking stress for residents living in those streets.

#### *Air Quality*

93. Purley gyratory already has poor air quality and is above World Health Organisation (WHO) guidelines. Parts of the Brighton Road also exceed European Union (EU) air quality levels. We are still of the view that the exit onto Russell Hill Road will decrease the local air quality due to the need for vehicles to exit the site onto that road. Such vehicles will have to queue to enter the traffic flow and possibly change lanes whilst at the same time causing existing traffic in Russell Hill Road to tail back due to the closeness of this exit to the traffic signals.
94. Air quality has risen up the agenda of both politicians and the public. The London Mayor has brought forward the proposed Ultra Low Emission Zone by two years, while Croydon are in the process of introducing emission-based parking charges for Controlled Parking Zones. In the Air Quality Action Plan 2017 to 2022 published in 2019, the Council identifies Purley Cross as one of five "Focus Areas" with the worst air quality in Croydon. We accept that our traffic surveys carried out over the last 2 months, 3 times at each location, are snapshots. However, these are very likely to be replicated on any other day. Although neither the junctions on the A23 at Stoats Nest Road and Grovelands Road replicate exactly the proposed entry/exit on Russell Hill Road, they are sufficiently similar, both having uncontrolled entry and exit from the A23, to enable a comparison of the time that it takes to exit an uncontrolled junction on to the A23.

95. The Grovelands Road junction onto the A23 is about 200 metres to the north of the signalled junction of Old Lodge Lane. The Stoats Nest Road junction onto the A23 is 500 metres to the south of the signalled Old Lodge Lane junction. It is also an uncontrolled junction and vehicles have to cross one lane of southbound traffic via a "keep clear" box and try and join the continuous flow of traffic northbound. They are largely dependent on the generosity of drivers to allow them in to the flow.
96. These surveys show that traffic entering the A23 after a signalled junction, as opposed to before, take approximately half the time to join the traffic flow, due to the natural breaks in the traffic that occur when the signals are red. We are still of the view that an entry/exit on Banstead Road as proposed at an earlier stage would reduce the exit time from the site by at least a half, thus reducing both traffic congestion and improving air quality.
97. The Council's air quality witness previously agreed with us that the proposed development will take place within an area where harmful levels of Nitrogen Dioxide (NO<sub>2</sub>) already exceed EU legal limits and that the proposed development will only increase these levels. NO<sub>2</sub> is considered a pollutant that is harmful to human health and we should not be placing high density housing within such an area.
98. Studies by both Dudley and Lambeth Councils conclude that stationary vehicles create twice as much pollution as moving vehicles. As 40 (and possibly up to 50) vehicles could be leaving the site at the same time after a major event, the level of pollution at the exit and in Russell Hill Road will increase at these times and for a considerable period of time until all the vehicles have departed. We understand there could potentially be up to three events per day on the Church's premises.
99. We welcome that Croydon Council has instigated idling patrols to deal with this problem but note that this consists of only 3 Pollution Control Officers across the entire borough. A visit is only likely to result if complaints have been received. The idling patrol will have no jurisdiction for vehicles queuing in traffic, only those on the public highway. The vehicles with idling engines still waiting to exit the proposed site would only be subject to on site marshalling.

#### *Pedestrian routes*

100. We are of the view that when vehicles exit onto Russell Hill Road following an event, this will interfere with pedestrian flow and affect air quality for pedestrians. Russell Hill Road has a high pedestrian flow due to the prominence of shops, restaurants, and a pub.

#### *Landscaping*

101. We believe that a penthouse resident, having paid substantial amounts for their new property, will be presented with obstructed views due to the rooftop trees. We maintain that there is no way to stop residents from performing acts of "guerrilla gardening" in order to improve their line of sight, or in high winds there exists the possibility of falling branches.

102. LonP policy 7.7<sup>42</sup> advises that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise and reflected glare amongst other things. The RAs are of the view that significant wind tunnels will be created in surrounding streets and in particular on Banstead Road and Brighton Road, below the proposed tall buildings. We believe this will be particularly bad in gale force winds, in whichever direction the wind is blowing. This could cause considerable inconvenience and danger for pedestrians and high sided HGVs.

*Section 106 Community Infrastructure Levy (CIL)*

103. We find it disappointing that none of the s. 106 monies is proposed to be spent on areas within the centre of Purley. Our residents have now had many developments undertaken within the area and as yet there is no strong indication from the Council that monies from the Council's central CIL fund has been spent on the local infrastructure. Purley's residents have received very little improvement in GP and other local services to cater for the increasing population. We welcome Councillor Paul Scott's commitment to spend up to 15% of the CIL money locally.

*Conclusion*

104. Our residents are not natural revolutionaries, so the continued strong negative reaction to this application from the wider community is noteworthy, if not surprising. For the reasons outlined within this statement, we find it baffling that the previous inspector concluded that "No concerns other than affordable housing and air quality merit any significant weight". On balance, whilst acknowledging the many good parts of the application, the joint seven Residents' Associations are still opposed to this development.

**Interested Parties**

**Chris Philp MP**

105. Chris Philp MP (prospective parliamentary candidate at the time of the Inquiry) made verbal and written representations. The written representations refer in detail to policy objectives<sup>43</sup>. He puts forward 4 main points: the height being fundamentally out of character; inadequate parking provision; a material breach of density limits in the London Plan; and a material risk of flooding. In CX he accepted that he was continuing to use the image shown at OR paragraph 4.1 to object to the proposal.
106. Mr Philp acknowledged that Croydon has unmet housing need and he accepts the principle of development of a site that has been vacant for 25/30 years, but the proposed development would not be the right answer. 11000 people have signed a petition against the scheme. Moreover policies have changed: a new version of the NPPF has been issued. Paragraph 127 seeks well-designed places and the proposal would offend the principles set out there. A building of 17 floors would clearly be out of keeping in early 20<sup>th</sup> century Purley which is mostly of 3-5 floors. The proposal would not fit in with the overall form and layout of its surroundings, contrary to the guidance in NPPF paragraph 131.

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<sup>42</sup> CD10.3 p304

<sup>43</sup> See Doc

107. The proposal would also not comply with adopted LonP policy 7.7 on tall buildings. It would conflict with emerging LonP policy D8 on tall buildings because rather than making a positive contribution to local townscape, this scheme would degrade it. No design review has been carried out in accordance with policies of the emerging LonP for a development of this size, as far as he is aware. The only policy that supports the proposal is LP policy DM42.1(b) which notes the potential for a new landmark building of up to 16 storeys in Purley. This policy is weak and does not indicate a location. Other LP policies are very clear: SP4.6 and DM15 require tall buildings to respect and enhance local character and relate positively to nearby heritage assets. Supporting text in the section on Purley (paragraph 11.156) requires high quality residential development that respects the existing residential character and local distinctiveness.
108. The parking provision would not satisfy demand and would conflict with the guidance at NPPF paragraph 105. The density levels, at 817 dwellings per hectare (dph) for the scheme overall and 1052 dph for the island site, would be well above the 200-700 dph range set out in the LonP sustainable residential policy matrix for urban areas<sup>44</sup>. The scheme would not enhance the local context as required by emerging LonP policy D1B. Moreover the new NPPF says at paragraph 155 that development in areas at risk of flooding should be avoided by directing it away. The gyratory system is well known for flooding and is identified as susceptible in the LP.

### **Councillor Paul Scott**

109. Councillor Scott was Chair of the Planning Committee that originally granted planning permission and a Cabinet Member for Planning and Regeneration. He is also the Borough Design Champion. He referred to his 28 years of practice as a Director of an architecture firm. He strongly supports the Council's case. The housing need is a key policy driver- a big increase in provision is required across the developed area of the Borough. It is difficult to find space and Purley is a highly sustainable location.
110. The LP is up to date having been adopted in early 2018 and this scheme is fundamentally plan-led. Policy DM42.1 is not weak as suggested by Mr Philp. It identifies the potential for a landmark building in Purley. The DSE Review Panel is as independent as you can get and it supported the scheme. The inspiration for a landmark building here originated in the 2013 Issues and Options paper prepared by a previous administration. The principle was accepted and pre-application discussions were held and aired three times at committee. There were no objections from Councillors who supported the idea of a slender tower. The scheme was approved by a majority in a well-informed decision. The subsequent decision to call the application in for decision by the Secretary of State did not accord with the Caborn<sup>45</sup> principles and planning permission should be reinstated.
111. Purley has capacity for growth and has a PTAL level of 5. Change is desperately needed. It has a mixed character- an Edwardian centre and development from all eras since. It is understood that people are unhappy about suburban intensification but if not in a central location, then development would intensify in residential streets. In Croydon there are very few sensible locations

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<sup>44</sup> LonP CD10.3 p101

<sup>45</sup> The list of instances when the Secretary of State might decide to use call-in powers (1999)

for a tower and this is the best, away from the main area of heritage interest and at the bottom of a hill where the effect of height is mitigated. It is of exceptional design quality and the image used by Mr Philp in publicity is grossly misleading.<sup>46</sup>

112. With regard to heritage assets, the library does not have a formal setting. It is not well seen. The proposed scheme would not dominate. Moreover a 5/6/7 storey building has recently been approved adjacent to it at 1-9 Foxley Lane, so the character of the area is changing. There would be no significant impact on any other local heritage asset- whilst the buildings would be seen, the impact would be modest and reasonable. Purley Centre has a wide variety of styles. The development would be hardly visible from any conservation area.

113. Inappropriate interference has prevented this scheme going forward. It is desired by the local Resident's Association and by the Business Improvement Group.

### **Myles McCarthy**

114. Myles McCarthy wants to put forward the perspective of younger people and is in favour of the scheme, referring to the desperate need for housing, jobs and careers. The scheme is very well thought through and in a location with excellent public transport connections. Eventually private transport will be mainly electrically powered and air quality will improve: in any case it is absurd to accommodate a lot of car parking when many occupants are unlikely to own one. The tower is likely to be a trigger for more economic development in Purley.

### **Laura Stringer**

115. The question is one of public benefit against harm. This scheme is an unfair burden on the people of Purley. 37 car parking spaces is insufficient. 396 long stay cycle spaces is unrepresentative of likely demand in Purley. It is sheer fantasy to think that high numbers will move to cycling because the area is hilly and not cycling friendly. Emerging LonP policy GG3 DB seeks an improvement in air quality but new electric vehicles will still need power stations.

### **Debs Baggott**

116. Ms Baggott is a member of Purley Baptist Church and has been closely involved with the development for nearly 7 years. It is important to confirm that the 3 main benefits set out 2 years ago are still valid. They will enable the church to enhance and increase the number of services it runs for the benefit of the community. More services have been added and the delay has put the church in a worse position than 2 years ago. The church has lost the shop on the High Street used by the Purley Cross Centre due to the expiry of the Lease. Originally the new facilities would have been available before this happened. Currently the Purley Cross Centre is trying to operate out of the church premises with clients having to cross between the Foyer and Qube across the car park for e.g. nail cutting. The number of conflicts between activities due to the lack of space has increased e.g the Purley Cross Centre and Renew 23, Bod's and Tod's and this meeting, funerals with regular activities. Secondly, the community will be able to run its own activities at the centre and this is protected by a Section 106 agreement. Thirdly we have had significant interest already by charities and Key

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<sup>46</sup> See OR paragraph 4.1 p8



local service providers such as CALAT. Sidra Hill-Reid, the Strategic Service Manager for CALAT, remains very keen for the facilities to be built so that she can restart courses in the south of the borough.

117. Some people continue to contend that we could remove the tower and still have the community facilities, but all that can be done has been done to make the development as small as possible and still have a financially viable development with community facilities and affordable housing. The developer is a family run business which has accepted a lower profit margin. With the difficulties and delays leading up to this point, many developers would have walked away a lot earlier. The church has half the space it originally wanted. This is a large church with lots of children's' and youth groups. On a Sunday morning the church will need all the community rooms whereas we wanted enough capacity for both.
118. The church will get no financial profit from building the development. The number of flats needed is determined by financial viability. There are too many to redistribute elsewhere on the site and still achieve an acceptable block which does not overwhelm the heritage asset of the library building. Many, many different shapes and sizes were tried over a period of more than 2 years - tower at the front, tower at the back, tower on the south site, two smaller towers, one solid block of the same height across the site - over 20 permutations - until the final one was arrived at. The tower is the best solution and in line with long standing and established local planning policy.
119. A significant concern raised by the RAs is traffic congestion on Russell Hill. There is a current problem of pollution and congestion, with vehicles trying to change lanes and idling at the traffic lights. The configuration of the access being on Russell Hill instead of Banstead Road is to allow the courtyards and balconies of the lower flats to have the benefit of being south facing with the open spaces onto a quieter and less polluting road. All the lower floors of the building on the Russell Hill side are non-residential and mechanically ventilated. TfL did not consider this to be an issue as relatively speaking the number of vehicles using that exit is small. Vehicles leaving the car park that want to go straight on towards Kenley (and therefore need to change lanes) will have the option of doing a small loop around and merge under the control of traffic lights. It is not necessary to go round the whole site and back down Russell Hill again. The dog leg in the road will be straightened smoothing the progress of traffic from the traffic lights and reducing the likelihood of side-on impacts
120. Chris Philp as the local MP has access to the residents of Croydon which are not available to the church or developers. It is therefore important that information he sends out to his huge mailing list, puts in his distributed leaflets, and posts on his webpage and facebook site is at least accurate. His emails and website showed a picture of one of several very early blocking diagrams - a grey faceless monolithic double tower that was rejected a long time ago. Just 3 weeks ago a campaigning leaflet was distributed to every household prominently showing the same block image despite the fact that Chris Philp was challenged on this 2 years ago and had (and has) access to the true design pictures. This leaflet encouraged people to sign the petition which also still carries the misleading picture, as does his website. Last week an email was sent out saying this Inquiry is taking place implying it was a close run thing, when in fact there was no battle. In fact the previous Inspectors report was overwhelmingly in favour of the

development and the Secretary of State backed down before the Court Hearing due to the fact that his objections would not stand up in court.

121. If Chris Philp truly believed that the design of the development and the height of the tower were so bad, then there would be no need for him to deliberately mislead local residents to get them to sign his petition. In summary, the facilities provided in the development will be of significant benefit to the community and therefore justify any small impact on local heritage assets. A tall building on this site is needed to make the scheme financially viable. The design is of high standard and will provide a new landmark for Purley, but the local MP has continued to distribute misleading information to all residents of the area. Therefore the petition cannot be relied upon as a reflection of what the public would say if they had the true facts, which Purley Baptist Church and the developer do not have the same means and resources to distribute.

### **Alan Torrey**

122. The LP refers to Purley as a suburban market town in wooded hillsides. At more than 100 dph this scheme would be wildly out of keeping. There is no precedent- Colliers Wood is the nearest urban area and one has to ask why Purley is being singled out for such a scheme which will make a huge change. Pollution in Foxley Road has deteriorated since the last Inquiry. The additional traffic generated by this scheme will not improve matters. Air quality and what to do with the Purley gyratory are major issues that this scheme will do nothing to resolve.

### **Kevin Williams**

123. A long term resident of Purley. There has been an increase in vagrancy and buildings are deteriorating. This scheme has become a 'sword of Damocles' hanging over the town and is dying because of it.

### **Graham Batts**

124. One-time Mayor of Croydon and President of Purley Resident's Association. People living in Purley are more aware of the potential benefits of the scheme. He is keen to enable the church to continue with its community facilities. The increase in residential activity is also welcomed. The Purley Business Forum support the scheme for the additional footfall it will bring. In terms of character, the site has been desolate and unsightly for 40 years- the run-down shopping centre will improve. Whilst aware that not all members of the Purley Resident's Association support the scheme, the majority are firmly in favour. The benefits far outweigh the disadvantages.

### **Lucia Briault**

125. Purley has evolved. In 2019 Croydon Council declared a climate emergency, yet is consulting on construction of 26000 homes up to 2039. Emissions from domestic properties are substantial, especially those over 6 storeys because they are less efficient. This is not the time to be building towers above this height. Moreover it would create a horrible 'wind tunnel'. Whilst the viability arguments are understood, what Purley needs is a new pedestrianised public realm.



## **Lewis White**

126. Mr White is a landscape architect and is overall ambivalent about the scheme. He referred to his previous remarks summarised by the previous Inspector on p44 of the OR, which remain relevant. He remains certain that the scheme is well crafted in design terms but considers the 'campanile' on the upper floors detracts from the tower by making it seem taller than it actually is. The dark finishes on the north side will suck up light and negate its otherwise cheerful appearance. This site needs to be developed. The architectural quality is excellent except for this caveat.

## **Adrian Britton**

127. Mr Britton has lived in Coulsdon since 1981. He is a retired Fellow of the Royal Institution of Chartered Surveyors and for a period well before retirement was Chairman of the Institution's Housing Committee. This is his personal opinion based on professional experience and a keen interest in public policy and political activity, local observation and what has been learnt from attending this Inquiry. He is very impressed by Councillor Scott's evidence; he agrees with the challenges that the Council faces in meeting society's needs and aspirations in this Borough, and is impressed by the way the Council is tackling them. He also found the opinions expressed about car use and the transportation alternatives, both available now and expected. He supports the proposed very limited provision of car parking within the scheme the subject of this Inquiry. The subject scheme is not one that those who want to have their own car, except possibly those with a relevant disability, should choose to live in.
128. He was pleased to learn that the RAs now accept that the proposed development would make a valuable contribution to meeting housing need. In his view this aspect should be regarded as essential in the absence of any factor judged to be truly over-riding. Ensuring that each household has a home that affords it the opportunity to achieve and maintain fulfilling, positive, wholesome and healthy lives benefits society as a whole and mitigates the calls upon the public purse. Achievement of these objectives is a real challenge. The provision of more accommodation than is required is necessary to allow for stock which is poorly located, voids during changes in occupancies and during renovation, and so that a start can be made to gently reduce its price in real terms.
129. He has not identified and did not hear any factor which he regards as truly over-riding the proposed contribution to meeting housing need. And plainly the Inspector who considered the subject application very thoroughly did not either. He did not look at the plans for the site before yesterday, as he wanted before coming here to form his own appreciation of the height of the proposed tower, uninfluenced by impressions of what it might look like. On his way to the bus in Coulsdon he studied the height of a new 7-storey block of flats in Coulsdon Town and then sought to imagine a block two and half times as tall. Arriving here he walked right round the gyratory, diverting perhaps a hundred metres up the roads leading off, including into the Purley District Centre. Each time he stopped he sought to apply his impression of the tower's height from those locations. It is very tall. But it is intended to be a landmark and he concluded that it is certainly not a truly over-riding factor, and that it could be a good idea, depending on the quality of the design. Soon after the Inquiry was opened he found assurance in his opinion from Counsel for the Applicants' reference to professional documents

advising that the introduction of a landmark building, of good design, can enhance the character of and interest in an area. Some change in the character of an area ought to be acceptable to reflect changes in society's needs and/or intensification of existing challenges and legitimate aspirations. The 'solution' cannot be a perfect one which will satisfy everyone. Borrowing inappropriately a phrase presently in frequent use, he believes we need to "get the application done".

### **Maureen Levy**

130. Maureen Levy is Secretary of East Coudsdon Residents' Association (ECRA), Chair of Friends of Marlpit Lane Bowling Green, a member of the Committee of Friends of Farthing Downs and Happy Valley, and several other committees within Croydon. In addition, she is a Patient Representative to One Croydon Alliance. In the 17 years she was directly involved in the planning system within the London Boroughs of Croydon and Sutton, she had believed that the role of planning control was to prevent harm to the built environment with a genuine desire to ensure development was of the right sort, in the right place. She no longer believes this is true for Croydon. Just after they produced the latest LP they produced a policy SPD2 which was to push for intensification in the south of the Borough. There is little doubt that the island site between Russell Hill Road, Banstead Road and the Brighton Road needs to be developed as it has been an eyesore for many years and this is recognised. But - please - not with the carbuncle which is being proposed. It has been said that the design is 'wonderful'. This may be true but possibly in such a place as the centre of Croydon but not in an area such as Purley.
131. She is not against new development, and very often in her role of planning within ECRA supported planning applications as well as objecting. Developments need to have a positive impact upon an area and its environment and this 17 - storey monstrosity will not have a positive impact and will be unacceptably harmful. Developments in Purley need to be appropriate to the area. If the 17 - storey building is allowed to go ahead, it will fundamentally change the character of Purley and have a harmful impact on the surrounding areas and will have ignored the guidelines and material considerations on density and those contained in the National, London and Local Plans.
132. The perspectives contained within the plans which have been presented are mis-representations of the scale and effect which the proposed 17 storey building will have on Purley Town Centre, Purley and the surrounding area. However, the attached illustrations<sup>47</sup> do give some idea of the affect a 17 -storey building would have on the area. These are taken from the planning application on Croydon's Planning Website so are accurate as presented by the developers Architects.
133. There is a need to take into consideration the overall view from the ground. Why build in such a brutal way and against the wishes of the residents? The Church does much good work in the community but, surely it would be more sensible, less intrusive and controversial if the buildings along Banstead Road were of a more even height without the 'stepped' buildings and then there would be no need for a 17 -storey building. The applicants say architects would be

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<sup>47</sup> See Doc 8

unable to find any other way than the way the plan is presented to get the number of properties needed but she provides a suggestion of how this could be achieved.

