CD10.1k – Purely Baptist Church, Purley (2019) – Appeal Ref: APP/I5240/V/17/3174139

Proof Reference – Paragraphs 3.2.53 – 3.2.54;

Relevant Appeal Decision Paragraph – Paragraph 20 of the Secretary of State Letter and Paragraph 15.31 of the Appeal Decision

This report makes a similar acknowledgement as CD10.1j, in 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. This was recorded by the Inspector and accepted by the Secretary of State.

Ministry of Housing, Communities & Local Government

Our ref: APP/I5240/V/17/3174139
Your ref:

Nexus Planning
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

3 December 2018

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY THORNSETT GROUP AND PURLEY BAPTIST CHURCH
LAND AT 1 RUSSELL HILL ROAD, 1-4 RUSSELL HILL PARADE, 2-12 BRIGHTON ROAD, PURLEY HALL, PURLEY BAPTIST CHURCH, BANSTEAD ROAD, 1-9 BANSTEAD ROAD, PURLEY, CR8 2LE
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 David Nicholson RIBA IHBC, who held a public local inquiry on 9-17 January 2018 into your client's 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, Purley Hall), 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 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.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted.

4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1626
Email: PCC@communities.gsi.gov.uk

Procedural matters

5. At the time of the Inquiry the Local Plan had not been adopted. Having been informed that the adoption would probably take place before the submission of his report, the Inspector asked parties to make their closing submissions on this basis to avoid seeking further comments. The Council subsequently confirmed the adoption of the Croydon Local Plan 2018 (Croydon LP) on 27 February 2018. The Secretary of State does not consider that the subsequent adoption of the Croydon LP raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application and he is satisfied that no interests have thereby been prejudiced.

Matters arising since the close of the inquiry

6. On 30 July 2018, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the publication of the new National Planning Policy Framework ("the Framework"). These representations were circulated to the main parties on 13 August 2018. A list of representations received since the inquiry closed is at Annex A. Those received in response to the circulation of 13 August 2018 were not circulated as the Secretary of State did not consider that they raised any further matters which might affect the decision. However, they are now attached to this letter for completeness.

7. The Secretary of State is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of all the letters referred to at Annex A may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

8. 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.

9. In this case the development plan includes the London Plan 2016 and the Croydon LP referred to in paragraph 5 above. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR3.2-3.14.

10. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance ('the Guidance'), as well as the London Mayor's *A City for all Londoners* (October 2017) and the Housing White Paper: *Fixing our broken housing market* (February 2017). The revised Framework was published on 24 July 2018, and unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

11. 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.

Main issues

Character and appearance

12. Having carefully considered the Inspector's findings at IR15.3-15.8, the Secretary of State disagrees that, for most of the scheme, the overall standard of design can be described as being sufficiently high to merit substantial weight (IR15.7). While the Secretary of State agrees that the standard of design for parts of the scheme is more than acceptable, particularly some of the lower elements, he has some serious concerns around design, as discussed in the next paragraph. The Secretary of State also agrees with the Inspector (IR15.7) that compared with the existing situation, some lower elements of the scheme would provide an enormous lift to the appearance of the area. He further agrees that it is clear that the tower would stand out as a marker of the road junction and the start of the town centre (IR15.8). However, he disagrees with the Inspector that this necessarily amounts to good urban planning and attributes limited weight to this aspect.

Design

13. Having carefully considered the Inspector's reasoning at IR15.9-15.11, the Secretary of State does not agree with him that, taken in the round, the proportions of the tower would be of a high standard of design (IR15.11) and, in particular, he has serious concerns about the height of the tower in this location. Although the Secretary of State acknowledges that LP policy DM42.1 refers to the potential within Purley District centre for "a new landmark of up to a maximum of 16 storeys" (IR15.12), he notes that not only would the current proposal exceed that maximum height but the table 11.10 of the LP is not site specific and no specific justification has been given in either the LP or the application to support the height of this site as proposed, having regard to its relationship with the existing built urban form.

14. The Secretary of State also has concerns about the quality of some of the elements of the design of the South Site proposals which fail to meet the high standards required of a scheme on the site and in proximity to adjoining neighbours with a significantly lower density. The built form, proportions, composition and use of materials of the frontage facing on Banstead Road is unsympathetic to the existing adjoining buildings and the north-west elevation is a featureless elevation that impacts on adjoining owners. There are also a number of single aspect homes that face north east, in conflict with the GLA requirements. The Secretary of State therefore considers that, if the scheme were to proceed, more attention should be given to that aspect. Overall, therefore, while the Secretary of State also agrees with the Inspector in principle that the scheme would improve the current public realm in accordance with LP Policies SP4.5-SP4.10, he considers that this could have been achieved in a way which paid greater respect to the character of the area and he gives substantial weight against the scheme to this factor.

15. The Secretary of State therefore does not consider that the design of the proposal is of 'exceptional quality' as required by LP Policy DM15c nor that it incorporates 'the highest standards of architecture..' as required by London Plan Policy 7.7C(e). Rather, whilst he considers that the design of some elements is more than acceptable, he has concerns about the poor design of the South Side proposals and the intrusive height and proportions of the tower and attributes this

substantial weight against the proposal. Overall, he considers that the proposal is not in accordance with relevant policies in the development plan.

Heritage assets

16. The Secretary of State has given careful consideration to the Inspector's analysis at IR15.17–15.19. He agrees with the Inspector that, in regard to the listed Purley Library, the proposed alterations to the public realm at ground level would amount to both a heritage and a public benefit (IR15.18). However, he further agrees that the presence of the tower would distract from the enjoyment of the facades and civic presence of the library, and cause harm to this heritage asset and this weighs against the proposal (IR15.19). The Secretary of State therefore does not agree that the proposal would comply with LP Policy SP4.13 overall and he considers that the proposal would not comply with LP Policies DM15d, DM18.1 and DM18.2. The Inspector considers that the degree of harm would be at the lower end of less than substantial (IR15.19), but the Secretary of State, for the reasons set out above and having had regard to paragraphs189-197 of the Framework, considers the degree of harm to be of a higher magnitude, at the upper end of less than substantial, and that this would be a further contributory factor against the scheme.