134. She notes that the architects' drawings show shadowing for the smaller buildings but not for the 17 -storey tower. Why not? The London Plan states that: 7.7A - 'Tall and large buildings should not have an unacceptable harmful impact on their surroundings' and 7.7e - 'should only be considered in areas whose character would not be affected by the scale mass or bulk of a tall or large building' and 7.7C - 'relate well to the form, proportion, composition, scale and character of surrounding buildings, urban realm and public realm ...particularly at street level'. The Croydon Plan states: 7.60 - New development will respect the existing local character and distinctiveness of Purley and 7.60 - buildings and conversions should be of a high standard of design to ensure the character of the Centre and the Conservation Areas are respected'. This development fails ALL of these tests. It is only a landmark by reason of its size compared to other nearby buildings. If allowed to be built, it will certainly make a disastrous mark on Purley. It does not relate well to the scale and character of early 20th Century buildings in Purley.
135. Traffic congestion is already an issue in the area. With the proposed Westfield development in Croydon Town Centre and other developments around the area this can only get worse, during the construction stage and when customers are travelling from far and wide around this major route to get to the Town Centre or further into or out of London. The current concerns about air pollution should most certainly be taken into considerations for this site. In Croydon an Air Quality Management Area (AQMA) has been declared for the whole of the borough. We are failing to meet the EU annual average limit for Nitrogen Dioxide at some of our monitoring stations and modelling indicates it is being breached at a number of other locations. An air quality Focus Area is a location that has been identified as having high levels of pollution and human exposure. There are five focus areas in the borough. These include Purley Cross and Russell Hill. Surely such a large building can only add unacceptably and unreasonably to very poor air quality in an already polluted area? Of the many dangers of pollution, the children in the nearby school at Russell Hill and John Fisher have not been taken into consideration, Nor have the children who may live in these flats with little amenity space to play and the additional pollution of cars trying to exit the site as well as the fast moving traffic surrounding the flats.
136. The site is a key location within the Purley District Centre (PDC) and is in the centre of the one-way A23/A22 gyratory system, a review of which Transport for London (TfL) are currently consulting on with a view to easing congestion in the future to one of the most congested junctions in Croydon. Should this go ahead with Mosaic Place proposed development in the centre, the Westfield approved development in Croydon Town Centre and the likely strategic modifications by TfL, Purley will be gridlocked for years to come.
137. As is very well known, this site is on a flood plain and floods regularly. The Environment Agency flood map illustrates this very well and this will not bode well for any building on this site unless mitigating actions are taken, especially as there are 2 additional basement floors to the 17 above ground. She cannot see how these would escape flooding in the future.

138. Turning to health provision across the Borough, she was involved with the 8 Residents' Associations when Croydon Clinical Commissioning Group reduced Purley Hospital Urgent Care Centre (open 8 am to 8 pm) to a Minor Injuries clinic only open 2 pm to 8 pm - basically a first aid station. There are inadequate health provision facilities for the south third of the Borough (a third of the population) as opposed to that of the other two-thirds. At that time there were 9 Health facilities for the south (including the fought for Purley GP Hub) and 49 for the other two-thirds (including the very large Croydon University Hospital). Since then 2 more health facilities have closed in the south so there are now only 7. The NHS applied to Croydon for funding from s.106 and CIL monies for Coulsdon Health Centre but this was refused. As a result of the Urgent Care Centre dispute she got involved as a patient representative in various health forums. In southern Croydon there have been very many developments of single houses being demolished and generally being replaced by 9 or more flats. The s.106 and CIL money has gone into a central 'pot'. Much has been used for expansion of schools. In Coulsdon there have been a few additional classrooms but nothing substantial. All the developments which there have been should have resulted in the provision, not only of the refused health centre, but other infrastructure.

### **Simon Cripps**

139. Simon Cripps is CEO of Purley BID (Business Improvement District) and a resident of Purley. The site has been derelict for 40 years. The area needs to draw in new investment. He is firmly in favour of the scheme. Whilst Purley has a 'village' character, places evolve. There's a housing shortage and a need to build on brownfield sites. More people and families will reinvigorate the town.

### **Mike Rodwell**

140. Mike Rodwell has been a resident in this Ward for 42 years and is a member of KENDRA (Kenley Residents Association) and Purley Baptist Church. His forebears at the church raised funds and built the existing facilities step by step over 130 years to meet the growing needs of the church and local society. The current facilities have served well those needs but some 15 years ago, they recognised that as society and therefore local needs changed, it was clear PBC had to expand its vision and services. Not surprisingly the facilities were found to be no longer fit for the objectives of the church and the needs of the people of Purley and its surrounds.

141. The church currently provides, in cramped facilities: Counselling services, Legal Consultation, Tax help, CAP job Club, CAP Money Management, Renew 23 a cafe drop-in centre for all, a Food Hub run and administered with other local churches; and Purley Cross Centre a services and general information centre. On this site 30+ separate activities are held on a weekly basis excluding many of those directly associated with responsibilities to church members. On Sundays there are 4 services and two Sunday schools in order to accommodate everyone. The current premises are no longer fit for purpose. There is a risk of jeopardising the ability to serve the needs of the local community in particular those less advantaged than many of us. He emphasises particularly the inability to meet some of the most basic needs of people with disabilities be they young or old. As an example, providing access and safe passage for those with wheelchairs, or with sight impairment is virtually impossible. The church is determined to serve those in our community who are less privileged.

142. Purley has been referred to by some as a village, conjuring up an idyllic sleepy idyll. It is not. It is no safer than any other small London town. He passionately wants Purley to change and not continue to crumble and deteriorate any further. In the year from November 2018 to October this year there were (figures from official Police statistics) 316 anti-social behaviour, 87 criminal damage and arson, 50 thefts and robbery, 6 possession of weapons, 336 violence and sexual offences, in total 1503 police recorded incidents in one year. That is just over 4 per day. He specifically refers to the recent fatal stabbing here in Purley which had a serious impact on the confidence of our community. The PBC development will provide a safe base for young and old for mothers and babies, old and young, able and less able, those in distress and the needy. There will be a spiritual uplifting as the modernisation of our town begins, fitting it not for the idealistically viewed past but for the reality of the present and future. PBC have always seen it as their mission to serve the local community and to help keep the heart of Purley vibrant and a fit, safe location to live in the 21st century. Our aim is to build on the past but most important also plan for our future. There are many in PBC who share the passion for care and service to the needy and who wish to secure the future by getting on with this Landmark building and kicking off the regeneration of Purley. The community deserves it.

### **Ben Gurshon**

143. Ben Gurshon is a local estate agent who points out that the town centre cannot be seen from 90% of local roads. Within the town centre there needs to be development that provides a 'pull': it would deteriorate otherwise. 49 apartments have been allowed at Foxley Lane next to the library so it is hard to see any harmful heritage impact. The design is a subjective issue but the quality of the materials is important. Without change, the town centre will go backwards. There is insufficient residential stock in Purley which is keeping prices high.

### **Janet Storey**

144. Janet Storey is chairman of the Purley Flood Group and points out that the flood maps are very out of date. There is insufficient funding for flood defences.

### **Moya Gordon**

145. Moya Gordon has been a Purley resident for 7 years. She notes the strong opposition from this local community. The applicant's case relies heavily on the LP stating that a 16 storey building is appropriate for Purley. But she argues that given the number of people objecting to a 16/17 storey building, demonstrated by the Residents Associations who represent thousands of local people and the 8,000 signatories to a Petition objecting, it is only right and fair that the Croydon LP be revised to take account of these people's views. Local Plans should respond to changing circumstances and be revised as necessary. Since the inclusion of a 16 storey landmark building in Purley in the LP, local opinion has changed and many people now think it is not appropriate. And it's questionable whether there was sufficient consultation with local people at the early stages of plan making. Had there been, then the local community's wishes for there not to be a tower block in Purley would be reflected in the Plan.

146. The Secretary of State should intervene and invite Croydon Council to revise its LP. This planning application should be put on hold until a public consultation has taken place over the removal of the 16 storey building in Purley in the LP. If



this 17 storey building goes up it will be there forever. This is a once in a generation chance to stop a hugely unpopular and fundamental change to Purley.

147. Other issues which the applicant is relying on to build its case for the development in my view are the very issues which make it unsuitable. Briefly as they have already been covered: the GLA are telling developers they do not need to follow density guidelines, but without controls over density where will we end up? Suburban slums like we had in the Victorian Times? Then there is overcrowding, pressure on local services and parking issues- 77% of homes have cars (RAC). There is a housing shortage, but there are alternatives to tower blocks such as garden villages. In written representations, Ms Gordon points out that research from satellite imaging shows that only 6% of the UK is built on, and the proportion of land with 'continuous urban fabric' is 0.1%. When surveyed, people in the UK on average estimate that 47% of the UK is densely built on. This error distorts the discussion around where we as a nation should be building new homes.

### **Donald Speakman**

148. Donald Speakman is an Honorary Alderman and was Purley Borough Councillor from 2002-2018. He asks that the decision is delayed until the second part of the Grenfell Inquiry has reported. He asks that a second stair should be inserted for fire escape reasons.

### **Richard Shakespeare**

149. As a member of the church Mr Shakespeare drew attention to the large number of schools and supermarkets that contribute to the church's Food Bank activities and the value of its activities within the community.

### **Written Representations**

Representations made to the first Inquiry remain relevant<sup>48</sup>. Written representations to the second Inquiry<sup>49</sup> broadly repeat the observations for and against the proposal made at the first Inquiry. The main points of objection remain the height of the tower, traffic congestion and the availability of parking places for the new occupants. The following representations draw attention to additional points that the Secretary of State may wish to draw upon:

150. **Philip Gould** notes that all the photographs in the Townscape and Visual Assessment Report (May 2016)<sup>50</sup>, intended to show there is little visual impact on the small town centre of Purley, have been taken from long distances or using wide angle lenses. These foreshorten the view and diminish the immense scale imbalance of the proposed development when compared to the effect when seen at a shorter distance, for example across the street or in the immediate environs of the proposed sites.
151. **Stephen Lehec**, the freeholder of 1 and 2 Russell Parade points out that the applicants' Shadow Path Analysis shows balconies and amenity areas would be overshadowed all day, in conflict with Building Research Establishment (BRE)

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<sup>48</sup> 465 items contained in a blue folder

<sup>49</sup> 238 representations in a pink folder

<sup>50</sup> CD 1.27

guidance: and that window positions are incorrectly shown. There would also be an effect on privacy.

152. Amongst others, **Ray McManus** draws attention to matters including school placements/availability, local nursery placements/availability, local GP/medical services availability, the impact on local police services especially in light of the recent knife attacks in the area and disruption that will be caused during construction on an already heavily congested series of roads.
153. **Richard Stokes** says that the decision on this called in application clearly goes against the Government's stated policy of building more housing. With the support of the Council, the recommendation for planning permission was given, there was a developer ready to build, but the Secretary of State unilaterally decided that it shouldn't be built. Inexplicable, and not joined up government. That this scheme was 'Called In' is a mystery. The Government website states that applications are Called In if they are 'nationally significant.' Clearly this development is no such thing. This has been a waste of taxpayers', and everyone else's money. In the meantime, and as a direct result of this, Purley, one of the most affluent areas in the country has been condemned to a long period of dereliction. If this scheme doesn't go ahead it will no doubt be derelict for many more years.
154. **Simon Gordon** notes there are 220 flats proposed but only 37 parking spaces. It is, at best, wishful thinking to think that all the residents of the new block of flats will exclusively use public transport. Any family that wishes to travel anywhere other than in towards Croydon or London will need a car. For example a trip over to the coast at the weekend or into Reigate or Banstead will require a car. Some will even think that a trip over the road to Tesco warrants a car to carry all the shopping home. To imagine that all the residents of this proposed new block will not have cars is naive. Therefore there will be at least 183 additional cars (assuming only one car per flat) in Purley town centre parking on nearby residential streets where parking is free and adding to the already hugely congested roads in the area.
155. **Bill McIlroy** says amongst other things that the war taught his parents the necessity of relating to one another and pulling together. Today a culture of individualism pervades society with its mantra 'me first'. He writes in support of this planning application because it has at its heart an organisation that is learning to replace 'I' with 'We'. Their contribution to the Christmas lights is a bright example, as is the recent introduction of the Renew 23 Café as a safe place for those with mental difficulties, of an organisation acting out its involvement with those in its local community. Purley lies in a dip set among the chalk hill spurs of the North Downs. Any building development of this size is bound to make an impact. Far from being an 'eyesore' and whilst he would like the front of the church to be more inviting he believes the project's impact is mitigated by the recognised quality of the design and the presence of hills on three sides rising around the site. The town will have a fine landmark building with its attractively designed top floor in keeping with this significant town junction.
156. **Chris Giles** also supports the project and says that walking through Purley High Street and the roads surrounding the High Street one is quickly overwhelmed with a sense of despondency - shops closing down - vacant

buildings - colourless hoardings and a general 'tatty feel' to its overall appearance with an associated lack of service provision. It becomes in his view a self-fulfilling prophecy as fewer people will be attracted to the centre of Purley heralding more closures - less upkeep of premises - and deepening of the malaise. Planning and working together with different groups in the community will surely promote a greater community cohesiveness - enrich our service provision and create more safe spaces and local places for people to gather.

157. **Philip Gibson**, a local resident, amongst other observations, draws attention to the height of the tower seen from higher ground and the area of residential property that would be visible from the upper floors of the tower.

### **Conditions and Obligations**

158. The drawings and details of the proposed development remain the same as those considered by the Secretary of State following the 2018 Inquiry. The applicant has provided written approval<sup>51</sup> of the pre-commencement conditions as required by the Neighbourhood Planning Act 2017 (Commencement No 5) Regulations 2018. The suggested list of conditions (and reasons) is also the same, except that a previous reference to public art in the reason for condition 38 referred back to the previous, now out-of-date Croydon UDP. In the attached schedule this reference has been changed.
159. The signed and dated Section 106 Agreement<sup>52</sup> provided for the first Inquiry remains relevant and enforceable. The observations and conclusions in the OR in section 14 at (p45) are endorsed<sup>53</sup>. The s106 Agreement meets the tests set out in paragraph 56 of the 2019 NPPF and Regulation 122 of the CIL Regulations. As such the S106 Agreement attracts very significant weight.

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<sup>51</sup> Doc 18

<sup>52</sup> CD 15.30

<sup>53</sup> Observations on CIL Regulation 123(3) which restricts the use of pooled contributions that may be funded via a s106 Agreement are now superseded, following the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019



## Inspector's Conclusions

*In this and subsequent sections, numbers in brackets [] refer to the main paragraphs in the Report that are of relevance*

*References to paragraphs in the previous Inspector's original Report are prefixed 'OR'.*

### *Policy considerations*

160. The RAs and Chris Philp MP specifically refer to the guidance in the 2019 NPPF on the creation of high quality buildings and places, which has evolved since the 2012 NPPF. The Government's advice on design has also been significantly expanded in the NDG and NPPG. However the fundamental principle at paragraph 127 sub-paragraph (c) of requiring new development *to be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities)* has remained the same, the wording being similar to the 4<sup>th</sup> bullet point of paragraph 58 of the 1012 version.
161. Paragraph 131 enlarges on paragraph 68 in the 2012 NPPF. The words *'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'* now replace *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'*.
162. The general thrust of these paragraphs in both versions of the NPPF is the same and the arguments at the second Inquiry revolved around judgment and interpretation. For the avoidance of doubt, all references in the OR are to the 2012 NPPF.
163. Adopted 2016 LonP policies remain unaltered. Again, discussion at the Inquiry focussed on interpretation of the policy meaning and application. The most relevant emerging LonP policies D1B (quality, scale and appearance) and D8 (tall buildings) were available to the previous Inquiry. The emerging LonP policies have since been subject to examination in public and greater weight attaches to them now that adoption approaches. To update the current position, the Inspectors' Report to the Mayor of October 2019 sets out at paragraphs 280-282 and 301-307<sup>54</sup> the preferred approach to density and tall buildings. The emerging LonP dispenses with the 'density matrix' in the 2016 LonP (which itself is not proscriptive) in favour of a design-led approach with no upper limit on density, based on local context. The development of tall buildings is to be 'plan-led' and 'design-led' as the intention is that impacts would be addressed at plan-making stage. Policy D8 includes a comprehensive list of criteria that need to be taken into account. [48,105,108]
164. The 2018 LP was adopted before issue of the July 2018 NPPF and its subsequent revisions. Adopted LP policies were the subject of consultation and examination. In particular policy DM42: *Purley*<sup>55</sup> was the subject of issues and

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<sup>54</sup> CD 16.1

<sup>55</sup> CD 16.2 (previously policy DM44: Purley in the August 2017 main modifications)

options in 2013, followed by objections<sup>56</sup>. It was the subject of a special hearing. There were no objections from Councillors. Whilst many objectors at the Inquiry still question the events that led to adoption of DM42, it remains adopted policy. [53,122]

165. LP policy DM15 goes to some length to explain the rationale behind tall and large buildings in Croydon. The context for tall and large buildings, set out at paragraph 6.151, is mapping of locations outside the central opportunity area based on character analysis, PTAL ratings and availability of open space. The policy sets out criteria, the most relevant of which are;
- b) a minimum Public Transport Accessibility Level (PTAL) rating of 4, with direct public transport connections to the Croydon Opportunity Area;
  - c) design of exceptional quality and demonstrating that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale; the building height, footprint and design relates positively to any nearby heritage assets, and conserves or enhances the significance and setting of the assets of the wider historic environment;
  - d) the building height, footprint and design relates positively to any nearby heritage assets, and conserves or enhances the significance and setting of the assets of the wider historic environment; and
  - e) to ensure tall and large buildings are well integrated with the local area, they should include at least an active ground floor and inclusive public realm.

Purley is one of 9 District Centres in Croydon identified for growth in policy SP3.6.