17. The Secretary of State has considered the Inspector's conclusions on non-designated heritage assets and impact on nearby conservation areas at IR15.20-15.22. The Secretary of State disagrees with the Inspector that the overall position regarding these non-designated heritage assets and conservation areas is neutral. In exercising his planning judgement, he takes the view that there would be a clear negative impact on the former bank at 960 Brighton Road, the Brighton Road LHA, and both the Upper Woodcote village and Webb estate conservation areas, and that this counts against the proposal.

18. Overall, however, the Secretary of State agrees with the Inspector that the overall harm is less than substantial, and that any such harm would need to be weighed against the public benefits (IR15.24).

Access/Pedestrian safety

19. For the reasons given at IR15.25-15.29, the Secretary of State agrees with the Inspector at IR15.29 that the potential for some difficulty in exiting onto Russell Hill Road should not count against the scheme.

Parking/highway safety

20. For the reasons given at IR15.30-15.32 the Secretary of State agrees with the Inspector that the limited parking provision should not count against the proposals and that the scheme would comply with London Plan Policy 6.13 and Table 6.2 for parking and all other highway safety issues.

Affordable housing (AH)

21. For the reasons given at IR15.33-15.37, the Secretary of State agrees with the Inspector that, while a tougher negotiation by the Council's consultants might arguably have resulted in a marginally greater proportion of AH (IR15.36), on balance, the scheme cannot be shown to be contrary to the AH requirements of the development plan and LP Policy SP2.5 (IR15.37).

Benefits

22. The Secretary of State agrees in the main with the Inspector's views on benefits at IR15.38-15.40, save for the conclusions on design.

Other infrastructure provision

23. The Secretary of State agrees with the Inspector (IR15.41) that there is sufficient evidence to conclude that flooding can be controlled by the conditions set out at Annex B. In respect of air quality (IR15.42-15.44), the Secretary of State agrees with the Inspector that, on balance and subject to controls, the proposals would ensure that the effects (including cumulative effects) of pollution on health would be taken into account and would accord with London Plan Policy 7.14 (IR15.53). The Secretary of State also agrees with the Inspector's conclusions on foul water (IR15.45).

Planning conditions

24. The Secretary of State has given consideration to the Inspector's analysis at IR13.1-13.2, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector would comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

25. Having had regard to the Inspector's analysis at IR14.1-14.6, the planning obligation dated 30 April 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State concludes that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

Planning balance and overall conclusion

26. Given his serious concerns about the design of the scheme as set out above at paragraphs 13 to 15, for the reasons given above the Secretary of State does not consider that the application 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.

27. In favour, the scheme will provide 220 new homes which he considers should be given significant weight. The Secretary of State also affords significant weight to the benefits to Purley District Centre arising as a result of the regeneration of the site. The provision of a new church and greatly enhanced community facilities are also benefits, to which the Secretary of State gives moderate weight. He considers the level of affordable housing and the potential effects on air quality to be neutral in the planning balance.

28. Against the scheme, however, the Secretary of State gives substantial weight to the poor design of the South Side proposals, and to the height and proportions of

the tower set out in paragraphs 13 to 15 above, which he considers not to be in accordance with relevant policies in the development plan.

29. The Secretary of State has also considered whether the identified 'less than substantial' harm to the significance of Purley Library and surrounding Conservation Areas is outweighed by the public benefits of the proposal. In accordance with the s.66 LBCA duty, he attributes considerable weight to the harm the significance of Purley Library. However, he considers that the benefits of the scheme, as set out in Paragraph 22 of this letter, are insufficient to outbalance the identified 'less than substantial' harm to the significance of Purley Library and surrounding conservation areas. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses 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, Purley Hall), 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 associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.

Right to challenge the decision

31. 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.

32. A copy of this letter has been sent to Croydon Council and Riddlesdown Residents Association, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Croydon Council (re timescale of decision)	9 May 2018
A Rudling (representation)	21 May 2018
Thornsett Group (representation)	6 June 2018
Croydon Council (re timescale for decision)	26 June 2018

Representations received in response to the Secretary of State's reference back letter of 30 July 2018

Party	Date
Croydon Council	9 August 2018
Nexus Planning	9 August 2018
Chris Philp MP	9 August 2018
Riddlesdown Residents Association	12 August 2018

Circulation of responses	13 August 2018

Responses following circulation

Party	Date
Chris Philp MP	15 August 2018
Riddlesdown Residents Association	17 August 2018
Nexus Planning	20 August 2018

Mosaic Place, Purley

APPLICANTS' SUBMISSIONS concerning the new NPPF (July 2018)

RESPONSE to the submissions of the Rule 6 Party and Chris Philp MP

Overview:

1. Nothing in the submissions of the Rule 6 Party or the letter from Mr Chris Philp MP detracts from the submissions of 8th August 2018 made by the Applicants in respect of the new NPPF.
2. The Applicants accordingly maintain their submission that to the extent that the July 2018 NPPF adds to or elaborates relevant national planning policies from those previously set out in the 2012 NPPF, this lends further support to granting planning permission for the proposals; and that there is nothing newly stated in the 2018 NPPF which in any way undermines the Applicants' case as summarised in the Applicants' Closing Submissions. In the main, the new NPPF continues to state relevant national planning policies in the same or a very similar manner to the original NPPF.

The Rule 6 Party's submissions:

3. The Rule 6 Party's submissions purport to address paragraphs 124 to 132 of the new NPPF. In reality, however, the submissions are no more than a re-hash of the points about design already made by the Rule 6 Party at the inquiry.
4. Moreover, and more importantly, the Rule 6 Party fails entirely to address paragraph 130 of the NPPF which states that: *"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."* (Emphasis added.) The inclusion of a tall building in the scheme does indeed accord with clear expectations in the development plan.
5. The clear statement of policy in paragraph 130 is reinforced (if it needed to be) by the passage from the Secretary of State's Written Ministerial Statement quoted by the Rule 6 Party, in which the Secretary of State speaks of providing homes that are "*locally led*". That is exactly the position here, the principle of a tall building in Purley being established in the newly adopted Croydon Local Plan: Detailed Policies and Proposals ("CLP2").