166. Turning to the advice on tall buildings in the NDG, paragraph 69 says that *'well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline'*. Paragraph 70 adds that *'proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character'*.
167. Other relevant paragraphs include 63 *'Compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car'*; 64 *'Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context'* and 65 *'Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development'*. At the Inquiry, there was a suggestion that the up-to-date 2019

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<sup>56</sup> See Mr Pearson's appendix GC2 CD14.6 (1<sup>st</sup> Inquiry)

NPPF, the NDG and the NPPG should influence interpretation of the LP, particularly policy DM15 on tall and large buildings and the potential for a tower in Purley in policy DM42. However, there is nothing in the up-to-date NPPF, NDG or NPPG to indicate that a different conclusion should be drawn on the meaning and objectives of the adopted policies. [19,20,51,106]

### *Character and appearance*

168. The character of the area around Purley derives mainly from its emergence as a residential suburb during the 19th and 20th centuries, stimulated by the development of the railway station and the nearby junction of the main roads leading from London to Eastbourne and Brighton. The settlement lies between steep-sided hills at the confluence of the Caterham and Coulsdon Bournes, valley streams now mostly culverted under roads. The Edwardian mock-Tudor central parades of 3/4 storey shops and flats along both sides of Brighton Road present the most architecturally consistent and active frontages at the centre of the urban area (a Local Heritage Area). Similar 1920s shopping frontages in Russell Hill Road also form part of the primary shopping area, linked on the corner with Brighton Road by 960 Brighton Road, a former bank, now locally listed.
169. The character of the A23 and A22 north and south of Purley is mixed, with 'ribbon' development of shops, flats and offices with some community uses including the listed United Reform Church. The 1991 Tesco superstore and car park occupy the site of a former water works south west of the centre. This is separated from the main shopping area by the 5-way gyratory junction accommodating traffic flows along the dominant corridors of the A22 and A23 together with Banstead Road (leading to the A2022) and Brighton Road (A235). The Croydon Borough Character Appraisal of 2015<sup>57</sup> points out that the negative impacts of this road junction upon the town are considerable.
170. The Baptist Church and Purley Library lie on the 'Island' site, described as such as it is surrounded by the one way heavily trafficked Banstead Road, Brighton Road, Foxley Lane and Russell Hill Road. The Purley Hall was built adjacent to the church but this has now been demolished and forms part of the application site. This part of Purley centre has always contained buildings with community functions and is very much part of the centre. However the gyratory road system dominates this part of Purley. The empty site facing the gyratory represents a regeneration opportunity to re-define the centre in accordance with the vision set out in the LP<sup>58</sup>. [40,46,70]
171. Away from the centre and the main roads, the predominant character consists of leafy suburban residential streets with many large dwellings and some apartment blocks. The 'garden suburb' Webb Estate and Upper Woodcote Conservation Areas are on raised ground east of the centre. The wooded ridges around Purley are conspicuous in many views and are a defining feature of the setting of Purley. These ascend to 140m above sea level, approximately 80m above ground levels in the centre<sup>59</sup>.

### *The effect of the proposed development*

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<sup>57</sup> CD 12.11

<sup>58</sup> Paragraphs 11.155 and 11.156

<sup>59</sup> Taken from Croydon Area Character Appraisal CD 12.11

172. The existing mock Tudor frontages of Brighton Road, the High Street and parts of Russell Hill Road are well preserved and attractive architecturally, but the overall impression is of a tired town centre retail environment with a public realm in need of investment. The large Tesco provides convenient parking, but the large, busy and noisy gyratory system lies between it and the High Street. The extensive areas of tarmac, traffic infrastructure and rapidly moving traffic at the gyratory includes many HGVs and buses. Crossing the gyratory involves at least one traffic light-controlled crossing. That combined with the unpleasant environment and the not inconsiderable distance from the Tesco entrance, would discourage many shoppers from making linked trips from the car park to the main centre.
173. Whilst identified for improvement, there are no current plans for upgrading of the highway infrastructure<sup>60</sup>. The gyratory is the dominant feature of the south west end of Purley and has a marked detrimental effect on the character of the centre as a whole. The hoarded island site and derelict buildings on the south site on the corner of Brighton Road and Banstead Road accentuate a sense of decay.
174. Importantly, no party at the Inquiry disputed the massing, siting or overall design quality of the proposal for the south site, which on the street elevation extends from 4 to 8 storeys. No-one disputed that this element of the overall scheme would meet the relevant high design quality requirements of LonP and LP policies and would be a welcome addition to Purley's suburban edge. With respect to the relationship between the development on the south site and the immediately adjacent semi-detached houses, by reason of the varying distance between the buildings, the small windows in the flank wall of the existing building, the rise in ground levels and new planting, there would be no unacceptable effects in terms of living conditions. The step down in height from the 8 storey Brighton Road elevation to 4 storeys along Banstead Road would provide an appropriate transition in massing and would be similar to many other instances in the area where small apartment blocks have replaced older dwellings. The materials used for the front elevation of the new 4 storey block would be white and red brick which would reflect common locally used materials<sup>61</sup>. There would be no harm caused to the character or the appearance of the area. [24-26,42,62]
175. No party disputes the advantages of redevelopment in bringing back retail and residential activity to an important part of Purley's centre. In addition, no party disputes the contribution that the proposed retail and community uses would make to the island site and the street scene on the Brighton Road frontage. There is no argument that there would be significant material benefits on the corner of Russell Hill Road and Brighton Road, where there would be a new public open space including the entrance to the new church facilities. The parties positively welcome the improvements to the public realm at ground level in Banstead Road and Brighton Road. There is no evidence that these aspects breach any development plan policy or national guidance. [26-7,59]

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<sup>60</sup> The proposed development allocates an area at the corner of Russell Hill Road and Brighton Road for highway improvement by transferring a triangle of land to Transport for London. This would facilitate removal of a bottleneck where traffic moves forward towards the A22. See drawing No. A304\_PL\_012

<sup>61</sup> See drawing refs 1272-CA-A-XX-DR-EL-310-P1, 1272-CA-A-XX-DR-EL-302-P1 and landscaping plan 423.02D

176. The height of the tower remained the main concern of most objectors, but no new evidence was provided to indicate why the height of the tower would conflict with existing development plan policy, emerging policy or updated guidance on design. The suggestion of 'potential for a new landmark of up to a maximum of 16 storeys' in LP policy DM42.1b does not specify a physical height or location. Storey heights may vary according to use, services provision and structural choice. In this case, the predominant residential storey height in the tower of 3.15m would be unexceptional<sup>62</sup>. Mr Philp and the RAs acknowledged in CX that the difference between 16 and 17 storeys is not a major issue. The total height of the tower at approximately 59.5m above street level would not appear prominent seen against the surrounding landform. It is the varied topography that provides the opportunity for a landmark, as set out in LP paragraph 11.168. It was notable at the Inquiry that no other potential sites for a landmark building were put forward as more suitable. The principle of a tall tower in the chosen location was supported by the Design: South East Panel in their letter of 15 October 2015<sup>63</sup>. [16,21,50,57,77,85,107,110,145]
177. The height of existing buildings in Purley ranges from 3-8 storeys but the prevailing heights that define the centre are 3-4 storeys. There is no question that the 17-storey tower would significantly change the character of Purley because it would be conspicuous in many views within the town and visible from some distance. However, it would be well related to its surroundings in terms of urban design, being relatable in scale to the adjacent large gyratory system and the Tesco superstore. It would be sited right at the centre of the commercial area of Purley on a site traditionally used for community and commercial purposes. Moreover, the brick facing on the lower part of the tower would relate to the existing Edwardian shopping area. The massing would step up on the eastern and northern sides to relate to the existing urban form.<sup>64</sup>[16,52,57,72,81]
178. The variation of finishes with height and the campanile element at the top would soften the overall height and bulk of the building, even if the Scots Pines envisaged by the appellants at the highest level ultimately grow too large or fail, which is a concern of some. More modest planting would still achieve the desired aim. Some objectors refer to the unattractive proportions of the tower, but the applicants' architect demonstrated how the proportions of the building envelope and the distribution of different finishes had been based on long-established principles originating in the 'golden section or ratio'<sup>65</sup>. There are representations from those who find the proportions and design attractive. Even those who object to the height of the scheme generally acknowledge the effort that has gone into otherwise achieving a high level of architectural quality. It was also apparent from those who spoke that the wide distribution of early conceptual images may have led to a poor understanding by some of the merits of the eventual design. No criticism was voiced at the Inquiry on the appropriateness of the approach adopted by the developer or the architects, or the images provided in support of the design development process. Importantly, that process took place in full consultation with the Council and the public<sup>66</sup>. In conclusion on this matter, the tower element would be interesting in appearance and elegant in proportion. It

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<sup>62</sup> See drawing A304\_PL\_130 and others for dimensions

<sup>63</sup> CD 12.7

<sup>64</sup> See drawings A304\_PL\_100-103 for elevations of tower in context of existing streets

<sup>65</sup> See Andrew Matthews Supplemental Proof of Evidence p52

<sup>66</sup> See Planning Statement CD 1.4 Section 4 pp13/14



would satisfy the criteria set out in LP policy DM15 and was designed to do so. [16,22,59, 101,111,120,126]

179. The number of dwellings provided (220) is only slightly higher than the maximum number anticipated in appendix 7 of the LP and Table 11.10 (sites 35 and 130). The proposed density of 807 habitable rooms per hectare (hr/ha) would be outside the range of 200-700 hr/ha in table 3.2 of the LonP<sup>67</sup> for an urban area. However, the LonP guidance is not proscriptive. The emerging LonP omits guidance tables in favour of a design-led approach in policy GG2. [48,105,108]
180. Importantly, the supporting text to the DM10 suite of design and character policies in the LP, whilst advising that a fundamental part of achieving high quality built environments is through understanding the local character and the qualities which contribute to local distinctiveness (at paragraph 6.30), also references place-specific development management policies in Section 11 including Purley. Paragraph 11.3 notes that *'An evaluation of local character was conducted to identify the locations in each of Croydon's 16 Places where Place-specific development management policies would be beneficial'*. Paragraph 11.156 advises that *'As a broad location (Purley) the main focus of major residential growth will be in and around the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness'*. Table 11.10 sets out the proposals for uses of land on specific sites. It follows that the proposed use and the proposed density, and the principle of a landmark building, are firmly plan led. [16,50,57,107,110,145]
181. The development would not replicate or imitate the prevailing modest building heights or architectural style, but it would respect the existing elements of quality whilst creating a new focal point that would redefine, invigorate and update the centre as a whole. The scheme would also provide a significant number of new dwellings and replace aging community facilities. This conforms precisely with the aims of policy. Whilst the tower would be a prominent feature of Purley and would change the character of the town, it would not unacceptably dominate it or the surrounding residential area to the extent that any material harm is caused. The church entrance and retail frontage at the end of the main shopping street would provide a punctuation point in the vista along Brighton Road. Whilst there are many who consider that the exceptional difference in height and bulk must in themselves be intrinsically inappropriate and disrespectful, the design takes account of and respects the existing character and scale of the surrounding environment and is sited in a location in the centre where its height and bulk would not appear out of place. [19,51,56,73-77,106-7,129]
182. At the site visit, it was apparent that the visualisations had been prepared using wide-angle lenses, to the extent that many of the depicted views could not be appreciated by the human eye without turning the head slightly. The Townscape and Visual Impact Assessment (TVIA) confirms that these range from 14-35mm<sup>68</sup>, those within the centre all being taken with a 14mm lens. The Landscape Institute Technical Guidance Note 06/19 indicates at Appendix 1 paragraph 1.1.7 that in some circumstances, if a 50mm lens cannot capture the

<sup>67</sup> CD 10.3

<sup>68</sup> Townscape and Visual impact Assessment CD 1.27 Table 5 pp44-6

view in landscape or portrait orientation (for example, if the highest point of the development is approaching 18° above horizontal) the use of wider-angled lenses can be considered. The applicants subsequently produced a note on focal lengths<sup>69</sup>. In visualising the effect of the tower in the urban circumstances that apply around the application site it is not inappropriate to use a wide-angle lens, providing those that draw conclusions from it are aware of the implications. The use of wide-angle lenses was fully taken into account in assessing the TVIA. [149]

183. To conclude, the development is an example of a scheme where in the words of the NDG at paragraph 16 *'Well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context'*. At paragraph 59 *'Where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity'*. The existing environment around the south west end of Purley is depressing and uninspiring. The proposed scheme would positively transform the area with a building of high architectural and material quality.
184. Accordingly the development would be in accordance with LonP policies 7.7; LP policies DM15, SP4.5-SP4.10 and DM42.1; and national guidance.

#### *The effect of the proposed development on designated and non-designated heritage assets*

185. The heritage significance of the Grade II listed Purley Library is not in dispute. It stems from its distinctive 1930s architectural style, high quality finishes and artistic detailing including bas-relief carvings. Its heritage significance is enhanced by its prominent location between 2 major roads and landscaped grounds including mature trees. By means of alterations to the walls, new access steps and improved finishes, the development proposal would significantly improve the quality of the public realm around the entrance, better linking it to the rest of the Purley centre.
186. The contrasting scale and height of the new tower would be very obvious seen above the roof of the library in views from Foxley Lane and Banstead Road<sup>70</sup>. However whilst interfering with appreciation of its simple form, the tower would be far enough away to avoid appearing overwhelming. The ascending scale of new development between the library and the tower would assist in assimilating the tower into the street scene<sup>71</sup>. Moreover, the very different contemporary architecture of the new development would clearly distinguish it from the

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<sup>69</sup> Doc 15

<sup>70</sup> TVIA CD 1.27 Views 8 and 9

<sup>71</sup> See drawing ref A304\_PL\_101

traditional pitched-roof form of the library. The changes and very minor loss of hard landscape fabric involved in creating new steps near the entrance would be beneficial in heritage terms and in terms of access. The harm arises in the effect on setting, but it would fall well below the threshold of 'substantial harm' set out in paragraph 195 of the NPPF.

187. A new factor in assessing the impact on the heritage interest of the library is the planning permission granted in May 2019 for a new 5/6/7 storey building on the adjacent site at 1-9 Foxley Lane<sup>72</sup> replacing 2 storey dwellings. This is in close proximity to the library facing the north eastern elevation. The Committee Report<sup>73</sup> notes at paragraph 4.3 that *'Given the siting, form and elevational treatment of the proposed development this would have limited impact and overall is not considered to result in harm to this heritage asset'*.
188. Taking this into account, if harm to the setting of the library is perceived in the eyes of visitors and users, it would be near the bottom of the scale of 'less than substantial' adopting the terms used in the SoS' decision letter at paragraph 16. That harm would be clearly outweighed by the specific benefits outlined above. The wider public benefits of the proposal are assessed at the end of this section. [27,60,112]
189. The development would not be easily visible from the Webb Estate and Upper Woodcote Conservation Areas. There would be some visibility from a small part of Furze Lane on the edge of the area<sup>74</sup>. From other places, the scheme would be likely to be largely screened by trees. The heritage significance of the conservation areas derives from the spacious gardens and individual design of the detached houses which were inspired by William Webb and built from 1888 to 1903<sup>75</sup>. The estate was carefully and distinctively designed to a high physical and aesthetic standard. The existence of a new 17 storey tower in Purley would not seriously prevent anyone from appreciating the heritage quality of the conservation areas. Their character and appearance would be preserved. [30,60]
190. Turning to the effect on non-designated heritage assets, the former bank at 960 Brighton Road is on the Local List of Historic Buildings. Its heritage interest stems from its elaborate chimneys with clay chimney pots and ornate masonry, stone quoins, window dressings and string courses all prominent on the corner of Brighton Road and Russell Hill Road. This building is highly visible in the street scene, particularly from the gyratory and looking north east along Brighton Road. It has a defining influence on the rest of the Brighton Road Local Heritage Area (LHA) because of its similar date of construction and corner position, and this is its main function. In views along Brighton Road in a south west direction towards the proposed development, one elevation appears as the termination of the shopping frontage<sup>76</sup>. The main effect of the tower on the heritage significance of No.960 would be in views in the opposite direction and longer views towards the north in which both buildings would be seen together. The tower would be a distraction, but differs very significantly in height, bulk and detail design: it would not seriously impede the understanding and appreciation of the former bank's heritage value and its role in the history of the area and the Brighton Road LHA.

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<sup>72</sup> TVIA View 8 with permitted proposals (Mosaic Place- Additional Views & View Location Plane (November 2019)

<sup>73</sup> CD 16.13 Also referenced at paragraphs 7.16-17. Images at paragraph 7.12

<sup>74</sup> See TVIA CD 1.27 View 13

<sup>75</sup> Conservation Area Assessment CD 12.14

<sup>76</sup> See TVIA CD 1.27 View 03



The creation of the new public space opposite the former bank on Russell Hill Road, the removal of the hoardings and enhancement of the public realm would be positive features in the setting. The ability to appreciate more of the former bank's south western elevation across the junction when proceeding northwards along Brighton Road would be an advantage, as the tower would not be seen from here. Overall, the net effect would be neutral. [30,60,82]

191. With regard to the Brighton Road LHA, similar comments apply, but the tower would have a greater impact on experiencing this area. This is because it would be constantly visible when travelling along Brighton Road towards the south west<sup>77</sup>. Its scale and height would be apparent in most views. On some afternoons, from time to time it would shade the footways and the shopfronts<sup>78</sup>. Nevertheless, the heritage significance of the mock Tudor buildings would still be appreciated because they would remain dominant, defining the retail environment north of the gyratory. In terms of public realm, the effect on this broader area would be positive and enhancing. The finishes and stepped massing of the tower would address the character of the LHA and provide an end to the view down the street. The north eastern elevation of the tower would be varied in massing and finishes and would not appear monolithic. It would be enlivened by the ground floor church entrance and adjacent retail<sup>79</sup>. On balance, the effect on heritage significance would be neutral. [78,83,85]
192. All the other heritage assets mentioned in representations have been taken into account including the United Reform Church in Brighton Road. The development would not affect the setting of this listed building due to distance and position relative to Brighton Road. There is nothing to indicate that any harm that is perceived on any heritage asset would begin to approach 'substantial harm'.
193. In conclusion on this matter, the scheme would have a neutral effect and would not harm any aspect of heritage significance. If it was to be concluded that there was a degree of 'less than substantial harm' then it would be necessary to go on to weigh this against the public benefits of the scheme under paragraphs 196 and 197 of the NPPF. Those include the reinvigoration of an uninspiring area of the Purley Town Centre, significant improvements in the public realm, the provision of a very significant number of new dwellings including affordable housing and enhanced and modernised church facilities which are acknowledged and agreed to be of great value to the community. These benefits far outweigh the limited harm to heritage assets that would occur.
194. Accordingly, the scheme would not conflict with the heritage protection objectives of policy 7.8 of the LonP, policies SP4.13, DM15c, DM15d and DM18.1 and DM18.2 of the LP, or national guidance.

#### *Other matters*

195. The provision of car parking spaces within the scheme is in accordance with LonP and LP policies that support a low level of on-site car parking or car-free development in areas with a high PTAL. Whilst the concerns of local residents that new occupiers would want to park a car in nearby streets is understood, the

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<sup>77</sup> See TVIA View 03, taking into account the use of a wide angle lens referred to in paragraph 183 above

<sup>78</sup> See Planning Sunlight, Daylight & Overshadowing Report CD 1.28

<sup>79</sup> See drawings ref A304\_PL\_103 and A304\_PL\_117

general aim of national and local planning policy is to persuade people to reduce their use of private vehicles in favour of public transport<sup>80</sup>. No new evidence was produced to indicate that there are any circumstances at this site to justify a higher level of parking provision for the future residents or people attending church functions; or that given the national policy objective, an unacceptable impact on parking availability would be experienced in local streets. [34,64,92,108,154]

196. A number of related concerns were repeated at the second Inquiry in connection with deliveries, traffic queueing to leave the church car park onto Russell Hill Road and the likely increase in already high traffic levels that might occur simply as a result of the development taking place. All of these concerns are also related to the effect on air quality, which it was acknowledged has risen in the public consciousness since the first Inquiry.
197. There is no new evidence to indicate that there would be an unacceptable increase in traffic or congestion in the gyratory because of this scheme (including construction traffic, which would be temporary). There is nothing, beyond assertion, to suggest that new residents would find it essential to own a vehicle. Whilst some might wish to order groceries or take-away food for delivery by van or scooter, there is nothing to suggest that the lay-by in Banstead Road would not be adequate for this purpose. [89,91,119,122,135]
198. The location of the vehicle access and egress on Russell Hill Road attracts criticism from the RAs and others because of the existing high level of congestion at this point where traffic travelling south on the A23 waits for traffic lights to allow access to the gyratory. There is nothing to indicate that the numbers of vehicles leaving after a church function, for example, would necessarily lead to a long queue of exiting (and idling) vehicles or that they would have any unusual difficulty exiting onto Russell Hill Road when traffic lights allow a gap in traffic. The church indicated that it would be very unusual for people leaving a Sunday service, for instance, to all leave at once, because of social activity and refreshment. A planning condition requires the imposition of a parking management plan with the expressed object of reducing congestion on the public highway. Moreover, the Council operate anti-idling patrols across the Borough to reduce air pollution. Any complaint about long queues of idling traffic waiting to exit the development would be investigated<sup>81</sup>. [31,43,62-3,94,97-99,135]
199. Whilst traffic is more free-flowing on Banstead Road, the evidence does not suggest that the proposed Russell Hill Road access would lead to unacceptable effects on traffic congestion or air quality. In addition, the allocation of a small area of land on the corner of Brighton Road and Russell Hill Road for Transport for London to implement highway improvements is likely to lead to a significant reduction in the current difficulties that drivers experience changing lane at this junction, with concomitant improvements in levels of congestion. [88,90]
200. The RAs carried out informal surveys of traffic at junctions at Grovelands Road/Brighton Road and Stoats Nest Road/Brighton Road in support of their case that a location in Banstead Road would provide a better access point than Russell

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<sup>80</sup> NPPF paragraph 103: Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health

<sup>81</sup> See Croydon anti-idling leaflet CD 15.12

Hill Road. The applicants' Highways consultant provided a response to this<sup>82</sup>. The snapshot surveys provide useful background information and were considered as part of the unaccompanied site inspection. However, the junctions do not provide a meaningful comparison with Russell Hill Road, the main one being the need to give way to a 2-way flow. From this it is concluded that whilst the advantages of a Banstead Road access are understood, there are no significant identified disadvantages to the chosen access on Russell Hill Road, which has been approved by the Council and TfL. [32,63,65,87-8,94,95,119]

201. Turning to the flooding issue raised by many, there is no doubt that the confluence of the Bournes coupled with increased storm run-off, in part due to new development, is likely to increase flood risk. The development includes provision for excess surface water in attenuation tanks which would ensure that the existing flood risk would not get any worse, subject to further details required by condition<sup>83</sup>. [108,137,144]
202. The Grenfell House fire led to a number of objectors pointing out the risks of fighting a fire in high-rise residential buildings and the effectiveness of providing only a single escape stair in the tower. The Grenfell Tower Inquiry has completed its Phase 1 report and hearings for Phase 2 are about to start. The final conclusions and recommendations that may result are currently unknown. The proposed scheme is designed to meet current regulations controlling means of escape and fire spread and resistance. Any changes to those regulations and any other recommendations made as a result of the Grenfell Tower Inquiry will emerge in due course. In the meantime, the acceptability of the scheme under planning legislation is the purpose of this Report. [79,148]
203. Concerns have been expressed about the loss of daylight and sunlight at Nos. 1 and 2 Russell Parade. The Planning, Sunlight, Daylight and Overshadowing Report<sup>84</sup> identifies these properties as vulnerable, especially No. 1. The properties benefit from an outside amenity area that would also be affected, though it is reasonable to assume that this is most likely to be used for relaxation in summer. I have taken account of the window arrangement as it exists on site. The most affected first and second floor rooms are indicated to be used as bedrooms. Most significantly, vertical sky component would fall below the level recommended in Building Research Establishment (BRE) Guidance<sup>85</sup> in all 7 bedrooms in No. 1 and the same rooms would fail to receive any meaningful sunlight in the winter, because of overshadowing from the tower. However, some rooms benefit from dual aspect windows.
204. At No. 5a Russell Hill Road, prior approval has been granted for 3 or 4 (depending on which proposal is implemented) residential units on 2 floors of an existing commercial property, with an existing flat on the first floor (permitted in 2015). The development retains a small commercial unit facing the street. This building lies adjacent to the proposed vehicle and service entrance to the proposed island site development. It is not assessed in the Planning, Sunlight, Daylight and Overshadowing Report. The effects in terms of daylight and sunlight

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<sup>82</sup> Doc 12

<sup>83</sup> Flood Risk Assessment CDs 1.20 & 1.21

<sup>84</sup> CD 1.28

<sup>85</sup> Building Research Establishment Guidance Note 209: Site Layout Planning for Daylight and Sunlight-A Guide to Good Practice (2011)

are likely to be similar to 1 and 2 Russell Parade. However, this building benefits from generous natural light with windows on 3 sides<sup>86</sup>.

205. The predominant use of the affected rooms in Nos 1 and 2 Russell Parade is for sleeping. Rooms in the proposed residential studios and flat at 5a Russell Hill Road benefit from several windows facing south east. The NPPF at paragraph 123(c) requires a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). Recognising that impact on the occupiers would be noticeable, it is not considered that the resulting living conditions would be unacceptable in an urban location. Given the very small number of properties that would be affected, it is not considered that the effects identified should prevent redevelopment of the site as proposed. [151]
206. No other evidence presented at the Inquiry on any other point added any significant new material to that presented at the first Inquiry.

### **Overall conclusion**

207. Limited changes in development plan policy since the first Inquiry comprise the progress towards adoption of the LonP, the publication of the revised NPPF and the National Design Guide in 2019. None of the changes anticipated or in place indicate that the proposed development should be resisted.
208. The height of the tower element on the island site is in conformity with, and is led by, adopted development management policies for the district centre of Purley. The proposal for the south site is welcomed by all parties and has no unacceptable effects on any neighbouring occupants' living conditions. The whole scheme would be of a high quality of design and materials. The development would be beneficial in terms of character and appearance and would greatly enhance the public realm in Purley District Centre, as well as regenerating a long term disused site.
209. The overall effect on the heritage significance of Purley library, the Brighton Road LHA and the locally listed former bank at 960 Brighton Road would be neutral. The character and appearance of the Webb Estate and Upper Woodcote Conservation Areas would be preserved.
210. At the Inquiry, the community benefits were specifically acknowledged by the RAs to merit significant weight. The benefits in terms of the provision of a substantial number of dwellings including affordable homes together with the reinvigoration of Purley District Centre, economic benefits including jobs and the marked improvement in the quality of the public realm all weigh heavily in favour of the scheme. [37,42,66,69,116,139,141]
211. I conclude that the proposed development complies with and is indeed led by the development plan.

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<sup>86</sup> Indicated on the Window Map for the North of Island Site in the Planning Sunlight, Daylight and Overshadowing Report

**Formal recommendation**

212. I recommend that the application be allowed, and planning permission granted subject to the conditions in Annex 1.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan	Of Counsel Instructed by Sean Murphy, Director of Law and Monitoring Officer, Croydon Council
He called	
Vincent Lacovara MA Reg Arch	On behalf of Croydon Council
Clive Simmonds	Croydon Council
Ben Kennedy BSc MUrbDes PGDipTP	Croydon Council
James White MA MRTPI	Croydon Council

### FOR THE APPLICANTS:

Christopher Katkowski	Queen's Counsel
Andrew Byass	Of Counsel Instructed by Paul Thompson, Partner, Temple Bright LLP
They called	
Rev Dr James Collins BSc BA PhD	Purley Baptist Church
Andrew Matthews BA DipArch RIBA	Proctor and Matthews
Geoff Noble BA DipUD DipConsAA MRTPI IHBC	Geoff Noble Heritage + Urban Design
Victoria Balboa BEng MILT MCIHT	Technical Director, Pell Frischmann
Rob Pearson BSc DipTP MRTPI	Nexus Planning

### FOR THE RESIDENTS' ASSOCIATIONS:

Charles King MBE	East Coulsdon RA
Diane Hearne	Hartley and District RA
Lee Cooper	Chair, Hartley and District RA
Phil Thomas MRICS (retired)	Riddlesdown RA

### INTERESTED PERSONS:

Chris Philp MP	(at the time of the Inquiry, prospective parliamentary candidate)
Cllr Paul Scott	Croydon Councillor
M McCarthy	Local resident
Laura Stringer	Local resident
Debs Baggott	Local resident
Alan Torry	Local resident
Kevin Williams	Local resident
Graham Batts	Local resident

Lucia Briault	Local resident
Lewis White	Local resident
Adrian Britton	Local resident
Maureen Levy	Local resident
Simon Cripps	CEO Purley Business Improvement District, also resident
Mike Rodwell	Local resident
Ben Gurshon	Local estate agent
Janet Storey	Local resident
Moya Gordon	Local resident
Donald Speakman	Former Alderman and Croydon Councillor
Richard Shakespeare	Member of Purley Baptist Church

## DOCUMENTS

- 1 Bundle of late representations
- 2 Review of 'Financial Viability and Planning Obligations' Report dated November 2019, provided by the Council
- 3 Report on Entry/Exit to Mosaic Place, Traffic and Air Quality, provided by the Residents' Associations
- 4 Opening submissions
- 5 Case for the Residents' Associations, provided on the first day
- 6 Statement from Debs Baggott
- 7 Statement from Adrian Britton
- 8 Statement from Maureen Levy on the 17 storey building
- 9 Statement from Maureen Levy on infrastructure provision
- 10 Response from Iza Vermesi, Fire Engineer, to query on fire tender access, provided by the applicants
- 11 Statement from Mike Rodwell
- 12 Response from Pell Frischmann to Rule 6 Party submissions on an alternative access on Banstead Road
- 13 Statement from Richard Shakespeare
- 14 Statement from Moya Gordon
- 15 Response from Geoff Noble on behalf of the applicants to Inspector's query on lenses used and field of view of visualisations
- 16 Applicant's supplementary points replying to third party concerns relating to fire safety in tall buildings (post Grenfell) and the trees proposed at the top of the tower element
- 17 Abbreviated version of Mosaic Place Presentation, presented to the Inquiry by Andrew Matthews for the applicants
- 18 Applicants written agreement to suggested pre-commencement conditions
- 19 Closing submissions
- 20 Statement of Common Ground - Inspector's first report dated 1 May 2018 with comments from all main parties (colour coded)
- 21 Copy of written submission from Chris Philp MP



## Annex 1-

### **Schedule of conditions**

Where in these conditions the following defined terms and expressions are used they shall have the following respective meanings:

"Phase 1" means all elements of the Development relating to the South Site, proposed Class C3 (residential use);

"Phase 2" means all elements of the Development relating to the Island Site, proposed Class A1 (retail use), Class C3 (residential use) and Class D1 (community use);

"Occupation of Phase 1" means 'residential occupation';

"Occupation of Phase 2" or "occupied" means the earliest of either 'opening to trade'/'opening to the public'/'residential occupation';

"Highway Agreement(s)" means one or more agreements made under s38 and/or s278 of the Highways Act 1980 (or under other appropriate statutory powers) relating to works on in under or adjacent to a highway or creating new highway.

### **Conditions specifically related to Phase 1**

1. The windows on the north western elevation of Phase 1, other than those serving bedrooms, shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

*Reason: To protect the privacy of adjacent occupiers.*

2. The roof areas of the building within Phase 1 hereby permitted shall not be used as a balcony, roof garden or similar area and no alterations at upper floor levels shall be carried out to create access to it.

*Reason: To protect the amenities of adjacent occupiers*

3. Fencing for the protection of those trees and other planting on this site shown to be retained shall be erected in accordance with the tree survey report dated Jan 2016 (Rev 25 Oct16) including plan in appendix 3B before any materials, equipment or machinery are brought onto the site for the purposes of development within Phase 1, including demolition. The fencing shall be retained in position until Phase 1 is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority (LPA).

*Reason: To ensure that the trees to be retained are not damaged by the construction and associated works.*

4. Prior to the commencement of Phase 1 development the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A083346-SK037 (and drawings numbered 1272-CA-A-DR-LEGAL-002-P1 and 1272-CA-A-DR-LEGAL-001-P1 attached to the Section 106 as plan 5a and plan 5c respectively). The agreed works shall include but not be limited to, the provision of new accesses, and the proposed layby. These works shall be carried out prior to the occupation of Phase 1 and implemented in accordance with such approved details.



*Reason: To ensure that traffic generation can be accommodated on surrounding roads.*

5. Prior to above ground works taking place on Phase 1, full details of the following shall be submitted to and approved in writing by the LPA:

- i) External facing materials including sample boards of all facing materials and finishes;
- ii) Full scale (1:1) mock ups of:
  - A typical panel of loggia brickwork
  - A typical panel of principal elevation treatment including brickwork and cast composite buff stone lintels
  - A typical panel of standing seam zinc
  - A typical black painted balustrade
  - A typical panel of the dark oak screen
- iii) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular access and all window-type reveals, heads and cills;
- iv) Details of junctions between external facing materials at 1:5;
- v) Typical details of all balconies;
- vi) Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
- vii) Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
- viii) Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
- ix) Details of rainwater goods

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 1.

*Reason: To ensure that the appearance of the development is of a high quality*

### **Conditions relating to Phases 1 and 2**

6. Prior to the first occupation within each Phase, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the LPA. Such details shall include, but not be limited to:

- 1) public realm design (including proposed seating, cycle storage and street furniture);
- 2) species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including trees on roof terraces and on top of tower and including details of planters and means of permanently securing trees);
- 3) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
- 4) details of junctions with other areas of public realm including drainage
- 5) all boundary treatments within and around the development;

- 6) Details at 1:5 in plan and section of retaining walls to ground floor amenity areas (Phase 1) and ramps and steps to all entrances (Phases 1 and 2);
- 7) Details of ramps and steps to Library Forecourt at 1:5 (Phase 2);
- 8) Details of the interface between the retained library wall and the north-west corner of the development (Phase 2);
- 9) Details of roof gardens and courtyard play areas (Phase 2);

All landscaping works shall be provided in accordance with the approved details on site before any part of the development within each Phase is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided. The strategy for permanently securing trees shall be retained and maintained in perpetuity.

*Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established.*

7. No residential occupation of either Phase shall take place until full details of the equipment to be contained within the identified playspace of each Phase have been submitted to and approved in writing by the LPA. The facilities shall then be provided on site in accordance with the approved details prior to the first occupation of each Phase or within such longer period or periods as have been previously agreed in writing by the LPA. The playspace shall be retained for the life of the development.

*Reason: To ensure a quality appropriate play space provision is made.*

8. Prior to commencement of development for each Phase a detailed drainage strategy detailing on and/or off site drainage works for that Phase, shall be submitted to and approved in writing by the LPA. No discharge of foul or surface water from the Site shall be accepted into the public system for any part of the Site until the relevant drainage works have been constructed and completed in accordance with the details approved pursuant to this condition and such works shall be thereafter retained in accordance with the details approved pursuant to this condition for the life of the Development.

*Reason: The Development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the Development; and in order to avoid adverse environmental impact upon the community.*

9. Prior to commencement of development for each Phase detailed impact studies on the existing water supply infrastructure for that Phase shall be submitted to, and approved in writing by, the LPA. The detailed impact studies for each Phase should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The outcomes of the impacts studies approved pursuant to this condition should be implemented and completed for each Phase in accordance with the details approved pursuant to this condition and should thereafter be retained in accordance with those details for the life of the Development.

*Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.*

10. No demolition or development of either Phase shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing for each phase. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI's.

*Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.*

11. Prior to above ground slab construction works for each Phase, details of all external mechanical plant on the roof to be provided and details of the screening to any such external mechanical plant within that Phase shall be submitted to and approval in writing obtained from the LPA. The screening of external mechanical plant shall be implemented and completed in accordance with the details approved pursuant to this condition prior to the commencement of operation of the plant within each Phase and all external mechanical plant shall be screened in accordance with the details approved pursuant to this condition for the life of the development.

*Reason: To enhance the appearance of the roof of the development and protect the visual amenities of the locality.*

12. Prior to the first occupation of each Phase of the development (or within such other time period or periods as had been previously agreed in writing by the LPA) electric vehicle charging points to serve 20% of the car parking spaces, and passive provision for electric vehicle charging points for a further 20% of spaces shall be provided as specified in the application. These shall be retained for the life of the development.

*Reason: To ensure a satisfactory standard of development.*

13. Prior to the first occupation of both Phases the development (or within such other time period or periods as has been previously agreed in writing by the LPA) the following matters shall be provided in each Phase in accordance with the approved planning drawings or those drawings subsequently approved:

Phase 1

- 1) Vehicle access and egress arrangements.
- 2) Car parking spaces
- 3) Refuse storage arrangements

4) Courtyards and communal areas

Phase 2

- 1) Vehicle access and egress arrangements.
- 2) Car and mini bus parking spaces
- 3) Refuse storage arrangements
- 4) Terraces/courtyards and communal areas

*Reason: To ensure a satisfactory standard of development.*

14. Prior to the first occupation of each Phase a travel plan (TP) in relation to the occupiers of both Phases to encourage sustainable modes of transport, including a cycle strategy, shall be submitted to and approved in writing by the LPA. The TP shall be in accordance with the aims, objectives and targets identified in the Residential Travel Plan completed by WYG (May 2016) and the Purley Baptist Church Travel Plan completed by WYG (May 2016) and TfL best practice guidance at the time.

The TP shall be implemented fully in accordance with the details approved pursuant to this condition prior to first occupation of each Phase and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the development.

The TP may be revised with the written approval of the LPA in consultation with TfL and any revised TP approved pursuant to this condition shall be implemented in full in accordance with the details approved pursuant to this condition.

*Reason: To encourage sustainable modes of transport and reduce reliance on the car.*

15. Prior to first occupation of either Phase, a Delivery and Servicing Plan for vehicles in relation to that Phase shall be submitted to and approved in writing by the LPA. Vehicles servicing each Phase shall do so in accordance with the details approved pursuant to this condition, from first occupation in either Phase and shall continue to do so for the life of the development.

The approved Servicing Plan may be revised with the written approval of the LPA and vehicles serving any Phase the subject of a revised Servicing Plan approved pursuant to this condition shall do so in accordance with the details approved pursuant to this condition.

*Reason: To ensure that delivery and servicing traffic does not interfere with the safety and free flow of the highway.*

16. Prior to first occupation in either Phase, details of a waste collection management plan for the relevant part of that Phase shall be submitted to and approval in writing obtained from the LPA. Refuse shall be collected for each Phase in accordance with the details approved pursuant to this condition for the lifetime of the development.

*Reason: In the interests of visual amenity of the area.*

17. Prior to first occupation in either Phase, a ventilation strategy (including the recommended mitigation measures identified within the air quality assessment by AMEC Foster Wheeler dated March 2016 (ref: 37742rr005i2) and any other mitigation measures required for an acceptable level of internal air quality

throughout the development) shall be submitted to and approved in writing by the LPA. The development shall be carried out entirely in accordance with the approved details which shall be maintained and retained thereafter.

*Reason: To ensure that an acceptable standard of development is provided.*

18. The development shall be carried out in accordance with the recommendations made within the Noise Impact Assessment by AMEC Foster Wheeler dated April 2016 (ref: 37742 Final Report 16072i4) and retained thereafter.

*Reason: To ensure that an acceptable standard of development is provided.*

19. The noise level from any air handling units, mechanical plant, or other fixed external machinery on either Phase shall be at least 10dB below existing background noise levels.

*Reason: To protect residential amenity.*

20. Prior to occupation of either Phase, insulation to all flats shall be provided to ensure noise levels shall not exceed the Guidelines for Community Noise (World Health Organisation, 1999). These levels are:

- 1) 35 dB LAeq, [16hours] within the dwelling during the day and evening;
- 2) 30 dB LAeq, [8hours] and 45 dB LMax in bedrooms during the night.

*Reason: In order to ensure a satisfactory noise environment for future residents.*

21. Any heat and power systems to be installed shall be air quality neutral in line with London Plan policy 7.14.

*Reason: To protect air quality.*

22. Prior to above ground slab construction works for each Phase the following shall be provided to and approved in writing by the LPA to ensure the incorporation of green and brown roofs:

- The planting details of the green and brown roofs;
- A programme for the provision of the green and brown roofs;
- The green and brown roofs shall be provided, completed and thereafter retained in accordance with the details for the green and brown roofs approved in writing by the LPA pursuant to this condition.

*Reason: In the interests of visual amenity.*

23. The development shall be constructed to achieve a reduction in carbon dioxide emissions of 35% over the Target Emission Rate (as outlined in the Building Regulations 2013) in accordance with the submitted Energy & Sustainability Statement. Prior to occupation in each Phase of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the LPA and thereafter retained and used for energy supply for so long as the development remains in existence.

*Reason: To provide a sustainable development.*

24. No works shall take place prior to commencement until the applicant has provided to the LPA for approval a District Energy Connection Strategy. This will show how the development has incorporated design features which facilitate future connection to a District Energy Network. The development shall only be implemented in accordance with the approved details.