6. The submission made in respect of paragraph 125 of the NPPF is in these circumstances difficult to understand. The Rule 6 Party, like all local residents, had ample opportunity to participate in the development of the new design policies in CLP2 which entirely support the application proposals.

   Mr Chris Philp MP's letter

7. Mr Philp MP's letter is likewise no more than a re-hash of the points about design that he made at the inquiry (and in particular whether the application proposals respect and enhance local character). The letter says nothing at all about the new NPPF that assists in the determination of the appeal. Like the Rule 6 Party, the letter also fails to address paragraph 130 of the NPPF, and the fact that the application accords with clear expectations in plan policies.
8. The points about flooding made in respect of paragraph 155 of the NPPF were thoroughly addressed at the inquiry; the stated concerns about flood risk are wholly misconceived. The Applicants rely on the points made in evidence at the inquiry and in their Closing Submissions (see at paragraphs 8 and 73 of the Closing Submissions, the latter paragraph also referencing the flood risk responses to section 11 of the Rule 6 Party's statement of case in ID8).

Christopher Katkowski QC

Andrew Byass

16th August 2018

17 August 2018
E-mail; riddledownresidents@gmail.com

Dear Ms Hardy

Reference back on called-in planning application APP/l5240/V/17/3174139;
Purley Baptist Church, Russell Hill Road, Purley CR8 2LE; APPLICATION REF: 16/02994/P

Thank you for your e-mail of 13 August and we also refer to Ms Nowak's letter of 30 July.

The Rule 6 party would like to respond in particular to the comment made by Christopher Katkowski, in the applicant's submission.

- In paragraph 4 of the applicant's submission, Mr Katkowski states "*the proposals accord with the development plan*" (Croydon's). We believe this comment is not strictly correct.

  In Policy "***DM 42 Purley***"- of the Croydon Local Plan 2018, it states
  "*b. - 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 and..*"

  The tall building as proposed, will be 17 storeys above ground level with an additional 2 storeys partly below ground level, depending on which street the elevation is viewed from. A "storey", as defined in the Collins English Dictionary is; "*A storey of a building is one of its different levels, which is situated above or below other levels.*"

  This application will therefore be 19 storeys in total, and exceeds the "maximum**"** of 16 storeys, as stated in the Croydon Local Plan 2018. We therefore, do not believe paragraph 11c of the NPPF 2018 has been adhered to.

In all other respects, the Rule 6 party concur with the comments made by Chris Philp MP, in his letter of 15 August, which is attached as Appendix A.

Yours sincerely,
Phil Thomas

Phil Thomas MRICS (retired),
Riddlesdown Residents' Association,
For and on behalf of the Rule 6 Parties.

Attached – Appendix A – Letter from Chris Philp, MP dated 15 August 2018

Dear Sir / Madam,

Re: APP/l5240/V/17/3174139: Purley Baptist Church, Russell Hill Road, Purley CR8 2LE
PINS ref: 3174139

I have had the opportunity to review submissions by other parties and would like to respond to the points raised on behalf of the applicants by their Barrister, Chris Katkowski QC.

In paragraph 1 of Mr Katkowski's letter he claims that the new NPPF lends "further support" to his client's application. This is far from the case. The new NPPF weakens it. Amongst many things, in paragraph 131 of the new NPPF it is now made explicitly clear that applications must "fit in with the overall form and layout of their surroundings" (which this one very clearly does not).

Mr Katkowski makes some preliminary remarks about the NPPF's continued presumption in favour of sustainable development and the Government's general commitment to building more homes. These are clearly not absolute considerations (otherwise every planning application would be passed), but are subject to the detailed planning policies which are discussed below.

In paragraph 6 of Mr Katkowski's letter he states that his client's proposed tall building of 17 floors "accord[s] with clear expectations in the development plan". Croydon's Local Plan only refers to the "potential for a tall building of up 16 stories" in Purley. A weak reference to mere "potential" is <u>not</u> the "clear expectation" Mr Katkowski suggests. Further, as pointed out in my recent submission, there are numerous London Plan and Croydon Local Plan policies which this application contravenes - mostly to do with the clear adverse impact on local character which a 17 storey building would have on a neighbourhood where most buildings are 3 stories and the highest is 5 stories.

Paragraph 8 of Mr Katkowski's letter analyses the critically important paragraph 12 of the new NPPF, "Achieving Well Designed Places". Mr Katkowski concedes that paragraph 131 of the new NPPF now says for the first time that a design must "fit in with the overall form and layout of their surroundings". These new words in the NPPF are crucial. This application very clearly does <u>not</u> "fit in with the form and layout of the surroundings" - it is a 17 floor building surrounded by existing mostly 3 floor buildings and one 5 floor building. Mr Katkowski's claim that his client's proposed building fits in (saying it "does just this") is laughable.

Mr Katkowski cites new NPPF paragraph 127 (c), which says that development should be "sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change (such as increased densities)". The development proposed is not "sympathetic to local character" for the reasons already given (excessive height relative to existing buildings). The new NPPF paragraph 127 (c) then says that the requirement for development to be "sympathetic to local character" should not prevent increased density, if that increased density is "appropriate". The question, then, is whether the increased density to 17 stories in this application is "appropriate" or not. It is very clear that it is not appropriate. NPPF paragraph 131 referred to above makes clear that the design at this height is not appropriate, as do numerous London Plan and Croydon Local Plan policies quoted in my recent submission. The passing reference in the Croydon Local Plan to the mere "potential" for a 16 storey building somewhere in Purley is a very weak basis for deeming this application "appropriate" given the weight of Policy in the NPPF (especially para 131), when the London Plan and the rest of the Croydon Local Plan all point to the conclusion that it is in fact inappropriate. Simple common sense also points to this conclusion too - it cannot be "appropriate" to introduce a building three to six times higher than any other in the area.

Paragraph 9 of Mr Katkowski's letter refers to the new NPPF's support for raising density. The new NPPF refers to "appropriate" densities. The density in this application is <u>not</u> appropriate, as is clear from the fact the that the Island site exceeds the relevant London Plan maximum density by over 50% as pointed out in my recent submission and even both sites taken together exceed the maximum London Plan density for this type of location. Further, paragraph 122 (d) of the new NPPF says that any increase in density should take account of "the desirability of maintaining an area's prevailing character". This application manifestly does not do that, by virtue of being six times higher than most surrounding buildings.

I hope these observations on Mr Katkowski's letter for his clients add further weight to the already compelling case for rejecting this application.

Kind regards,

Chris Philp MP
15th August 2018

The Planning Inspectorate

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

by David Nicholson **RIBA IHBC**

an Inspector appointed by the Secretary of State

Date: 1 May 2018

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)

THE COUNCIL OF THE LONDON BOROUGH OF CROYDON

APPLICATION BY

THORNSETT GROUP PLC AND PURLEY BAPTIST CHURCH

Inquiry Held on 9 - 17 January 2018

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

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

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[1] Cover photograph from Design and Access Statement

List of abbreviations used in this Report

AH	Affordable housing
AQ	Air quality
AQMA	AQ management area
CIL Regs	Community Infrastructure Levy Regulations 2010 (as amended)
DSE	Design south-east
EA	Environment Agency
FRA	Flood Risk Assessment
GLA	Greater London Authority (the Mayor of London)
ha	hectare(s)
HE	Historic England
HEDNA	Housing and Economic Development Needs Assessment
LDF	Local development framework
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
P&CP Act	Planning and Compulsory Purchase Act 2004
PDC	Purley District Centre
PPG	Planning Practice Guidance
PTAL	Public transport accessibility level
RA	Residents' Association
s106	Section 106 of the T&CP Act
SoCG	Statement of Common Ground
SoS	Secretary of State (for Housing, Communities and Local Government)
SPD	Supplementary Planning Document
SUDS	Sustainable Urban Drainage System
T&CPA	Town and Country Planning Act 1990
TA	Transport assessment
TfL	Transport for London
TPO	Tree preservation order
WHO	World Health Authority

File Ref: APP/L5240/V/17/3174139
1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall, Purley Baptist Church, Banstead Road, 1-9 Banstead Road, Purley CR8 2LE

- The application was called in for a 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 Plc 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, Purley Hall), 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 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.

Summary of Recommendation: that the application should be approved.

1. Procedural matters

1.1 Prior to being called-in, the application was considered by the local planning authority (LPA) on 15 December 2016 which, in accordance with the Officer's Report[2], resolved to approve the proposed development subject to conditions and a legal agreement. Consultations between the Applicants, the LPA and others took place on 33 occasions[3].

1.2 At the Inquiry the emerging Local Plan (LP) had not yet been adopted. Having been informed that adoption would probably take place before this report was submitted, I asked the parties to make their closing submissions on this basis to avoid seeking further comments. The LPA duly advised that the Croydon LP 2018, comprising the Strategic Policies and the Detailed Policies and Proposals, was adopted by Croydon Council on 27 February 2018 and that the adopted version is now on its website[4]. It later issued its LP adoption statement[5]. I have used the revised policy numbers from the statement in my conclusions to this report but I have not altered the references in the parties' cases.

[2] Core Document (CD)6.1
[3] See the Planning Statement of Common Ground (SoCG) §4.5 as accepted by the Residents' Associations (RAs) in their comments on this dated 1 January 2018
[4] Email dated 28 February 2018
[5] On 14 March 2018. This explains that the Council has combined the two plans into the Croydon Local Plan 2018 and made other additional modifications that, taken together, do not materially affect the policies that would be set out in the plan had it only been adopted with the main modifications alone. It goes on to list the modifications.

1.3 Drawings were amended during the course of consultations; the final versions are as presented to the committee on 15 December 2016[6].

1.4 A Legal Agreement was submitted[7]. Minor amendments were made during the course of the Inquiry to which the LPA confirmed agreement[8]. A final signed and dated version was submitted and I deal with the contents and the justification for this below.

1.5 In the event that permission is granted, listed building consent would be required for the works adjoining Purley library. No such application was before me.

1.6 A joint case was made on behalf of seven Residents' Associations (RAs)[9] who were granted Rule 6 status. These did not include the Purley Residents' Association.

1.7 I conducted an accompanied site visit[10] on Wednesday 17 January 2018. This covered the existing facilities on the Island site and at the Purley Cross Centre and views of both sites from nearby roads. It also took in the edge of the Webb Estate along Furze Lane, the adjacent cycle routes, potential car club spaces, and various views from Farthing Downs.

2. The site[11] and surroundings

2.1 Purley lies about 6.5km south of Croydon town centre and around 21km from central London[12]. It has large residential areas set within wooded hillsides. The local watercourses are channelled under the town centre. Purley has excellent public transport links being around 350m from the railway station, with regular direct trains to London, and on numerous bus routes[13] resulting in a public transport accessibility level (PTAL) of 5 (very good). The western edge of the town is dominated by the A22/A23 Purley Cross gyratory and a branch of Tesco Extra. The sites adjoin a dense network of regional cycle routes and are relatively close to two national ones[14] although the quality of these is variable[15]. The streets within 200m of the site are within a Controlled Parking Zone (CPZ) which operates Monday to Saturday 09:00-17:00[16].