*Reason: To enable future connection.*

25. The development shall achieve a water use target of 110 litres per head per day for residents.

*Reason: To ensure the efficient use of energy and water.*

26. Prior to commencement of either Phase, a detailed drainage strategy should be submitted for approval in writing by the LPA and Lead Local Flood Authority (LLFA) in line with Flood Risk Assessment and SuDS Assessment for both Phases (South and Island sites - Price & Myers, October 2016) and Geotechnical Assessment (Geotechnical Consulting Group, 10th November 2016) and accounting for LLFA comments (July, October & November 2016). The Strategy should conform to requirements of NPPF and Planning Practice Guidance, the London Plan (2011), policy 5.13, its supporting document; Sustainable Design and Construction Supplementary Planning Guidance (2014), the SuDS Non-Statutory Technical Standards (2015) and Croydon Local Plan Policies on Flood Risk and Drainage. Specifically the following elements must be included;

- Provision of floatation calculations to ensure any proposed below ground attenuation tanks are resilient to high groundwater (both sites);
- Confirmation of construction measures to reduce the impediment of sub-surface flow around the south site basement including the inclusion of viable flood paths either side of the basement;
- Confirmation that all raised thresholds will maintain a 300mm freeboard above predicted flood levels;
- Updated drainage strategy plan to show the dimensions of proposed SuDS, for both sites, with consideration of buffer distances from buildings and boundaries.
- Provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
- Provision of additional mitigation and/or clarification to ensure properties adjacent to Flood Zone 3 are not affected by watercourses (in accordance with the LLFA Response Statement (Price & Myers, 2016)).

The development shall be carried out in accordance with the approved strategy and retained thereafter.

*Reason: To ensure the provision of a sustainable development.*

27. 10% of the dwellings shall be designed to be Category 3 'wheelchair user dwellings' M4(3). The units shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.



*Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan*

28. 90% of the dwellings shall be designed to be Category 2 'accessible and adaptable' M4(2) and shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.

*Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan.*

29. Prior to the commencement of development in each Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
1. A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

*Reason: For the protection of controlled waters. The site is located over a Principal Aquifer and within SPZ1. It is possible that the site may be affected by historic contamination.*

30. If, during development in either Phase, contamination of a type not previously identified (and for which a remediation strategy has not been previously agreed by the Local Authority) is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

*Reason: There is always the potential for unexpected contamination to be identified during development groundworks. The LPA should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.*

31. Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include

results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.*

32. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

*Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.*

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.*

34. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any demolition, building or engineering operations, a Construction Method Statement and a Construction Logistics Plan (which shall include a site waste management plan) shall be submitted to the LPA for approval in writing. The documents shall include the following information for all phases of the development, which shall only be carried out as approved:-

- 1) hours of deliveries,
- 2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
- 3) facilities for the loading and unloading of plant and materials,
- 4) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway
- 5) details outlining the proposed range of dust control methods and noise mitigation measures during the course of construction of the development,



having regard to Croydon Councils 'Code of Practice on Control of Pollution and Noise from Construction sites', BS 5228, Section 61 consent under the Control of Pollution Act 1974, and the 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.

*Reason: In order to ensure that the development does not prejudice the safety or free flow of pedestrians, operation of the tram system and vehicular traffic on the highway or cause undue inconvenience to other users, or adversely impact on the amenities of the occupiers of nearby properties.*

35. Unless otherwise previously agreed by the LPA in writing the development shall be carried out in accordance with the approved drawings and other documents submitted with the application.

Phase 1

A304\_PL\_001 Rev C,  
1272-CA-A-XX-DR-PL-095 Rev P3, 1272-CA-A-XX-DR-PL-096 Rev P2, 1272-CA-A-LG-DR-PL-099 Rev P1, 1272-CA-A-GF-DR-PL-100 Rev P3, 1272-CA-A-01-DR-PL-101 Rev P5, 1272-CA-A-02-DR-PL-102 Rev P5, 1272-CA-A-03-DR-PL-103 Rev P2, 1272-CA-A-04-DR-PL-104 Rev P2, 1272-CA-A-05-DR-PL-105 Rev P2, 1272-CA-A-RL-DR-PL-106 Rev P1, 1272-CA-A-RL-DR-PL-107 Rev P1, 1272-CA-A-XX-DR-SE-200 Rev P1, 1272-CA-A-XX-DR-SE-201 Rev P1, 1272-CA-A-XX-DR-EL-300 Rev P1, 1272-CA-A-XX-DR-EL-301 Rev P1, 1272-CA-A-XX-DR-EL-302 Rev P3, 1272-CA-A-XX-DR-EL-303 Rev P2, 1272-CA-A-XX-DR-EL-310 Rev P1, 1272-CA-A-XX-DR-EL-311 Rev P1, 1272-CA-A-XX-DR-EL-320 Rev P1, 423.01 Rev E, 423.02 Rev D, 423.03 Rev D, 423.04 Rev A, 423.05 Rev A, 423.06 Rev A, 423.07, 423.08, 423.09, A083346-SK037 and 13718-100 2DT (3).

Phase 2

A304\_PL\_001 Rev C, A304\_PL\_002 Rev A, A304\_PL\_003 Rev A, A304\_PL\_004, A304\_PL\_005 Rev A, A304\_PL\_006 Rev B, A304\_PL\_010 Rev A, A304\_PL\_011 Rev A, A304\_PL\_012 Rev B, A304\_PL\_013 Rev C, A304\_PL\_014 Rev C, A304\_PL\_015 Rev C, A304\_PL\_016 Rev A, A304\_P\_017 Rev A, A304\_PL\_018 Rev A, A304\_P\_019 Rev A, A304\_P\_020 Rev A, A304\_P\_021 Rev A, A304\_PL\_022 Rev A, A304\_PL\_023 Rev A, A304\_PL\_024 Rev A, A304\_PL\_025 Rev A, A304\_PL\_026 Rev A, A304\_PL\_027 Rev A, A304\_P\_028 Rev A, A304\_P\_029 Rev A, A304\_PL\_050, A304\_PL\_051, A304\_PL\_100, A304\_PL\_101, A304\_PL\_102, A304\_PL\_103, A304\_PL\_104, A304\_PL\_105, A304\_PL\_106, A304\_PL\_107, A304\_PL\_108, A304\_PL\_109, A304\_PL\_110, A304\_PL\_111, A304\_PL\_112, A304\_PL\_113, A304\_PL\_114, A304\_PL\_115, A304\_PL\_116, A304\_PL\_117 Rev B, A304\_PL\_130, A304\_PL\_131, A304\_PL\_132, A304\_PL\_133, A304\_PL\_150, A13392-T-01, and MSTE100 Rev 0.

*Reason: To ensure that an acceptable standard of development is provided and retained.*

36. The development shall be begun within three years of the date of the permission.

*Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

## **Conditions specifically related to Phase 2**

37. Prior to above ground works taking place on Phase 2, full details of the following shall be submitted to and approved in writing by the LPA:
- i. External facing materials including sample boards of all facing materials and finishes;
  - ii. Detail and sample of the precise colour and specification of the buff coloured Dryvit reconstituted stone tracery material;
  - iii. Full scale (1:1) mock ups of:
    - A typical bay of buff tracery showing a corner and typical joints between elements
    - A typical bay of tower curtain walling system
    - A panel of typical tower infill panel material
    - A panel of typical tower terracotta pier
    - A mock-up of the junction between panels of the main ground floor tower materials (red/brown/grey brick, terracotta pier, composite panel, ceramic tile)
    - A typical panel of brickwork ventilation
    - A typical panel of terracotta perforated feature brickwork panel (prayer room)
    - A panel of typical ceramic tile feature cladding
    - A panel of typical stainless steel perforated screens depicting imagery
    - A panel of typical dark grey polyester coated metal ventilation grill
    - A panel of the terracotta feature brickwork (perforated brick Flemish bond)
    - A panel of the terracotta feature brickwork (split projecting brick Flemish bond)
    - A typical panel of the red/brown/grey brickwork intended to be similar to Purley Library
    - A typical panel of the red/brown/grey brickwork (vertical stack bond triple course recessed 25mm)
    - A typical panel of the red/brown/grey brickwork (herringbone pattern recessed 75mm)
    - A typical panel of pink/brown brickwork (stretcher bond)
    - A panel of Banstead Road car park vent system
    - A typical panel of perforated brickwork as shown on elevation SS
  - iv. Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular accesses and all window-type reveals, heads and cills;
  - v. Details of junctions between all external facing materials at 1:5;
  - vi. Typical details of all balconies including fixing details;
  - vii. Sections through typical winter gardens at 1:10;
  - viii. Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
  - ix. Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
  - x. Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
  - xi. Details of rainwater goods;
  - xii. Details of the sprinkler fire suppression system in the tower.

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 2 and retained and maintained for the lifetime of the development.

*Reason: To ensure that the appearance of the development is acceptable*

38. Prior to any above ground slab construction works for Phase 2, a public arts feature strategy, including, but not limited to, selection of the artist, the final proposal, the detailed design of the proposals at 1:5 in plan, section, elevation, and samples of the materials to be used shall be submitted to the LPA for written approval. The public art shall be implemented in accordance with the approved details prior to occupation of the building and maintained for the lifetime of the development or as otherwise approved by the LPA.

*Reason: In the interests of the visual amenity of the area and in accordance with Croydon LP policy DM14*

39. Prior to the commencement of development of Phase 2 the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A13392-T-01 (and drawing numbered A304\_L\_00\_006 attached to the Section 106 as plan 5b). The agreed works shall include but not limited to, the provision of new accesses, removal of redundant crossovers, the proposed loading and drop off bays, cycle parking, footpaths and tree planting. These works shall be carried out prior to the occupation of Phase 2 and implemented in accordance with such approved details.

*Reason: To ensure that traffic generation can be accommodated on surrounding roads.*

40. Before Phase 2 opening for occupation, a car park management plan ("CPMP") shall be submitted to and approved in writing by the LPA. The operation of the car park shall be carried out in accordance with the details approved pursuant to this condition for the lifetime of the development.  
The approved CPMP may be updated from time to time provided the revised CPMP has been approved in writing by the LPA and the car parks shall be operated in accordance with any revised plan approved pursuant to this condition.

*Reason: To ensure that cars parking in the Development do so safely and that it does not interfere with the free flow of the highway.*

41. Petrol and oil interceptors shall be fitted and retained in all new car parking facilities within Phase 2 and retained thereafter.

*Reason: To prevent oil-polluted discharges from entering local watercourses.*

42. The windows on the north western elevation, serving Core A at first to third floor level of Phase 2 shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

*Reason: To protect the privacy of adjoining occupiers.*

43. Prior to the first occupation of Phase 2 details of any window cleaning equipment (including machine tracks) for the relevant part of that Phase shall be submitted to and approved in writing by the LPA. Window cleaning equipment shall be

provided and completed in accordance with the details approved pursuant to this condition prior to occupation of the relevant part of Phase 2. The window cleaning equipment shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the Development.

*Reason: To enhance the appearance of the roof of the Development and protect the visual amenities of the locality.*

44. Prior to the operation of the community facilities within Phase 2 the following details/documents shall be submitted to and approved in writing by the LPA –

- 1) Visitor Management strategy
- 2) Noise insulation details for exit doors, windows and walls to the multi-purpose hall.
- 3) Ventilation strategy for when the multi-purpose hall is in use (to ensure these doors and windows remain closed)

The development and community uses shall be carried out entirely in accordance with the provisions of the strategy prior to opening, for so long as the use remains in existence.

*Reason: To protect the residential amenities of adjoining occupiers and highway safety.*

45. All exit doors and windows serving the multi-purpose hall within Phase 2, at both first and second floor level, to remain closed while the room is in use.

*Reason: To protect the amenities of adjoining occupiers.*

46. No sound amplification equipment shall be used in the multi-purpose hall within Phase 2 until suitable noise limiting and cut out devices have been fitted to the electrical supply and the fire exit doors and windows. These devices should cut out the supply to amplified music should noise levels exceed levels, to be agreed by the Council in writing prior to sound amplification equipment being used on site, or when windows or the fire exit doors are opened. Such measures shall be retained for so long as the development remains in existence.

*Reason: To protect the amenities of adjoining occupiers*

47. Within one month following the installation of the noise limiting and cut out devices in the multi-purpose hall, in accordance with condition 46, a noise assessment shall be carried out to the written approval of the LPA assessing the effectiveness of these devices in safeguarding local residential amenity. The report shall identify any necessary additional remedial measures which shall be carried out to the written approval of the LPA within two months of the approval of the noise assessment. Such measures shall be retained for so long as the development remains in existence.

*Reason: To protect the amenities of adjoining occupiers.*

48. Community uses (including the Church) that involve amplified speech or music, or any sporting activity shall not be open to the public (which includes congregation) except:-

Mon-Thur	07:00 to 23:00
Fri-Sat	07:00 to 23:00
Sun	08:00 to 21:30
Bank Holiday	08:00 to 20:00

*Reason: To protect the amenities of adjoining occupiers*

49. Prior to the installation of any architectural lighting for Phase 2, a scheme for the night time illumination of the exterior of the buildings, including details of fixtures, fittings and operation, shall be submitted to and approved by the LPA in writing. Any night time illumination shall only be installed and completed in accordance with the details approved pursuant to this condition prior to first occupation and the night time illumination shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the development.

*Reason: To ensure an acceptable standard of development.*

50. The development shall be constructed to achieve a BREEAM 'Excellent' rating in accordance with the submitted BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to phase 2 occupation of the development.

*Reason: To ensure a sustainable standard of development.*

51. Prior to commencement of development for Phase 2, a scheme for the protection of the adjacent Listed Library during the demolition of the existing buildings and the construction of the Development shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to demolition and retained for the period of the demolition of the existing buildings and construction of the development.

*Reason: To ensure the protection of a Grade II Listed building.*

52. Prior to commencement of development for Phase 2, a construction methodology for works adjacent to the Listed Library shall be submitted to and approved by in writing the LPA. The approved scheme shall be implemented in accordance with the approved details and methodology.

*Reason: To ensure the protection of a Grade II Listed building.*

53. No occupation of Phase 2 shall commence until the approval of the LPA has been obtained with respect to a CCTV scheme for the publicly accessible areas. The scheme shall include details of fixtures and fittings and location of cameras. This shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.

*Reason: To enhance the appearance of the development and protect the visual amenities of the locality.*

54. Cranes used during the construction phase shall be provided with aviation warning lights in accordance with the following details:

1. For those which extend the maximum height (building plus crane mounted above it) to 150m / 492ft or more, aviation warning lighting shall be provided in accordance with Article 219 of the UK Air Navigation Order.

2. For those which extend the maximum height (building plus crane mounted above it) to 60-90m, low intensity steady red aviation warning lighting shall be provided
3. For those which extend the maximum height (building plus crane mounted above it) to between 90-150m high, medium intensity steady red aviation warning lighting shall be provided.

*Reason: To prevent an adverse environmental impact on aviation for reasons of safety.*

55. If 12 months after demolition of the buildings on Phase 2 rebuilding does not commence, the developer shall submit a strategy for meanwhile uses of the site which shall be submitted to the LPA for approval in writing to identify uses and activities on site. The approved strategy will be implemented in accordance with the approved details, which shall include a timetable for implementation of meanwhile uses.

*Reason: To protect the setting of the adjacent Listed building.*

56. Prior to above ground slab construction of Phase 2 a tree planting strategy for street trees (including, but not limited to the guying system and tree surrounds) shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of phase 2.

*Reason: To protect the residential amenities of adjoining occupiers and highway safety.*

57. Prior to above ground slab construction of Phase 2 a strategy for minimising the water use in relation to the church and community uses shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of the community use and shall be retained for the lifetime of the development.

*Reason: To ensure the efficient use of energy and water.*

58. Prior to commencement of development, details of how full fibre connectivity infrastructure is to be provided to the whole development are to be submitted and approved in writing by the local planning authority. The full fibre connectivity infrastructure is to be provided before any occupation takes place or in accordance with a programme to be approved.

*Reason: To ensure that full fibre connectivity infrastructure is provided in accordance with emerging London Plan policy SI6.*



## Annex 2- Schedule of Core Documents

File No.	Document name	Author	Date/Version	Vol.
CD1.1	Planning Application Cover Letter	Nexus Planning	May 2016 / -	1
CD1.2	Planning Forms and Certificates	Nexus Planning	May 2016 / -	1
CD1.3	CIL Liability Form	Nexus Planning	May 2016 / -	1
CD1.4	Planning Statement	Nexus Planning	May 2016 / -	1
CD1.5	Draft S106 Heads of Terms Agreement	Temple Bright	-	1
CD1.6	Draft Community Facilities Management Plan	Nexus Planning	-	1
CD1.7	Application Drawings – Island Site	Proctor & Matthews	April 2016 / -	1
CD1.8	Application Drawings – South Site	Capital Architecture	May 2016 / -	1
CD1.9	Landscape Plans (including amenity space proposals)	Philip Cave Associates	May 2016 / -	1
CD1.10	Design and Access Statement (including amenity space proposals)	Proctor and Matthews / Capital Architecture / Philip Cave Associates	May 2016 / -	1
CD1.11	Tree Survey Report	RGS	January 2016 / -	1
CD1.12	Statement of Community Involvement	Bellenden Consultants	March 2016 / -	1
CD1.13	Transport Assessment	WYG	May 2016 / 6	1
CD1.14	Residential Travel Plan	WYG	May 2016 / 2	2
CD1.15	Purley Baptist Centre Travel Plan	WYG	May 2016 / 2	2
CD1.16	Draft Construction Logistics Plan	WYG	April 2016 / 2	2
CD1.17	Sustainability and Energy Statement	Peter Brett Associates	March 2016 / B	2
CD1.18	Pedestrian Wind Assessment	Price and Myers	April 2016 / 1	2
CD1.19	Television Reception Analysis	G-Tech Surveys	March 2016 / 1	2
CD1.20	Flood Risk Assessment for the Island Site	Price and Myers	May 2016 / 3	2
CD1.21	Flood Risk Assessment for the South Site	Price and Myers	April 2016 / 4	2
CD1.22	Air Quality Assessment	Amec Foster Wheeler	March 2016 / 2	2
CD1.23	Noise Impact Assessment	Amec Foster Wheeler	April 2016 / 5	2
CD1.24	Land Quality / Contamination Assessment	Amec Foster Wheeler	March 2016 / 2	2
CD1.25	Archaeology Desktop Assessment	Amec Foster Wheeler	March 2016 / 3	2
CD1.26	Heritage Statement	Geoff Noble	May 2016 / -	2
CD1.27	Townscape and Visual Impact Assessment	Geoff Noble	May 2016 / -	2
CD1.28	Sunlight and Daylight Assessment	BLDA Consultancy	May 2016 / 2	2
CD1.29	Topographical Survey (Island Site)	Met Surveys	August 2016 / 0	2
CD1.30	Topographical Survey (South Site)	Met Surveys	May 2006 / 0	2
CD1.31	Viability Assessment	Douglas Birt Consulting	May 2016	2

**(2) Additional and Amended Application Documents**

File No.	Document name	Author	Date/Version	Vol.
CD2.1	Island Site Architectural Plans (Final Revisions)	Proctor & Matthews	Various	3
CD2.2	South Site Architectural Plans (Final Revisions)	Capital Architecture	Various	3
CD2.3	Landscape Plans (Final Revisions)	Philip Cave Assoc.	October 2016 / E	3
CD2.4	Flood Risk Assessments (Final Revisions for Island Site & South Site)	Price & Myers	October 2016 / 7	3
CD2.5	Sustainability & Energy Statement (final revision)	Peter Brett Associates	September 2016 / E	3
CD2.6	Daylight & Sunlight Addendum - 11 Banstead Rd.	BLDA	November 2016 / -	3
CD2.7	Tree Survey (final revision)	RGS	October 2016 / -	3
CD2.8	Pedestrian Wind Assessment – Addendum	Price & Myers	-	3
CD2.9	Transport Technical Note TN04 August 2016	WYG	August 2016	3
CD2.10	Transport Technical Note TN05 November 2016	WYG	November 2016	3

**(3) Final Plans for Call-In**

	Document name	Author	Date/Version	Vol.
CD3.1	Island Site Architectural Plans	Proctor & Matthews	Various	3
CD3.2	South Site Architectural Plans	Capital Architecture	Various	3
CD3.3	Landscape and Other Plans	Various	Various	3

**(4) Statements of Case**

	Document name	Author	Date/Version	Vol.
CD4.1	Applicant Statement of Case	Nexus Planning	May 2017	4
CD4.2	Council Statement of Case	Croydon Council	-	4
CD4.3	Rule 6 Party Statement of Case	Rule 6 Party	30 November 2017	4



**(5) Statements of Common Ground**

	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD5.1	Planning Statement of Common Ground	Nexus Planning and Croydon Council	December 2017	4
CD5.2	Transport Statement of Common Ground	Pell Frischmann and Croydon Council	December 2017	4
CD5.3	Updated Planning Statement of Common Ground	Nexus Planning and Croydon Council	October 2019	4
CD5.4	Updated Transport Statement of Common Ground	Pell Frischmann and Croydon Council	October 2019	4

**(6) Reports and Decision Notice**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD6.1	Croydon Committee Report and Minutes	Croydon Council	15 December 2016	4
CD6.2	Croydon Committee Report Addendum	Croydon Council	15 December 2016	4
CD6.3	Draft Planning Permission	Croydon Council	-	4

**(7) Statutory Consultee Representations**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD7.1	GLA Stage 1 Letter and Report	GLA	2 August 2016	4
CD7.2	GLA Stage 2 Letter and Report	GLA	14 March 2017	4
CD7.3	Historic England Representation	Historic England	23 June 2016	4
CD7.4	Environment Agency Representation	Environment Agency	29 July 2016	4
CD7.5	LLFA Representation	LLFA	14 November 2016	4
CD7.6	TfL Representation	Transport for London	14 July 2016	4
CD7.7	Thames Water Representation	Thames Water	7 July 2016	4
CD7.8	NPCU Representation	NPCU	22 July 2016	4

**(8) Third Party Comments**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD8.1	Local Organisation Letters	Various	Various	4
CD8.2	Local Politicians and MP Letters	Various	Various	4

**(9) Listed Building Consent Application**

File No.	Document name	Author	Date/Version	Vol.
CD9.1	Cover letter	Nexus Planning	29 September 2016	4
CD9.2	Site Location Plan	Proctor & Matthews	April 2016 / A	4
CD9.3	Listed Building Interface Plans	Proctor & Matthews	September 2016 / A	4
CD9.4	Heritage Statement Addendum	Geoff Noble	September 2016	4

**(10) Adopted Development Plan**

	Document name	Author	Date/Version	Vol.
CD10.1	Croydon Local Plan: Strategic Policies (CLP1)	Croydon Council	April 2013	5
CD10.2	Croydon Unitary Development Plan (Saved Policies)	Croydon Council	July 2006	5
CD10.3	London Plan	Mayor of London	March 2016	5
CD10.4	Croydon Local Plan CLP1 Policies Map	Croydon Council	-	5

**(11) Emerging Development Plan**

	Document name	Author	Date/Version	Vol.
CD11.1	Croydon Local Plan: Strategic Policies (CLP1.1) Partial Review – Main Modifications	Croydon Council	August 2017	6
CD11.2	Croydon Local Plan: Detailed Policies and Proposals (CLP2) – Main Modifications	Croydon Council	August 2017	6
CD11.3	Croydon Local Plan CLP1.1 Draft Policies Map – Main Modifications	Croydon Council	-	6
CD11.4	Croydon Local Plan CLP2 Draft Policies Map – Main Modifications	Croydon Council	-	6

**(12) Guidance Documents / Other Reports**

	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD12.1	National Planning Policy Framework	Department of Communities and Local Government	March 2012	7
CD12.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3)(extract)	Landscape Institute + IEMA	April 2013	7
CD12.3	The Setting of Heritage Assets: Good Practice Advice in Planning: 3	Historic England	March 2015	7
CD12.4	Historic England Tall Buildings Advice Note 4	Historic England	December 2015	7
CD12.5	Assessment of Local Designated Landmarks, Local Designated Views and Croydon Panoramas	Croydon Council	August 2016	7
CD12.6	Affordable Housing and Viability Supplementary Planning Guidance	Mayor of London	August 2017	7
CD12.7	Design South East Panel Letter	Design South East Panel	October 2015	7
CD12.8	The London Plan Housing Supplementary Planning Guidance	Mayor of London	March 2016	7
CD12.9	The London Mayors 'A City for all Londoners'	Mayor of London	October 2016	7
CD12.10	Housing White Paper 'Fixing our broken housing market'	Department for Communities and Local Government	7 February 2017	7
CD12.11	Croydon Borough Character Appraisal	Croydon Council	21 September 2015	7
CD12.12	Croydon Public Realm Design Guide	Croydon Council	23 April 2012	7
CD12.13	Croydon Conservation Area General Guidance SPD	Croydon Council	22 April 2013	7
CD12.14	Webb Estate and Upper Woodcote Village Conservation Area Appraisal and Management Plan SPD	Croydon Council	25 June 2007	7
CD12.15	Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017	Croydon Council	June 2017	7
CD12.16	Brighton Road (Purley) Local Area of Special Character Supplementary Planning Guidance	Croydon Council	27 September 1997	7
CD12.17	Local Heritage Areas 2016	Croydon Council	5 August 2016	7

**(13) Miscellaneous**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD13.1	Representations on Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options)	Nexus Planning	17 December 2015	8
CD13.2	Correspondence from NPCU to Nexus Planning and Croydon Council	NPCU	12 April 2017	8
CD13.3	Correspondence from PINS to Nexus Planning	PINS	28 April 2017	8
CD13.4	Stage 1 GLA Applicant Response	Nexus Planning	17 September 2016	8
CD13.5	Stage 2 GLA Applicant Response	Nexus Planning	28 October 2016	8
CD13.6	Stage 3 GLA Applicant Response	Peter Brett Associates	9 November 2016	8
CD13.7	LLFA Applicant First Response	Price & Myers	-	8
CD13.8	LLFA Applicant Second Response	Price & Myers	-	8
CD13.9	Review of Financial Viability and Planning Obligations Report Update (May 2016)'	BNP Paribas Real Estate	September 2016	8
CD13.10	Viability Exercise Letter to Croydon Council	Douglas Birt Consulting	18 October 2017	8
CD13.11	Response to Viability Exercise Letter to Croydon Council	BNP Paribas Real Estate	November 2017	8
CD13.12	Croydon Strategic Housing Market Assessment	Croydon Council	June 2015	8

**(14) Proofs of Evidence for First Inquiry**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD14.1	Proof of Evidence of Andrew Matthews	Andrew Matthews	November 2017	9
CD14.2	Proof of Evidence of Geoff Noble	Geoff Noble	November 2017	9
CD14.3	Appendices to Proof of Evidence of Geoff Noble	Geoff Noble	November 2017	9
CD14.4	Proof of Evidence of Victoria Balboa	Victoria Balboa	November 2017	9
CD14.5	Proof of Evidence of Rob Pearson	Rob Pearson	November 2017	9
CD14.6	Appendices to Proof of Evidence of Rob Pearson	Rob Pearson	November 2017	9
CD14.7	Proof of Evidence of Vincent Lacovara	Vincent Lacovara	-	10
CD14.8	Appendices to Proof of Evidence of Vincent Lacovara	Vincent Lacovara	November 2017	10
CD14.9	Summary of Proof of Evidence of Vincent Lacovara	Vincent Lacovara	November 2017	10
CD14.10	Proof of Evidence of Ronald Burton	Ronald Burton	-	10
CD14.11	Summary of Proof of Evidence of Ronald Burton	Ronald Burton	-	10
CD14.12	Proof of Evidence of James White	James White	-	10
CD14.13	Appendices to Proof of Evidence of James White	James White	-	10
CD14.14	Summary of Proof of Evidence of James White	James White	-	10
CD14.15	Proof of Evidence of Rule 6 Party	Rule 6 Party	20 November 2017	10
CD14.16	Appendices to Proof of Evidence of Rule 6 Party	Rule 6 Party	-	10
CD14.17	Proof of Evidence of James Collins	James Collins	-	10
CD14.18	Appendices to Proof of Evidence of James Collins	James Collins	-	10

**(15) January 2018 Inquiry Documents**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD15.1	Statement of Clive Simmonds	Clive Simmonds	-	11
CD15.2	Opening Statement on behalf of the Applicants	Christopher Katkowski QC and Andrew Byass	9 January 2018	11
CD15.3	Opening Statement on behalf of the LPA	Stephen Morgan	9 January 2018	11
CD15.4	Presentation to inquiry by Andrew Matthews	Andrew Matthews	January 2018	9
CD15.5a-b	Draft Agreement under s106 of the T&CP Act	Various	2018	11
CD15.6	Photograph from Farthing Down	Applicant's witness team	-	11
CD15.7a-d	Draft suggested conditions	Croydon Council	-	11
CD15.8	Applicants' comments on matters raised by RAs' statement of case	Applicant's witness team	-	11
CD15.9	Headline summary of ownership and transaction structure from Stephenson Harwood	Stephenson Harwood	10 January 2010	11
CD15.10	Letter in support dated 15 January 2018 from Partners Advocacy	Partners Advocacy	11 January 2018	11
CD15.11	Note on financial benefits to Purley District Centre	Nexus Planning (Rob Pearson)	9 January 2018	11
CD15.12	<i>Switch off that engine.</i> Croydon Council leaflet on engine idling powers	Croydon Council	-	11
CD15.13	Applicants' supplementary points in response to Inspector's questions	Applicant's witness team	-	11
CD15.14	Complete set of full size plans	Proctor & Matthews	-	11
CD15.15	Letter dated 15 January 2018 from Douglas Birt Consulting	Doug Birt Consulting	15 January 2018	11
CD15.16	Letter dated 15 January 2018 from BNP Paribas Real Estate	BNP Paribas Real Estate	15 January 2018	11
CD15.17	Air quality note dated 15 January 2018	Ben Warren	15 January 2018	11
CD15.18	Purley Baptist Centre New Facility Usage dated 15 January 2018	Purley Baptist Church	15 January 2018	11
CD15.19	Judgment in <i>Khodari</i>		11 May 2017	11
CD15.20	Statements by interested parties	Various	-	11
CD15.21	Site visit routes	Various	-	11
CD15.22	Further notes from the LPA regarding: affordable housing review mechanism; air	Croydon Council	-	11

File No.	Document name	Author	Date/Version	Vol.
	quality ventilation systems, and; policies relating to places of worship			
CD15.23	Letter dated 16 January 2018 from Douglas Birt Consulting	Doug Birt Consulting	16 January 2018	11
CD15.24	Email exchange dated 16 January 2018 regarding sprinklers	Various	16 January 2018	11
CD15.25	Letter dated 16 January 2018 from BNP Paribas Real Estate	BNP Paribas Real Estate	16 January 2018	11
CD15.26	Email dated 16 January 2018 from the LPA confirming agreement to the s106 amendments	Various	15 January 2018	11
CD15.27	Closing submissions on behalf of the Joint Residents' Associations	Joint Residents' Associations	17 January 2019	11
CD15.28	Closing submissions on behalf of the LPA	Stephen Morgan	17 January 2018	11
CD15.29	Closing submissions on behalf of the Applicants	Christopher Katkowski QC and Andrew Byass	17 January 2018	11
CD15.30	Completed S106 Agreement dated 30 April 2018	Various	30 April 2018	11



**(16) Post January 2018 Inquiry Documents**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD16.1	National Planning Policy Framework	Ministry of Housing, Communities and Local Government	February 2019	12
CD16.2	Croydon Local Plan	Croydon Council	2018	12
CD16.3	draft London Plan - Consolidated Suggested Changes Version July 2019	GLA	July 2019	13
CD16.4	Applicants' Statement of Case	Nexus Planning	June 2019	13
CD16.5	Council Statement of Case	Croydon Council		13
CD16.6	Note to Inspector (all parties)	Various	28 June 2018	13
CD16.7	Quashed Secretary of State Decision	Ministry of Housing, Communities and Local Government	3 December 2018	13
CD16.8	Report of First Inspector	David Nicholson	1 May 2018	13
CD16.9	National Design Guide	Ministry of Housing, Communities and Local Government	September 2019	13
CD16.10	Ministerial statement by the Secretary of State for Housing, Communities and Local Government	Robert Jenrick	1 October 2019	13
CD16.11	Appeal Reference APP/L5240/W/18/3213708 for 11-17 Banstead Road	Andrew McGlone	27 March 2019	14
CD16.12	Planning Decision reference 18/04742/FUL for 1-9 Foxley Lane	Croydon Council	17 May 2019	14
CD16.13	Committee Report for Planning Decision reference 18/04742/FUL	Croydon Council	14 February 2019	14
CD16.14	Updated Croydon Public Realm Design Guide	Croydon Council	2019	14
CD16.15	London Plan Panel Report	Members of the Panel appointed by the Secretary of State	October 2019	14
CD16.16	London Plan Panel Recommendations	Members of the Panel appointed by the Secretary of State	October 2019	14
CD16.17	Fire Safety Overview for Island Site	Bureau Veritas	25 October 2019	14
CD16.18	Fire Safety Overview for South Site	Bureau Veritas	25 October 2019	14

File No.	Document name	Author	Date/Version	Vol.
CD16.19	Letter dated 25 October 2019 from Douglas Birt Consulting	Douglas Birt Consulting	25 October 2019	14
CD16.20	Air Quality Assessment Addendum	Wood Environment and Infrastructure Solutions UK Ltd	October 2019	14
CD16.21	Speech by Minister of State	Minister of State	16 September 2019	14



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

## SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

## SECTION 2: ENFORCEMENT APPEALS

### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

## SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

## SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



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## Appeal Decision

Inquiry opened on 18 February 2020

Site visit carried out on the same day

**by Mrs J A Vyse DipTP DipPBM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> March 2020**

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**Appeal Ref: APP/R5510/W/19/3230503**

**Stanford House, 9 Nestles Avenue, Hayes, UB3 4SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Healey Development Solutions (Hayes) Limited, against the Council of the London Borough of Hillingdon.
  - The application 51175/APP/2018/4260, is dated 4 December 2018.
  - The development proposed comprises demolition of existing building and redevelopment to provide a building up to ten storeys, with 868 square metres of commercial or community space (Use Class B1 or D1) at ground and first floor level and 81 (44 x one bed, 28 x 2 bed and 9 x 3 bed) residential units to the upper floors with associated landscaping, access, car parking and cycle parking.
- 

### Decision

1. For the reasons that follow, the appeal is dismissed and planning permission for demolition of the existing building and redevelopment to provide a building up to ten storeys, with 868 square metres of commercial or community space (Use Class B1 or D1) at ground and first floor level and 81 (44 x one bed, 28 x 2 bed and 9 x 3 bed) residential units to the upper floors with associated landscaping, access, car parking and cycle parking at Stanford House, 9 Nestles Avenue, Hayes, is refused.

### Preliminary Matters

2. The appeal was accompanied by a draft planning obligation in the form of a deed of agreement between the parties. It sets out a range of obligations, covenants and undertakings subject to the usual contingencies. The provisions secured are a material consideration in this case. With the agreement of the parties, a completed version of the document was submitted shortly after the close of the Inquiry.<sup>1</sup>
3. During the Inquiry, revised plans were submitted in relation to the amenity space provision on the flat roofs within the appeal scheme.<sup>2</sup> The parties were agreed that determining the appeal on the basis of those plans would not prejudice the interests of any other party, the revisions being confined to minor details within the site. I have no reason to take a different view.

### Application for Costs

4. At the Inquiry, an application for an award of costs was made by the appellant against the Council. That application is the subject of a separate Decision.

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<sup>1</sup> Inquiry Document 22 (ID22)

<sup>2</sup> Appended to the Addendum Statement of Common Ground in relation to Amenity Space (ID16)

## **Main Issues**

5. The principle of a residential-led, mixed use scheme for the site is consistent with the Council's vision for Hayes as set out in the Local Plan, and the Council takes no issue with the quantum of replacement employment floorspace proposed. However, following the lodging of the appeal the Council resolved that, had it been in a position to determine the application, permission would have been refused. Eleven putative reasons for refusal were originally cited. In the light of ongoing discussions between the parties, the submission of further information, and subject to appropriate conditions and obligations, many of those reasons were not, in the event, pursued.
6. Given that context, the main issues on which the outcome of this appeal turns relate to:
  - whether the scheme would materially prejudice comprehensive redevelopment of the larger Site B area identified by policy SA 5 of the Local Plan, within which the appeal site lies;
  - the effect on the heritage significance of the adjacent Conservation Area;
  - the effect of the development proposed in terms of its scale, massing, design and townscape/streetscape impact on the character and appearance of the area, including the adjacent Conservation Area; and,
  - the effect of the proposed parking provision on vehicular and pedestrian safety.

## **Reasons for the Decision**

7. The development plan for the area includes the London Plan (March 2016), the Council's Local Plan Part 1 Strategic Policies (November 2012), Local Plan Part 2 Development Management Policies (January 2020) and Local Plan Part 2 Site Allocations and Designations (January 2020).
8. In December 2019 the Mayor submitted his 'Intend to Publish' version of the emerging London Plan to the Secretary of State for consideration. In light of the Mayor's opposition to some of the key recommendations, policies could change. It was a matter of agreement at the Inquiry however, that the policies relevant to the outcome of this appeal could be given substantial weight since they do not go to the heart of the Mayor's concerns and thus are unlikely to change. I have no reason to take a different view.
9. Based on the targets in the current London Plan, the Council can demonstrate almost 22 years supply of housing land, reducing to 6.22 years against the targets in the emerging Plan. I was advised that one of the sites in the supply expected to deliver some 197 dwellings is no longer anticipated as coming forward in the next five years, reducing the supply to 21.33 years and 6.04 years respectively. That said, the Council can still demonstrate the required five year supply, whichever targets it is measured against. It was also confirmed that neither the appeal site, nor the approved housing on the nearby Buccleuch site, is relied on to meet the housing targets.

### *The Proposal*

10. The appeal site is occupied by a late 1930s storey employment building which includes a two storey office element with an Art Deco influenced frontage, plus a largely hard surfaced forecourt. It is proposed to redevelop the site to deliver

a mixed use scheme comprising a single building with commercial floorspace<sup>3</sup> mainly at ground floor but with a mezzanine level at first floor, with 81 residential units at first floor level and above, built specifically for rent. In addition to the employment floorspace, the ground floor would accommodate dedicated plant space for both the employment and residential uses, cycle storage and four fully accessible car parking spaces.

11. The building would be set some 15 metres back from the existing highway boundary on Nestles Avenue, as is the existing premises. That set back includes a protected 6 metre deep strip across the site frontage adjacent to the highway, to assist in delivery of a Multi Modal Transport Spine (a sustainable transport corridor containing a footway, cycleway and widened road to accommodate a proposed bus route along Nestles Avenue). Between that and the front of the proposed building would be an area of landscaping, similar to that approved in relation to the adjacent Nestlé Factory and nearby Buccleuch sites. Bay windows to the commercial floorspace would project into this space.

#### *Comprehensive Development*

12. The appeal site is located within the broad Heathrow Opportunity Area as set out in the current London Plan. That is to be amended through the emerging London Plan with the creation of a distinct Hayes Opportunity Area. The appeal site also forms part of a larger site allocated for development by policy SA 5 of the recently adopted Local Plan Part 2.
13. The SA 5 allocation forms the most significant growth point within the Hayes Housing Zone, comprising an important strategic site referred to at the Inquiry by the Council as a 'jewel in the crown' of its Local Plan. The allocation is divided into three sites: Site A, extending to some 12 hectares, comprises the former Nestlé Factory and its environs, the boundary to which corresponds with the Conservation Area; Site B (1.76 hectares) includes Nos 7 and 9 Nestles Avenue (No 9, which extends to some 0.23 hectares, being the appeal site) the Squirrels Trading Estate and Nos 3 and 4 Viveash Close; Site C (2.2 hectares) comprises the land on the western side of Viveash Close, extending up to Station Road. Viveash Close runs along the boundary between Sites B and C.
14. As confirmed in the introduction to policy SA 5, the Council is keen to ensure that complementary design principles are adopted and that the resulting infrastructure requirements associated with the planned levels of growth are fully integrated. It also emphasises that proposals from individual landowners should, *as far as possible*, come forward in a co-ordinated manner without prejudicing the development aspirations on other parts of the site (my emphasis). In addition, part C of Local Plan policy DMHB 11 requires that the design of new development safeguards the satisfactory redevelopment of any adjoining sites that have development potential. However, although the appellant has made continuous attempts to engage adjoining landowners within Site B in working collaboratively on a more comprehensive scheme, this has so far been unsuccessful.
15. Whilst policy SA 5 sets out a clear preference for Sites A, B and C to form a comprehensive development scheme across the whole of the allocation, the Council has allowed Site A and part of Site C (Nos 233-236 Nestles Avenue, known as the Buccleuch site) to come forward separately. Both the consented

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<sup>3</sup> Proposed for either commercial or community use.

schemes relate to materially larger sites than the appeal site - the approval for the Factory site covers the whole of Site A, whilst the Buccleuch scheme covers around two thirds of Site C.<sup>4</sup> Nevertheless, in approving those developments, the Council was clearly satisfied that they would not materially prejudice future redevelopment of adjacent land within the SA 5 allocation. On the same basis, in coming forward as a proposal for only a small part of Site B, the appeal scheme needs to ensure that it would not materially prejudice redevelopment of the remainder of the Site.