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[6] Ibid §4.7
[7] Inquiry Document (ID)5 made under Section 16 of the Greater London Council (General Powers) Act 1974, Section 106 of the Town and Country Planning Act 1990 (as amended), Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all enabling powers
[8] ID26
[9] Riddlesdown, Coulsdon West, East Coulsdon, Hartley and District, Kenley and District, Old Coulsdon and Sanderstead Residents' Associations
[10] See Inquiry Document (ID)21 for full details
[11] See site location plan CD9.2
[12] SoCG §2.8: about 4 miles south of Croydon town centre and 13 miles from central London
[13] CD 1.13 TA Table 3.1 and Fig 3.3
[14] Ibid: TA Fig 3.2
[15] I saw that many of these comprise no more than white lines on the edge of a carriageway, many of which were worn down by vehicle tyres or blocked by parked cars
[16] CD1.13: TA §3.46 and Fig 3.4 which also identifies two car parks

2.2 The application site comprises two plots at the gyratory end of Banstead Road. The Island site extends to about 0.43 hectares (ha). It is currently occupied by the existing Purley Baptist Church, the former hall site (which has been demolished and is used as an informal amenity and parking area), a vacant site (formerly a branch of Sainsbury's which closed in the early 1980s[17] and was since demolished[18]) and redundant retail premises at 1-4 Russell Hill Parade. The Island Site is bounded by Russell Hill Road, Brighton Road, Banstead Road and Purley library. The South site, across Banstead Road, is fractionally smaller and comprises derelict houses or converted offices (including those for Eldon Housing Association).

2.3 There are a number of designated heritage assets near the application sites, including the Purley Library (Grade II listed), the United Reformed Church (Grade II Listed) and the Upper Woodcote Village and Webb Estate Conservation Areas. In addition, there are non-designated heritage assets of local significance nearby in the form of locally listed buildings at 960 Brighton Road and Mafeking Terrace at 1-13 High Street. Part of the neo-Tudor parade of shops along Brighton Road, adjacent to the site, was designated as a Local Area of Special Character under the previous LP but under the new plan is now a Local Heritage Area (LHA)[19].

2.4 Purley Library was designed for Coulsdon and Purley UDC in a *Moderne* style and opened in 1936. It was first listed in 2001. Its description identifies the section of low boundary walling in brick incorporating two square gate piers with ramped up parapet and cast iron overthrow with tapering square lamp which encloses a lawn at the front. Evidence on its significance was not challenged. No.960 (currently occupied by Pizza Express) was built as a bank with elaborate chimneys and decorative architectural treatment to accentuate its significance as a prominent corner building[20]. Mafeking Terrace is separated from the application sites by other buildings. Although the architectural style of the buildings in the LHA differ, they are united by a general consistency in height, form and rhythm which contributes to … its high level of … historic integrity[21].

2.5 The Council's urban design team identified the Island site as: *clearly one of the most prominent within the town, a fact established by the analysis done by the Council and design team. It is also important to recognise that the public realm around the Island Site is of strategic importance being connected to the Library, the Gyratory, Russell Hill Road and Banstead Road, as well as sitting at the intersection of two shopping parades. The site also sits at the end of the Brighton Road shopping parade which arguably is one of the most important vistas within the town*[22].

2.6 Aside from the church hall, the buildings on the sites are derelict, unfit for purpose, or substandard and there was no dispute that the hoardings facing the gyratory blight the town[23]. The church itself has recently been redecorated but

[17] I was told that it had been vacant for 37 years – see below
[18] Evidence varied as to the date it closed and was demolished
[19] Noble §§3.45-3.46
[20] Lacovara §7.99
[21] Lacovara §7.96
[22] ID13, Appendix 6: note from Nexus planning, §3.1
[23] See Matthews Image 3 p9

the site visit revealed the extent of the long term physical deficiencies of the buildings as well as their restricted size.

2.7 At its closest point, the Island site is around 200m from the edge of the Webb Estate within the Conservation Area[24]. It is named after William Webb, a pioneer of the garden estate ideal. The Conservation Areas Appraisal[25] identifies the key features that make a positive contribution to the special interest of the area as: its significance [as a garden estate] in terms of the UK's town planning and landscape history; the landscaping, in particular the specimen trees and other planting which are the most important feature of the Estate; the Estate's unique character including the relative secluded tranquillity of the area; and its relatively short construction period from 1903 to 1925[26].

2.8 Farthing Downs is an open space owned and managed by the Corporation of London[27]. It rises up above Coulsdon with Ditches Lane running along the top of it. The line of sight from here to the application sites runs about 30 degrees east of due north[28]. Views from here extend to Croydon town centre, with the Crystal Palace, Croydon Tower television transmitter masts and Canary Wharf on the skyline. There is residential development in the middle distance.

2.9 The Purley Cross Centre is currently located in small rented premises on the High Street. Established in 2002, it started as a community information resource but now houses a number of charities. Its focus has shifted from simply providing information to becoming a connection point and a hub for local services. It currently handles nearly 400 enquiries a month and has seen a 12% increase this year [29].

3. Planning policy

3.1 The development plan now includes the adopted London Plan 2016 and the Croydon LP 2018 which, following adoption, replaces the Croydon Unitary Development Plan 2006. As above, the LP incorporates both the Strategic Policies Partial Review (CLP1)[30], and the Detailed Policies and Proposals (CLP2)[31].

3.2 London Plan Policy 7.7A sets the strategic context for tall buildings, which *should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations* as well as not having *an unacceptably harmful impact on their surroundings*. Policy 7.7B expects an urban design analysis to demonstrate that a proposal is part of a strategy and would meet the criteria in 7.7C, particularly if it is not identified in the [local plan].

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[24] The Webb Estate Conservation Area was designated in June 1983.
[25] Within the *Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan SPD* adopted by Croydon Council on 25 June 2007: CD12.14
[26] Ibid §3.4
[27] CD1.27 p38 View15
[28] CD1.10 DAS p100
[29] Collins §4.2.2 and the Purley Cross Centre information pamphlet in Appendix JC2
[30] CD11.1.
[31] CD11.2.

3.3 Of particular relevance in the Policy 7.7C criteria, tall buildings should:
(a) generally be limited to … town centres that have good access to public transport;
(b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
(c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
(d) … improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate …;
(e) incorporate the highest standards of architecture and materials …;
(f) have ground floor activities that provide a positive relationship to the surrounding streets; and
(i) make a significant contribution to local regeneration.

3.4 Section D of London Plan Policy 7.7 expects that tall buildings should not
a. affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference;
b should not impact on local or strategic views adversely.

3.5 LP Policy SP1 *Places of Croydon* sets the strategic tone requiring that: *When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the [NPPF]*. Under LP policy SP2.2, the Council is expected to provide a minimum of 32,890 homes in Croydon between 2016 and 2036. LP Policies SP2.3-SP2.6 detail the requirements for Affordable Housing (AH) and set a target of 25% to affordable or social rented and 15% intermediate starter, shared or for rent. The aim will be to negotiate for up to 50% AH, with 60% of these for rent, of which a minimum of 30% should be on the development site. As a minimum, there should be 15% AH on the site plus a review mechanism. In assessing viability, the Council will compare Residual Land Value with Existing Use Value or Alternative Use Value.

3.6 Tall buildings, dealt with specifically under LP Policy SP4.5, will be encouraged only in … District Centres and locations … around well-connected public transport interchanges and where there are direct physical connections to … District Centres. Detailed criteria for the assessment of tall buildings, consideration of the appropriateness of tall buildings on individual sites, and/or in District Centres, will be contained in the LP's Detailed Policies and Proposals. Policy SP4.6 refers to locations which are inappropriate for tall buildings where further criteria apply. Policies SP4.7-SP4.10 look to improve the public realm.

3.7 LP Policy DM15: Tall and Large Buildings sets criteria for these including that:
a. They are located in areas identified for such buildings;
b. They are located in areas meeting a minimum PTAL rating of 4, with direct public transport connections to the Croydon Opportunity Area;
c. The design should be of exceptional quality and demonstrate that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale;
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

f. 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.

3.8 Of the place-specific policies[32], what is now LP Policy DM42.1, for PDC, expects that, to ensure that proposals positively enhance and strengthen the character and facilitate growth, developments should:
a. Reinforce the continuous building line which responds to the street layout and include ground floor active frontages;
b. 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; and
c. Demonstrate innovative and sustainable design, with special attention given to the detailing of frontages.
Table 11.10 in the LP sets out Proposals for uses of land of specific sites in Purley. Of these, Ref. No.35 for Purley Baptist Church, 2-12 Banstead Road, is for *Mixed use redevelopment comprising new church, community facility and residential*. The South site (Ref. No.130) is proposed for residential use.

3.9 Affordable housing is covered in London Plan Policies 3.11-3.13 with Policy 3.12 seeking the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes while acknowledging that negotiations should take account of development viability. LP Policies SP2.3-SP2.6 aim to negotiate up to 50% affordable housing subject to viability; preferably a minimum of 30% on the same site as the development or 15% in a District Centre with a Review Mechanism for the remainder.

3.10 LP Policy SP4.13 aims to strengthen the protection of, and promote improvements to, the heritage assets and their settings including: a. Statutory Listed Buildings; b. Conservation Areas; e. Archaeological Priority Areas; f. Local Heritage Areas; g. Local List of Buildings of Historic or Architectural Importance; i. Croydon Panoramas; and k. Local Designated Views.

3.11 The LP sets a presumption in favour of community facilities under Policy SP5.1; SP5.5 requires these to be well designed and located; SP5.6 aims to support and enable the provision and improvement of places of worship. Criteria for the latter are found in Policy DM19.2. Such facilities should:
a. Include buildings which are flexible, adaptable, capable of multi-use and, where possible, enable future expansion;
c. Are accessible to local shopping facilities, healthcare, other community services and public transport or provides a community use in a location and of a type that is designed to meet the needs of a particular client group; and
d. Are for a use that is a town centre use, as defined by the [NPPF] ….

3.12 London Plan Policy 6.13 provides maximum parking standards for new development. Table 6.2, in the Parking Addendum[33], sets out the maximum for units with 1-2 beds as less than one space per unit and further notes that all developments in areas of good public transport accessibility in all parts of London should aim for significantly less than 1 space per unit. LP Policy SP8.15 encourages car free development in Centres where there are high levels of

[32] Now Table 11.10
[33] CD10.3 Table 6.2 p274

PTAL[34]. There are further requirements for car club spaces, charging points, spaces for those with disabilities and minimum standards for cycle parking.

3.13 The south-eastern half of the Island Site is within Purley District Centre (PDC) as identified on the adopted LP Policies Map – South sheet. The South site is not. The view from the top of Farthing Downs looking from the north-west to the east, and taking in Purley town centre, is defined as a Croydon Panorama, protected by LP Policy SP4.2 together with other important vistas and skylines. The Island site is within the London and Brighton Road Archaeological Priority Area (as the likely alignment of a Roman road) and both sites are within Flood Zone 1 but on the edge of Flood Zone 2.

3.14 Probably as a result of the gyratory, which is 5 lanes wide in places, parts of Purley, including the application sites, have elevated levels of air pollution and are within an Air Quality Management Area (AQMA) with an AQ Action Plan[35]. London Plan Policy 7.14 recognises the importance of tackling air pollution and expects proposals to, amongst other things:
a. minimise increased exposure to existing poor air quality;
b. promote sustainable design and construction to reduce emissions from the demolition and construction of buildings;
c. be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality such as areas designated as AQMAs.

3.15 The London Mayor's *A City for all Londoners* (October 2016) and the Housing White Paper *Fixing our broken housing market* (February 2017)[36] are also relevant and emphasise the need for more intensive housing in London using previously developed land.

3.16 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to consideration of the settings of the library and the conservation area.