16. There is currently no adopted masterplan for the allocation site as a whole. Whilst the GLA started to draw up a draft Planning Framework for the area in 2017 it was never consulted on, endorsed, or adopted by the Council. It did though, confirm the principle of a wide east/west linear park across the three constituent Sites to provide a high quality green pedestrian link connecting through to the railway station and Station Road to the west. That link was incorporated as an integral feature of the individual masterplans for each of the approved schemes, to either side of Site B.
17. The application the subject of this appeal was accompanied by a masterplan for Site B, drawn up by the appellant. Whilst none of the other Site B landowners have bought into or are signed up to that plan, it nevertheless gives a broad brush perspective as to how Site B might come forward, including provision for the linear park.
18. Whilst the proposed building would be set back from the Nestles Avenue road frontage it would, in seeking to maximise development on the plot, be set close to the other boundaries, in particular to the northern and western site boundaries. Were the appeal to succeed, redevelopment of the remainder of Site B would have to be brought forward having regard to the built context. That context would include the consented schemes not only on Sites A and C, but also the appeal site.
19. Looking firstly then at the relationship between the proposal and the Squirrels Trading Estate to the north of the appeal site. The likely route of the east/west linear park referred to above would run through that part of Site B. Whilst delivery of the park may well constrain the developable area of the Trading Estate, no substantiated evidence was before me to demonstrate that, by itself, the Trading Estate is currently a viable development site that would somehow become unviable as a consequence of the development now proposed.
20. Although the Council made detailed criticisms of the various sketch schemes drafted by the appellant for potential development on the Trading Estate (many of which concerns I share) that is not the same as demonstrating convincingly that, allowing for provision of the green link, the remainder of the Squirrels site could not be maximised to allow for a policy compliant redevelopment scheme to come forward as a consequence of the appeal scheme. On the contrary, in including a windowless façade to its northern elevation the appeal scheme has, in my view, specifically facilitated the possibility of a 10 storey building on the adjacent site, between the appeal building and the southern extent of the obvious line of the linear park.

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<sup>4</sup> Site A: 1331/APP/2017/1883 Part demolition of existing factory buildings etc and redevelopment to provide 1,386 dwellings, office, retail, community and leisure uses, 22,663 sqm commercial floorspace etc Approved 23 May 2017 (ID6) Site B: 1699/APP/2017/2201 Redevelopment including 457 residential units, 264 sqm A1 retail, 229 sqm A3 café use and 2,273 sqm B1 office space etc Approved 19 December 2019.



21. I fully appreciate that any future development would need to extend slightly onto land in the ownership of the appellant in order to avoid leaving a 3 metre gap between the two buildings<sup>5</sup> (which would be unacceptable in urban design terms). However, that would be a matter for negotiation between the parties in the first instance and does not mean that the appeal scheme of itself causes material prejudice.
22. In support of its case, the Council drew my attention to an appeal decision relating to a development scheme on the site of No 3 Viveash Close at the northern end of Site B.<sup>6</sup> Among other things, the Inspector found that, taken in isolation, the scheme failed *'to make an adequate contribution to the provision of open areas to reflect the aims of policy SA 5, meaning that others may have to make a disproportionate contribution if redevelopment was to go ahead on neighbouring sites.'*
23. I fully appreciate that delivery of the east/west link is integral to the success of the redevelopment of the allocation site as a whole. I am also mindful, in this regard, of the GLA Stage 1 Report which states that *'in general, comprehensive development is essential to ensure that the challenges and incentives of brownfield land development are shared evenly in order to achieve coherent growth and regeneration – whilst integrating delivery of the infrastructure necessary to support sustainable communities.'* The report goes on to set out *'...that allowing the site to come forward in isolation could undermine delivery of the wider policy and design objectives that may require cross-subsidy as part of a larger (and more viable) scheme.'* However, as noted by the appellant, whether the remainder of Site B is brought forward for development by the respective owners, by the Council exercising its compulsory purchase powers, or even a combination of both, there is no policy requirement for cross-subsidies on any part of Site B and it was no part of the Council's case that individual site owners should or could be required to hand some of their profits to a neighbouring landowner to facilitate development of their site. All in all therefore, whilst I understand the concerns raised, I find no material prejudice to the prospects for re-development of the adjacent Squirrels site as a consequence of the appeal scheme coming forward in isolation.
24. No 7 Nestles Avenue adjoins the western boundary of the appeal site. It was no part of the Council's case that that site could not be built out as shown on the appellant's masterplan which shows an 18 metre wide double-sided corridor block of residential accommodation, such blocks being the basis for the approved schemes on Sites A and C. The appeal building comes close to the shared boundary with No 7, relying heavily on the adjacent site to provide the majority of the necessary separation between windows to habitable rooms.
25. The Council was concerned that the proposed relationship would constrain unduly redevelopment of No 7 Nestles Avenue. However, given the need to set back any development on the adjacent site by at least 7 metres from the boundary with Viveash Close (in order to accommodate the required separation from the approved scheme on Site C) the evidence of the appellant, which was not undermined by the Council, was that pulling the appeal scheme away from

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<sup>5</sup> The red line boundary for the appeal site sits roughly 3 metres further north of the rear of the existing building, extending halfway across an access road that runs along the southern boundary of the adjacent Trading Estate.

<sup>6</sup> APP/R5510/W/18/3218824 Mixed use redevelopment scheme providing 68 residential units and 1617 sqm commercial floorspace etc. Dismissed 19 July 2019.

the shared boundary would not give the adjacent site any obvious advantage in terms of the amount of development that could be brought forward there. For instance, even were the required minimum 21 metres separation between facing windows to habitable rooms shared equally between the two sites,<sup>7</sup> it would not be possible to widen significantly the development block on the No 7 site and achieve acceptable room layouts in terms of room depths and daylight levels. I am content, therefore, that the appeal scheme would not materially prejudice the prospects for redevelopment of No 7 Nestles Avenue.

26. With regard to the remainder of Site B, namely Nos 3 and 4 Viveash Close, they are separated from the appeal site by the Squirrels Trading Estate. No substantiated evidence was before me to demonstrate that allowing the appeal would make any difference to the prospect of No 3 or No 4 coming forward, either separately or together.
27. Returning to the Viveash Close appeal decision, the development in that case was to be built up against the southern boundary of that site, with the Inspector concluding that *'this could dictate and prejudice the form and nature of the development of the larger site, without any overall comprehensive consideration being available.'* Whilst there is no information as to the detailed arguments presented in that case, I agree with the appellant that the Inspector's test of 'could', is not the same thing as 'would', or even 'would be likely to'. There is no indication either, that the Inspector had before him any details as to how development might come forward on No 4 Viveash Close with the proposed scheme in place. Whilst he does refer to the 2017 GLA Framework Plan, there is no mention of any masterplan for Site B. In contrast, I do have a masterplan showing possible schemes of redevelopment for the whole of Site B, including those parts adjacent to the current appeal site. Moreover, that earlier appeal was determined in the summer of 2019. Since then, development on Site A has proceeded apace, with Block D adjacent to the current appeal site nearing completion, and with permission having been granted in December 2019 for the Buccleuch development on Site C. A quite different context from that of No 3 Viveash Close. These are material differences which distinguish the two cases.
28. To conclude on this issue then, I find nothing in the evidence before me to demonstrate that the development proposed would make any material difference in terms of the prospects for development of either the Squirrels Trading Estate or the site of No 7 Nestles Avenue coming forward in the future, either in isolation, taken together, or as part of a wider scheme for the remainder of Site B. On that basis, I consider that there would be no material prejudice to comprehensive redevelopment of site B as a whole. There would be no conflict, in this regard with policy 2.13B of the London Plan, policies DMHB 11 and SA 5 of part 2 of the Local Plan, and policies D3, D8, GG1 and GG2 of the emerging London Plan, which together and among other things seek to provide access to good quality community spaces, and make the best use of land including maximising the contribution of public realm whilst safeguarding satisfactory redevelopment of any adjoining sites with development potential.

### *Heritage Significance*

29. The appeal site lies outwith but adjacent to the Botwell: Nestlé Conservation

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<sup>7</sup> Similar to the arrangement agreed between the developer of the approved Buccleuch scheme and the owner of the remainder of Site C.

Area. Whilst the setting of Conservation Areas are not afforded any statutory protection, paragraphs 189 and 190 of the National Planning Policy Framework (the Framework) require an assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. Although significance can be harmed or lost through development within the setting of heritage assets such as Conservation Areas, the setting of itself is neither a heritage asset nor a heritage designation. Rather, its importance lies in what that setting contributes to the significance of the heritage asset, or to the ability to appreciate that significance.

30. There is no formal Appraisal for the Conservation Area, which is currently on the 'At Risk' register due to its deteriorating condition since Nestlé vacated the site in 2014. Instead, my attention was drawn to the Heritage Statement submitted in connection with the planning application for development of the Nestlé Factory site.<sup>8</sup>
31. This is a relatively modest Conservation Area, the boundary of which corresponds generally with that of the former Nestlé Factory site. It is focused on the visible elements of the original buildings and their garden setting (key survivals which illustrate the early history of cocoa manufacture and factory use) and on the functional relationship of those buildings with the Grand Union Canal and the railway, the proximity to which informed the initial location of the factory. Three of the buildings are locally listed. The heritage significance of the Conservation Area (as opposed to its character and appearance) derives largely from its special historic and architectural interest.
32. In terms of setting, the Council's Conservation Area Review Report (October 1999) confirms that the front of the factory is important in landscape terms, that the main views are from the canal tow path and along Nestles Avenue, with a particular axial view by the ornamental gates, and that the by-pass to the east gives an unexpected elevated view of the complex. The Heritage Statement referred to above confirms that the key view of the site, from which its heritage significance can readily be appreciated, is from Nestles Avenue towards the principal foyer element of the factory building, enhanced by the metal boundary railings and gates.
33. To the west, whilst the land originally formed part of the open grounds associated with the factory, it was sold off and has long since been developed for industrial purposes, comprising a mix of largely utilitarian industrial sheds and buildings, including the appeal site. Whilst those buildings are part and parcel of the industrial character of this part of Hayes they do not, in my view, make any contribution to the heritage significance of the Conservation Area. In particular, the appeal site is not seen as an integral part of any of the views referred to above and it does not contribute in any material way to the ability to appreciate the significance of the Conservation Area, especially given the presence of the recent substantial buildings on the Factory site, between the historic core of the Conservation Area and the appeal site.
34. I mentioned earlier the presence of locally listed buildings within the Conservation Area. These non-designated heritage assets comprise the 1930s Nestlé Factory works, the former canteen, and the gates and railings along part of the site frontage. Their significance, which largely informs the significance of the Conservation Area itself, derives from their architectural and historic

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<sup>8</sup> Relied on by the parties in the absence of a formal Conservation Area Appraisal.

interest which is enhanced by their group value. Their historic setting, which is generally confined to the Conservation Area itself but also includes the key view referred to above from Nestles Avenue, is an integral part of that significance. For the reasons set out above, the appeal site makes no contribution to that significance, or to any appreciation thereof.

35. In light of the forgoing, whilst the development proposed would clearly result in a change to the setting of the Conservation Area, there would be no harm in terms of its heritage significance, or the heritage significance of the non-designated assets within it. It follows that there would be no conflict with Section 16 of the Framework, or with policy 7.8 of the London Plan, policy HE1 of the Local Plan Part 1, and policies DMHB 1, DMHB 3, DMHB 4, DMHB 11 and SA 5 of Part 2 of the Local Plan, which together and among other things seek to sustain and enhance the significance and integrity of heritage assets.

#### *Character and Appearance/Urban Design*

36. The building proposed would be of ten storeys at its highest, at the northern boundary of the site adjacent to the Squirrels Trading Estate, stepping down at intervals through eight, five and four storeys to the southern (road) frontage, providing for reduced massing facing the lower two-storey dwellings on the opposite side of Nestles Avenue. The design employs a generally pleasing industrial/warehouse aesthetic and has similarities in terms of form and massing with the adjacent building on the Nestlé Factory site (Block D) which is nearing completion. However, as noted earlier, the building footprint occupies much of the site coming, for instance, to the edge of the adjacent Trading Estate to the north, and to within roughly 2 metres of the shared boundary with No 7 Nestles Avenue to the west.
37. Block D, adjacent to the appeal site on the Nestlé Factory site extends all the way up to the southern boundary of the linear park, onto which it has a frontage. The appeal site, however, does not extend that far north. It is separated from the southern boundary of the likely route of the park through Site B (the general alignment of which is informed by the corresponding provision on the approved schemes on Sites A and C) by the southern part of the Squirrels Trading Estate. Of particular concern to the Council in this regard, is the ten storey façade on the northern elevation of the proposed building which would have no windows or openings, intended to facilitate potential future development on the adjacent Trading Estate.
38. A similar issue arose in relation to the 3 Viveash Close appeal. In that case, the development was to be constructed adjacent to the site boundary with No 4 Viveash Close, to the south, with blank elevations intended to facilitate adjacent development being built up to that boundary. The Inspector in that case found that if redevelopment of the neighbouring land within Site B did not come forward, the appeal scheme would appear harsh and dominant in the context of the existing buildings. He concluded that whilst the proposal in that case would, in longer views, be seen against the backdrop of taller buildings to the north of the railway, and those under construction in the vicinity, the contrast at closer quarters would be stark and unacceptable in the context of the much smaller adjacent buildings.
39. There are material differences between the current appeal and the Viveash Close scheme, not least in terms of design and detailing. The Viveash Close development comprised two tower blocks (of eight and ten storeys) connected

by a podium at ground floor level. The blank southern elevations of the towers were of a panelised cladding system to a modernist design with a significant horizontal emphasis. Notwithstanding the absence of any windows, the exposed northern elevation of the building the subject of the current appeal comprises a highly articulated contextual brickwork façade, referencing art deco style characteristics of both the former Nestlé Factory and the frontages to the units facing onto Nestles Avenue, including No 9.

40. Moreover, the building would not be viewed only in elevation. Rather, in views from the north/northwest, a particular concern of the Council, the façade would be seen in conjunction with the well-considered western elevation of the building. Furthermore, whilst it would be close to the lower buildings on the adjacent Squirrels Trading Estate, when seen in views from Viveash Close, from the station car park and the station itself, and from High Point Village beyond it would have a very close relationship with the northern end of Block D on the adjacent Factory site, which is currently nearing completion and is sited adjacent to the eastern end of the Trading Estate. The western elevation of that end of Block D comprises a four storey energy centre, rising to ten storeys of residential accommodation behind. That is a quite different context from that of the Viveash Close scheme. On balance, I am content in the circumstances that prevail here, that the north elevation of the appeal building would not, given its emerging context and design, be seen as an unduly intrusive or incongruous feature pending any redevelopment of the adjacent Trading Estate, and there would be no harm in terms of any unacceptable impact on the character and appearance of the area in this regard.
41. However, good design includes visible, clearly identifiable entrances that are directly accessible from the public realm, a key aspect of a development's contribution to the legibility of the urban environment. Indeed, as confirmed in the National Design Guide, successful streets are characterised by buildings facing the street to provide interest, with overlooking and active frontages at ground level, an active frontage being defined as the front of a building with openings onto the space that generate activity and engagement between the building interior and the space outside, particularly entrances.
42. Both the approved Nestlé Factory scheme and the Buccleuch development have entrances on the front of the buildings, providing an active frontage directly onto Nestles Avenue. The appeal scheme however, has no direct entrances on that principal road frontage. Rather, all access to the building would be taken from a secondary, side elevation facing onto a north/south shared space access lane, comprising a long cul-de-sac with gates at the far end.
43. I share the concerns of the Council in this regard, about the legibility of the building, particularly in terms of access. The entrances would be largely hidden from view and would not be readily identifiable from the street. Moreover, no windows as such are shown facing onto the access lane at ground floor level. Rather, there would be the entrance to the commercial unit, together with the entrances to the cycle storage and undercroft car parking spaces, the refuse and recycling stores, a substation, and the two residential entrance lobbies. Moreover, at its southern end, the access would pass beneath the overhanging second and third floors of the four storey element for a distance of roughly 11 metres. At its northern end, the upper storeys would project roughly halfway across the lane for a distance of around 10 metres. In addition, balconies on all floors would overhang the access lane along its length.



44. Whilst the appellant referred to the access lane as a linear landscaped area, the extent of the building footprint leaves only a relatively narrow band for planting between the access and the site boundary. Furthermore, any planting would be fragmented, with the strip including cycle stands and areas of grasscrete to allow for vehicles to manoeuvre into and out of the parking spaces proposed. As a consequence, instead of an active and attractive street scene, it seems to me, particularly when combined with the tunnelled lengths at each end and the oversailing balconies, that the access lane would have the appearance of little more than an extended service yard for the most part and would not be a beautiful, people-friendly or welcoming environment for those using the building. That effect would be exacerbated by its proximity to the secure parking area (Milk Yard) on the adjacent Factory site and the related boundary treatments that will be necessary to make that facility secure in due course.
45. I referred earlier to the building footprint occupying much of the current appeal site. Whilst the building would be set back from Nestles Avenue, the four storey element at the front would, including the oversail of the side access lane, extend across almost the whole of the site frontage, right up to the boundary with the adjacent Factory site to the east, and to within a couple of metres of the shared boundary with No 7 to the west. In addition, the whole of the ground floor along the western elevation of the proposed building would be set a couple of metres off the shared boundary with No 7, separated from the adjacent site by only an access path, with the rear of the building set hard up against the access road within the adjacent Squirrels Trading Estate.
46. As noted by the Viveash Close Inspector, whilst buildings of up to 12 storeys are proposed on Sites A and C, they are set within larger sites that contain landscaping and areas of public realm. In contrast, other than the landscaping proposed across the Nestles Avenue frontage, the current appeal scheme does not provide any meaningful setting within the site for the substantial building proposed, with no 'breathing' space around the perimeter of the development. Rather, it is largely reliant on future development taking place on adjoining land to the west (No 7 Nestles Avenue) being set back from the boundary to provide some form of setting.
47. In coming forward ahead of any wider development scheme for Site B to which adjoining owners have had input or are signed up, it is important that the appeal proposal is self-sustaining. It may be that, in due course, a scheme will materialise on the adjacent site to the west which could provide an appropriate setting for the appeal building. However, unlike the Buccleuch scheme, such provision is not secured by the planning obligation, or any other mechanism, and thus cannot be assured as coming forward within any reasonable timeframe, if at all. In the absence of such, the scheme stands or falls on its own merits.
48. The development proposed would generally reflect the form and massing of the adjacent Block D, within the Conservation Area, and I take no issue with the relationship between the two buildings in terms of any harm to the character and appearance of the Conservation Area itself. I take no issue either with the windowless northern elevation of the block in relation to its design, given its context. However, when considered on its own individual merits, I am firmly of the view that the development as a whole would fail to create a positive sense of place, or an environment of high quality, at jarring odds with the successful emerging character of the wider allocation site. Accordingly, in terms of its

overall scale, massing and design it would have a significant adverse impact on the local townscape/ streetscape and on the character and appearance of the area generally.

49. In light of my conclusions on this issue, there would be conflict with policies 3.4, 3.5, 7.4, 7.5 and 7.6 of the London Plan, policy BE1 of the Local Plan part 1, policies DMHB 11, DMHB 12 and SA 5 of the Local Plan part 2, and policies D3 and D8 of the emerging London Plan. Together and among other things, whilst seeking to optimise site capacity, the policies also seek to create buildings, spaces and places that are attractive and well-integrated into their surroundings, that enhance the quality of local places and are sensitive to the character of the area. There would be conflict too with the National Design Guide and paragraphs 127 and 130 of the Framework, which have similar aims.