[34] Defined as a PTAL of 5, 6a and 6b.
[35] See AQ Assessment CD1.22 p9
[36] CD12.9 and CD12.10

4. Planning history

4.1 See the SoCG[37] for full details. Of particular relevance, an unimplemented permission for church use and erection of a 6 storey building[38] has now lapsed. On 22 November 2017[39] an article on the website for Chris Philp MP ran the headline: *Stop Purley Skyscraper* together with an image (below). The article highlighted the height of the proposed tower and invited readers to sign an online petition. The Applicants' unchallenged evidence[40] was that this was: *an indicative massing study taken using a digital camera (without our consent) at the initial stakeholder meeting that we invited [Chris Philp MP] to. This image has never formed part of our planning application, and is not the tower design that we are proposing, and yet it has been being [sic] used for almost three years to garner signatures as part of Mr Philp's campaign.*

5. The proposals

5.1 Both sites would be cleared of existing development. The South site would be developed for some 106 units of new housing; the Island site for mixed use. The latter would include 114 units of housing starting at 3 storeys by the library and stepping up to a 17 storey tower by the gyratory[41]. This would contain the relocated church and community facilities with residential units above. The scheme would have an overall density of around 817 habitable rooms per hectare (hr/ha)[42]. Some 18% by unit (15% by bedrooms) of the housing would be affordable and located on the South site. There would be a mix of one to three-bedroom units[43]. Amenity space would comprise 2,014m^2 private and 686m^2 shared with a further 248m^2 of on-site play provision. The South site would be built around a courtyard with building of different heights (3-8 storeys including a basement) rising to a maximum height nearest to the gyratory.

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[37] Planning SoCG CD5.1 s3
[38] Reference 06/02756/P, granted on 30 September 2010 – SoCG p5 - For *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)*
[39] See Pearson Appendix GC5 p94
[40] Ibid Appendix RP/B: Thornsett Group Plc Statement p6 §27
[41] Matthews Fig62 p68
[42] RAs comments on the SoCG §4.2vii
[43] See Planning SoCG §8.7-8.11 for full details

5.2 There would be a small open area, which was described as a public square, in front of the main entrance on the Island site adjoining Russell Hill Road. There would also be a proposed vehicular access alongside this. The three street frontages would include: a retail unit; the church entrance, emphasised by a cylindrical prayer room above; the landscaped public square; the church café; the Purley Cross Centre; the residential entrance; and the rear entrance to the church alongside a semi-circular baptistery. These lower elevations in particular would contain a wide palette of materials[44]. The approach to the library would become public open space in the form of a wider pavement with new steps and ramps on the ground floor and a similar building line to the existing.

5.3 The tower would be framed with what was described as tracery facades where the structure would be emphasised and brought forward from the windows. The upper floors would contain maisonettes which would be set back to allow the tracery to be open and for trees to be planted in between. The site visits focussed on locations from which the tower might be seen including from some distance away along the adjacent streets, the edge of the Conservation Area and Farthing Downs. The Applicants' wireline[45] suggests that, at least in summer, the proposed development would not be seen from Farthing Downs.

5.4 Vehicular accesses would be from Russell Hill Road (for the Island site) and from Banstead Road (for the South site). Subject to the approval of details controlled by conditions, the on-site parking provision would consist of 28 spaces for the 114 dwellings on the Island site and 50 spaces for the church which would include one for a minibus and be managed by a plan controlled by conditions. The 106 dwellings on the South Site would be car free with the exception of 9 Blue Badge parking spaces (for those with disabilities). Leaving the site from the vehicular access to the church onto Russell Hill Road would be controlled by marshalls who would also instruct drivers to switch off their engines rather than allow them to idle. As well as providing land for social housing, an area would be made available, at no cost, for TfL to widen the bottom of Russell Hill Road to eliminate the current chicane if it wishes to do so.

5.5 An air quality (AQ) assessment report was submitted with the application[46]. AQ concerns referred to particulate matter (PM – measured in microns) PM10 and PM2.5 and nitrogen dioxide (NO_2). The LPA put any increase in pollution at 1% or less[47], with regard to conditions in existing buildings. For new dwellings, mitigation would take the form of closed fenestration and artificial ventilation, including air filters and appropriate air handling plant, so that both particulates and NO_2 could be filtered out and this could be required by conditions. The AQ report[48] is dated March 2016, not long after the *VW diesel scandal* broke. However, it did take the latest emission factors into account[49]. The LPA's undated AQ statement was prepared a week before the Inquiry [50].

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[44] See elevational drawings CD1.7 A304_PL_100, 101 and 103
[45] CD1.27 p39 Proposed
[46] CD1.
[47] Simmonds §2.9
[48] CD1.22
[49] ID17
[50] ID1, date advised by Simmonds in answer to Inspector's questions (IQs)

5.6 The effect on flood risk was considered by the Environment Agency (EA), The Local Lead Flood Authority (LLFA) and Thames Water[51]. The aim would be to reduce surface water flooding by reducing peak run-off rates.

5.7 Through its development company 58:12, a charity incorporated in 2003[52], the Church has raised around £4m in gifts from the congregation in order to purchase the properties on the site[53] and raised loans from the Baptist Board and local residents[54]. The construction costs were based on the building but not any fitting out of the church[55]. Two community units would be provided to the church on a long lease for revenue.

6 The case for the Applicants

The gist of its case was as follows.

6.1 The applicants have always taken their lead from the development plan which gives strong support for the mix, form and disposition of the proposed uses. This plan-led approach has the unsurprising support of the Greater London Authority (GLA) and the LPA who agree that the scheme would accord with both the London Plan and the LP. This leads to a strong presumption in favour of the scheme under s38(6) of the Planning and Compulsory Purchase Act 2004 (P&CP Act). Moreover, the relevant material considerations are the very real public benefits and the outstanding design quality[56]. When tested, the proposals would accord with the development plan. Apart from London Plan policy 7.7, the Rule 6 parties did not argue breaches of relevant policies[57].

Development plan

6.2 This case proceeds on the basis that the CLP2 will have been adopted when the Decision is made. The scheme would then accord with the most up to date plan. By the end of the Inquiry, the Residents' Associations (RAs) had acknowledged that there was no policy basis to many of its objections and that there would in fact be benefits, for example to flood risk and to PDC[58].