### *Parking*

50. Policy DMT 6 of the recently adopted Local Plan Part 2 sets out maximum parking standards for new development. Based on that, the maximum provision for the appeal scheme would 122 residential parking spaces plus nine spaces for the commercial element (based on B1 office use). As proposed, however, the development would effectively be car-free, with a total of just four on-site parking spaces: three for residential occupiers and one for the commercial/community floorspace.
51. Inasmuch as the number of spaces would not exceed the maximum standards, there would be no policy conflict. There would be no conflict either, with policy 6.13 of the current London Plan and Table 6.2, which together confirm that all developments in areas of good public transport accessibility in *all parts of London* (my emphasis) should aim for significantly less than one space per residential unit. There was no dispute in this regard that the appeal site currently has a Public Transport Accessibility Level (PTAL) rating of 4, which is categorised as 'Good' by Transport for London (TfL).
52. Both the GLA, through its Stage 1 comments, and TfL, set out that the car free nature of the development proposed is strongly welcomed and supported. I am mindful, in this regard, that a Parking Management Zone is currently in operation along Nestle Avenue and some side streets. The controls restrict on-street parking to residential permit holders only between 09.00-17.00 Monday-Friday. That is complemented with parking restrictions in the form of single yellow lines Monday-Saturday 08.00-18.30. The submitted planning obligation includes provision to preclude future occupiers from acquiring a parking permit for the Zone.
53. However, the Council maintained that current drive to work patterns and historically high car ownership levels in the Botwell ward<sup>9</sup> would continue in the future, such that a significant number of future residents<sup>10</sup> would be likely to own a private car for use on a daily basis, notwithstanding the absence of any meaningful on-site parking provision and the restriction on obtaining a residential parking permit. It was suggested that in seeking to park wherever the opportunity might arise, those who were unsuccessful in finding an on-street parking space close to the development would be likely to park in locations that would present a risk to road safety, also detracting from local

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<sup>9</sup> The appeal site lies within the Botwell ward

<sup>10</sup> Estimated as 40-60 residents in the oral evidence of Dr Tilly in the related discussion at the Inquiry



amenity.<sup>11</sup> On that basis, it was held that a 'car-lite' approach was appropriate here, such as had been approved on the Nestlé Factory and Buccleuch sites, where on-site parking was agreed at a ratio of 0.6 spaces per residential unit. Whilst the later (July 2019) Viveash Close appeal was unsuccessful, the parking ratio proposed there was 0.5 spaces per dwelling, with the Inspector concluding that such provision was acceptable in this location (the appeal failed for other reasons).

54. Hayes and Harlington railway station lies within approximately 400 metres of the appeal site and is currently served by some eight trains an hour operating between Paddington to the east and Reading/Didcot Parkway and Heathrow airport to the west. In addition, eight local bus services (with stops at the station) provide connections to a range of destinations including Northolt, Uxbridge and Heathrow. Two further bus services have recently been introduced, contributing an extra ten services an hour in each direction, providing an express route between Harrow and Heathrow and a more local service connecting Hayes with Ickenham and Ruislip.
55. Whilst the recent additional bus services improve the accessibility index, that is not to the extent that it alters the current PTAL 4 rating. However, once the Elizabeth Line (Crossrail) opens - currently anticipated mid-2022 - a further two rail services an hour will stop at the station, providing connections to Reading, Maidenhead and Slough in the west, and as far as Romford and Shenfield in the east. The new line will also provide direct connections from Hayes to central London, Canary Wharf and Stratford, as well as to key transport interchanges in the future such as Old Oak Common, which would interchange with High Speed 2 and provide onward connections to Euston, Birmingham and other locations further north.
56. The evidence of the appellant is that, combined with the recent bus service improvements, the introduction of the Elizabeth Line will increase the rating of this part of the Borough (including the appeal site) to PTAL 5, classed by TfL as 'Very Good'. The accessibility index, which informs the PTAL, is expected to increase further with the planned extension of bus route H32 to Hayes and Harlington, plus further improvements funded by the Nestle factory and Buccleuch developments. In addition, significant station improvements are currently underway, including four new lifts to provide step free access, platform extensions and new canopies, which will also assist in making travel by train more appealing for future residents.
57. Part A of policy T6 of the emerging London Plan states that parking should be restricted in line with levels not only of existing, but also future public transport accessibility and connectivity. In addition, part B confirms that car-free development should be the starting point for all development proposals in places that are, or are planned to be, well-connected by public transport, with developments elsewhere to be car-lite. Policy T6.1 sets out that new residential development should not exceed the maximum standards set out in corresponding Table 10.3.
58. The Council argued that neither the current PTAL 4, nor the future PTAL 5 rating fully reflect a true picture of the transport situation in this part of

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<sup>11</sup> Although the related RfR includes reference to concerns about the effect of this on the free flow of traffic, it was confirmed by Dr Tilly in the related discussion, and by Mr Volley in cross-examination, that the Council was no longer pursuing this point.

Hillingdon, an outer London Borough with a number of residents working beyond the Greater London area which in its view is not so well connected. My attention was drawn in this regard, to the Mayor's Transport Strategy (March 2018) which comments that trips in outer London tend to be longer, with many people having no choice but to drive, particularly for trips around outer London (as opposed to into the city centre). It sets out that whilst walking is the first choice for short trips, with buses being important for access to town centres, the car is used for most other travel, although cycling has huge untapped potential to replace many of the shorter car trips.

59. To my mind however, those comments represent a general, rather than specific picture. The widely used PTALs are a detailed and accurate measure of the accessibility of a point to the public transport network, taking into account the walk time from the point of interest to public transport access points, the reliability of the service modes available, the number of services available within the catchment, and the level of service at the public transport access points (average waiting time). Whilst the ratings do not take account of punctuality or quality, they are clearly a good indicator of the level of services available. Moreover, Table 10.3 of the emerging Plan specifically recognises that there are differences between inner and outer London Boroughs with the same PTAL ratings, indicating higher maximum parking provisions for outer London Boroughs. Significantly though, for **all** areas with a PTAL rating of 5-6, the Table is clear that development is to be car free.
60. The Council also maintained that future occupiers would be likely to want to travel to key destinations beyond Greater London, such as Reading, Slough, Staines, High Wycombe, St Albans for employment, with few transport options in Hayes serving those destinations. However, as noted above, Reading and Slough will be served by the new Elizabeth Line once it opens. In any event, based on the 2011 Census database, it would seem that by far the majority of existing residents (85.4%) who live in the same area as the appeal site, are employed within a London Borough (ie not outside Greater London). Almost half of those residents (some 41%) were employed within Hillingdon, with around 30% employed within the Middle Super Output Area which includes Heathrow airport, a key employment location for residents of the area, a location connected directly by bus and rail with those connections set to improve in the future. The next main destination for around 15% of residents travelling to work is Hayes town centre apparently, which is within walking distance of the site (approximately 750-900 metres). The Census database also indicates that the other destinations referred to by the Council are not 'key' destinations as such, with just some 1% of the working population making the journey to Staines, some 0.25-0.3% working in High Wycombe and St Albans.
61. Whilst the Council asserted that travel by public transport was unattractive, referring anecdotally to noisy school children and overcrowding, together with punctuality issues, suggesting there was nothing to influence car ownership in the future, its own policies and related guidance clearly anticipate a behaviour change and a move to car free development. In particular, its Third Local Implementation Plan (March 2019)(LIP3) sets out how the Borough intends to implement the Mayor's Transport Strategy. Among other things, specific objectives promote sustainable travel to encourage a reduction in car use, and to support new development environments that prioritise sustainable travel. It confirms that *'Hillingdon will support car-free and car-lite development in areas*

*that are well connected to sustainable travel options ie Uxbridge Station, Hayes and Heathrow.'* The appeal site is located in Hayes.

62. LIP3 also confirms that car-free development facilitates behaviour change for residents from the onset of occupying a dwelling in an area that has limited or no parking. I agree with the sentiments of a colleague Inspector drawn to my attention in this regard, endorsed by the Secretary of State, that *'Policy is geared towards persuading people to switch from private cars to public transport in order to try and reduce traffic. One of the best ways of achieving this is to limit parking provisions and one of the best opportunities to persuade people to alter this aspect of their life-styles is when they move home. While not a perfect solution, it follows that providing new residential accommodation with little or no parking at this highly accessible location is likely to help achieve that end...'*<sup>12</sup> I recognise that that relates to a different local authority area, but I see no reason why the sentiments would not hold true here.
63. In addition to precluding access to residential parking permits, the planning obligation<sup>13</sup> secures the submission of a Travel Plan, which would include a minimum three years free car club membership for future residents. It also secures a contribution towards the Council's planned Multi Modal Transport Spine across the site frontage, which would include high quality footways and cycleways segregated from the carriageway along the northern side of Nestles Avenue connecting to local destinations, which will further encourage the take-up of sustainable modes of travel.
64. Moreover, the officer's report in relation the Buccleuch site confirmed that Nestles Avenue Quietway provides a further opportunity to extend the Brunel University Santander bicycle hire scheme to include Hayes, Stockley Park and West Drayton, which would increase travel choice for future residents. I see no reason why the same consideration is not engaged in relation to the appeal scheme. In addition, the development is planned as a build to rent scheme, with the unchallenged evidence of the appellant demonstrating that tenants of such schemes generally have a lower parking demand than owner-occupied developments.<sup>14</sup>
65. A further consideration is the accessibility of the site to local services and facilities. According to the Government publication *Manual for Streets* and the *National Design Guide*, walkable neighbourhoods typically have a range of facilities within a 10 minute walk (up to about 800m) with the 2017 *National Travel Survey: England* (referred to by the appellant) finding that walking is the most frequent mode for short trips, where 81% of trips under one mile (around 1.6 kilometres), and 30% of trips between one and two miles (some 3.2 kilometres) were walks. In relation to the appeal site, supermarkets, a cash point, Hayes town centre, two medical centres and a dental practice are located within 800 metres walking distance of the site. A post office, a further supermarket, pharmacy, three schools, a library and a sports and leisure centre lie within 1.6 kilometres, with two more schools and a college within 3.2 kilometres. Quite clearly, therefore, the appeal site is in close proximity to a good range of everyday services and facilities that would be readily accessible to future occupiers on foot or by bicycle.

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<sup>12</sup> APP/I5240/V/17/3174139 LB Croydon Redevelopment scheme including 220 residential units, community and church space and a retail unit. That part of the scheme comprising 106 dwellings was to be car free.

<sup>13</sup> ID22

<sup>14</sup> Savills' Report 'Unlocking the Benefits and Potential of Build to Rent' on behalf of The British Property Federation (February 2017)

66. The final paragraph of policy SA 5 sets out that, subject to the outcome of area specific studies, an approach to parking which departs from the standards in the Local Plan may be considered if supported by relevant public transport improvements and other mitigating measures. I consider the extensive evidence provided by the appellant to be broadly equivalent to such a study. It demonstrates that the appeal site is in one of the most accessible locations in the Borough, close to Hayes town centre with convenient access to shops, services, facilities, public transport and active travel opportunities. Given that context, and the imminent increase to PTAL 5, I am in no doubt that the absence of on-site parking and the parking restrictions on the adjacent roads would act as a natural deterrent to car-ownership for future occupiers, informing the decision of future occupiers as to whether the scheme would suit their needs/demands.
67. Even in the unlikely event that some future occupiers did own a car, no objective evidence was before me to demonstrate that they would be significant in number, or which supported the Council's contention that parking on the highway in observance of the existing parking restrictions (which include a resident's parking scheme that future occupiers would be ineligible for) would, of itself, have a necessarily adverse impact on vehicular or pedestrian safety or detract from local amenity to any material degree. I recognise that parking enforcement in the area results in numerous parking notices being issued, demonstrating a disregard of those restrictions by some, but that is not evidence that such parking presents an unacceptable risk in terms of vehicular or pedestrian safety.
68. To conclude on this issue therefore, I find no conflict with either existing or emerging policies, with the emerging policies accepted by the Council as attracting substantial weight in this appeal, and other guidance. I find no conflict either with the Framework, which confirms that development should only be prevented or refused on highways grounds if there would, among other things, be an unacceptable impact on highway safety.

#### *Other Matters*

69. The development attracts a CIL payment, some £900,000 of which would go towards funding local infrastructure through the Council's Levy, and also to Crossrail through the Mayoral CIL. I am mindful, in this regard that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority shall have regard to a local finance considerations, so far as material to the application, with Section 70(4) defining a local finance consideration as including sums that a relevant authority will, or could receive in payment of the Community Infrastructure Levy. It was suggested for the appellant that the CIL payment would be a substantial benefit of the scheme in this case, referring me to an appeal determined by the Secretary of State.<sup>15</sup> The Council considered it to be neutral.
70. The Planning Practice Guidance advises that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.<sup>16</sup> I am mindful in this regard, that the requirement for the CIL payment is imposed on the developer, with the amount determined by scheme viability. Whilst that contrasts with Section 106 contributions, which are

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<sup>15</sup> APP/N5090/W/17/3189843

<sup>16</sup> Paragraph: 011 Reference ID: 21b-011-20140612

focused on addressing specific mitigation measures required by a new development to make it acceptable in planning terms, the payment is nonetheless required to mitigate harm arising as a direct consequence of the development proposed. On that basis, inasmuch as the infrastructure which would be funded in part by the CIL contribution would also benefit the wider population of the Borough to varying degrees, I consider that it carries limited to moderate weight in this instance. I recognise that that differs from the significant weight afforded by the Secretary of State to the CIL payment in the appeal referred to above. However, whilst I have no information as to the specific evidence that led him to that view, I note that the development in that case was for a substantially larger scheme, presumably attracting a materially larger payment.

71. There would be benefits from construction employment, with additional jobs generated in the wider economy outside of construction. In generating additional households, the scheme would also increase gross additional household expenditure. These are not quantified but are matters that generally attract considerable weight. In addition, notwithstanding the existence of a five year supply of housing land, the provision of 81 units for rent on a brownfield site, in a sustainable location, with a good level of public transport accessibility at present, rising to very good in the near future once the Elizabeth Line opens, is a benefit to which I afford substantial weight.
72. One of the putative reasons for refusal related to affordable housing provision. Subsequent negotiations and clarifications led to an agreed position being reached. By the end of the Inquiry, it was a matter of agreement that the scheme could support six affordable homes (equating to 7.4% by habitable room) to be provided as Discount Market Rent units at London Living Rent.<sup>17</sup> The Council confirmed that the provision is the maximum reasonable amount that can be provided by the development at this time. The planning obligation secures that provision, the rents, and early and late stage review triggers, which arrangements mean that there is no conflict with London Plan policies 3.10, 3.11, 3.12 and 3.13, policy H2 of the Local Plan Part 1, or policy DMH 7 of the Local Plan Part 2, which policies together and among other things seek to secure the maximum reasonable amount of affordable housing. However, since the provision is well below the policy target of 35% by habitable room, I afford it only moderate weight.
73. The planning obligation secures some £10,770 towards provision of the Council's planned Multi Modal Transport Spine on Nestles Avenue, with the development scheme also safeguarding land for that purpose. The arrangements secured are required to mitigate the impact of the development proposed given its car free nature. However, inasmuch as there would also be a benefit to the wider community, this is a matter which attracts moderate weight.
74. Provision of the on-site play space and communal amenity space does not attract any positive weight, since it is required for future residents and would not be available for use by others. The shortfall in the quantum of provision is addressed by a financial contribution secured through the planning obligation, towards improvements at nearby Cranford Park. Whilst intended to address a harm arising from the appeal scheme, there would be a shared benefit for the

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<sup>17</sup> ID10



wider community in this regard, a benefit to which I afford limited to moderate weight, given the limited scale of the contribution.

75. I recognise that the 848 square metres employment floorspace on the appeal site would, in terms of quality, be an improvement over the existing provision. However, any weight in this regard is tempered by the overall reduction of employment floorspace on the site. That said, I was advised, and no evidence was before me that challenged the evidence of the appellant in this regard, that the re-provided space could facilitate up to 72 jobs, compared to 50 potential jobs for the existing floorspace. Alternatively, it could deliver valuable community floorspace for local residents. All in all, I consider that the commercial floorspace to be provided can be afforded moderate weight.

### **Overall Planning Balance**

76. The Council has a five year supply of housing land and there was no suggestion that any of the most important or otherwise relevant policies are out of date by reason of any conflict with the Framework. As such, the so-called tilted balance set out at paragraph 11 of the Framework is not engaged, with the appeal falling to be determined in accordance with the development plan, unless material considerations indicate otherwise.
77. I have found that the scheme would not materially prejudice comprehensive redevelopment of the larger Site B area, that there would be no harm to the heritage significance or character and appearance of the Conservation Area, and that the proposed parking provision would not harm vehicular or pedestrian safety at the time the development might be occupied. I have, however, found that in terms of its scale, massing, design and townscape/streetscape impact, the development would have a material adverse impact on the character and appearance of the surrounding area generally.
78. The benefits of the proposal as set out above are material considerations. However, as provided for in the development plan and the Framework new development is expected, amongst other things, to create high quality buildings and well-designed places that are sympathetic to and maintain the prevailing character of an area. Having weighed carefully all the above benefits they do not, in my view, outweigh the harm that I have identified. On balance therefore, I conclude that the proposal would conflict with the development plan taken as a whole and thus that the appeal should not succeed. The outcome of that balance would be the same, even had I afforded significant weight to the CIL payments as suggested by the appellant.

*Jennifer A Vyse*  
INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Isabella Tafur, of Counsel	instructed by the solicitor for the Council
She called	
Stephen Volley	Planning Appeals Manager with the Council
MSc, DipTP	
Tom Campbell MSc	Principal Planning Policy Officer with the Council
Dr Alan Tilly PhD, MSc,	Transport Planning and Development Team
DipTP, BA(Hons), MRTPI	Manager with the Council
Mark Butler	Principal Conservation and Urban Design
MA, BSc(Hons)	Officer with the Council

### FOR THE APPELLANT:

Robert Walton, of Queen's Counsel	instructed by Town Legal LLP
He called	
Charles Mills	Partner with Daniel Watney LLP
MRICS, ARTPI	
Victoria Porter	Associate Partner with i-Transport LLP
BSc, MSc, MCIHT	
Stephen Donnelly	Associate Director with Brimelow McSweeney
DipArch, RIBA	Architects

## INQUIRY DOCUMENTS

### **HANDED UP DURING THE INQUIRY**

ID1	Appeal Decision APP/X5210/W/15/3141159 (Arthur Stanley House, Camden)
ID2	Appeal Decision APP/F5540/A/06/2024587 (210 Bath Road, Hounslow)
ID3	Email from TfL to Victoria Porter re WebCAT datasets (7 February 2020)
ID4	Opening submissions for the appellant
ID5	Opening submissions for the Council
ID6	Decision Notice for the former Nestle Factory (No 1331/APP/2017/1883)
ID7a	Draft planning obligation
ID7b	CIL Compliance Schedule and Appendices
ID8	Design and Access Statement 3 Viveash Close
ID9a	Amended Plan - Fourth Floor Plan proposed No 1820-1104 Rev E
ID9b	Amended Plan - Fifth Floor Plan Amenity No 1820-0480
ID9c	Amended Plan - Eighth Floor Amenity No 1820-0481
ID10	Statement of common ground: Affordable Housing
ID11	Appearances for the Council
ID12a	Amended Plan - Fourth Floor Plan proposed No 1820-1104 Rev F
ID12b	Amended Plan - Fifth Floor Plan proposed No 1820-1105 Rev F
ID12c	Amended Plan - Eighth Floor Plan proposed No 1820-1108 Rev E
ID12d	Amended Plan - Nestles Avenue Elevation proposed No 1820-1301 Rev C
ID13	Suggested planning conditions (amended)
ID14	Amended version of the draft planning obligation
ID15	Revised CIL compliance schedule
ID16	Addendum to the Statement of Common ground relating to amenity space including further amended plans



- ID17 Final schedule of suggested planning conditions
- ID18 Council's closing submissions
- ID19 Appellant's closing submissions
- ID20 Appellant's written application for costs
- ID21 Council's costs rebuttal

***SUBMITTED AFTER CLOSING WITH THE AGREEMENT OF THE PARTIES***

- ID22 Signed S106 Agreement
- ID23 Email dated 6 February from the appellant to the Council re concerns about potentially wasted costs