6.3 The development plan allocates the Island site[59] for a *Mixed use redevelopment comprising new church, community facility and residential* and the South site[60] for *residential* uses. As with the NPPF, churches are treated as community

[51] CD7.4, CD7.5 and CD7.7
[52] Collins §3.1.1
[53] Ibid §3.2.2 and IC
[54] Collins IC
[55] Cunningham IC: The building would be provided but not fitted out; *if it were turned upside down, anything which fell out would not be included*.
[56] See Lacovara for the LPA and Noble for the Applicants. NPPF§63 applies. Dennis King for the Rule 6 parties acknowledged that the design of the scheme was excellent albeit while objecting to the tower.
[57] Charles King in XX by CKQC
[58] Ibid
[59] Site reference 35: see CD11.2, CLP2 at appendix 5 or within policy DM44.1, table 11.13, and the CLP2 proposals map at CD11.4
[60] Ibid, per site reference 130

facilities[61] which should be, and will be, located so as to be accessible to all following Policy SP5.5.

6.4 It is not an accident that the mix and disposition of uses would not just accord with the development plan but be an exact fit[62]. Rather, it follows work done by the LPA's Urban Design Team in identifying the island site as a highly prominent strategic location for a mixed use scheme. The proposed civic, church and community facilities would realise the potential of the Island site. They would provide an active public realm which could not be replicated by a purely residential scheme or shopping frontages. The proposed uses would allow a seamless interface between the public realm of the new square, and pedestrian areas, and those within the building to establish the site as the proper heart of Purley. The scheme would also provide a better link between the existing library and the town centre.

6.5 The questions[63] as to the relative weight to be given to the various uses are not relevant to determining compliance with the development plan. They are the wrong questions when applying the first limb of s38(6). The only relevant question is whether the proposed uses and their disposition accord with the development plan allocations. They do so precisely.

6.6 The inclusion of a tall building again takes its lead from the development plan. Through the policies in the London Plan, and policy 7.7A in particular[64], LPAs are encouraged to take a plan-led approach to tall buildings [65]. This LPA has done that through CLP1.1 policy SP4.5, which only encourages tall buildings in specified areas including district centres, referring on to CLP2. Here this is now found in policy DM44.1(b) which provides specific and clear support for a new landmark of up to 16 storeys.

6.7 The proposition made by various objectors that Purley is not an appropriate location for a tall building is fundamentally inconsistent with the development plan, and CLP1.1, which positively encourage tall buildings in district centres. Rather, it is this argument itself which is contrary to a development plan which has been years in the making and progressed from the strategic policies of the London Plan through those of CLP1.1 to the specific support for a single tall building in PDC in CLP2. Objections to CLP2, including the principle of a tall building in Purley, were considered through the examination of CLP2[66]. Nevertheless, policy DM44.1 will shortly be adopted. None of the objections turned on the marginal difference between 16 and 17 storeys.

6.8 Of course, the merits of the design of the tall building must still be examined. This should be particularly important[67] where the location is not identified in the LDF. That is not the case here where detailed scrutiny has already taken place. As well as in principle, the specific proposals have undergone exceptional

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[61] NPPF§70, CD12.1, and CLP1 [5.39], CD10.1 (or in CLP1.1 [5.41], CD11.1). See, also, the summary of relevant policies in the Council's supplementary note, ID22
[62] See Matthews explanation to Inspector's questions (IQs) in ID13, Appendix 6, para3.1
[63] IQs
[64] CD10.3
[65] Of the Rule 6 parties and Chris Philp MP
[66] Acknowledged by Charles King and Chris Philp MP in XX
[67] See London Plan policy 7.7B

scrutiny[68], were many years in the making, and are the product of a very extensive, rigorous and careful process of analysis with, amongst others, the LPA, the GLA and TfL. The result would be by far and away the highest quality modern development in Purley and would ultimately become a source of pride.

6.9 The design quality of the scheme has been thoroughly addressed by both the Applicants[69] and the LPA[70] against London Plan policy 7.7, CLP1.1 policy 4.6, and CLP2 policy DM16, as well as the NPPF. The following conclusions with regard to London Plan policy 7.7 refer equally to the LDF and NPPF:

Policy 7.7C(a)

6.10 There was no dispute that the application site is in a highly sustainable location with good access to public transport.

Policy 7.7C(b),(c) and (e)

6.11 The scheme would be a considerable asset to Purley; this is not an area that would be harmed by a tall building. The slenderness and the perforate, tree-lined form of the crown, and the tracery elements of the tower, will create a three-dimensional richness that will enhance Purley's skyline and provide for a building of exceptional quality[71]. The buildings would relate to the site's boundaries and topography by increasing in scale as the site drops down to the gyratory with the lowest building adjacent to the library and the tallest element facing the large open area of the gyratory. The design experts affirmed that the scheme would relate well to the form, proportion, composition, scale and character of Purley by complementing and enhancing its character without replication. Great care and attention has been given to the fine details[72], as well as the other elements of the design[73]. It would provide a marked contrast with the bland modern buildings in Purley, an exemplar of the best of contemporary architecture and be one of the best schemes that the LPA has ever considered[74]. It would readily satisfy CLP2 policy DM16.

Policy 7.7C(d), (f), (g) and (h)

6.12 A key benefit would be how the new public space on Russell Hill Road and its transparent design would emphasise a point of civic significance and play a key role in identifying and enhancing the heart of Purley. It would reinstate active frontages, provide a positive link with the existing shops and services and enhance permeability. The s106 obligation would secure substantial set backs from its key boundaries and additional public realm on Russell Hill Road and Banstead Road. A small area of land alongside Russell Hill Road would be safeguarded for adoption as highway improvements by TfL[75] and the RAs accepted that this would be a positive step[76].

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[68] Pearson and White IC
[69] See Pearson's summary §§5.19 – 5.21 and proof pp33-39
[70] Lacovara §7.30 re London Plan policy 7.7 and section 7 generally
[71] Noble §6.11
[72] Best seen on the full size plans
[73] Matthews IC
[74] Lacovara IC
[75] As identified on drawing number A304_P_010 Rev B
[76] C King in XX of Balboa

Policy 7.7C(i)

6.13 The regenerative potential of the scheme, both on the site as well as through the increased local spending, was conservatively estimated as being £1.24m just in Purley. It would act as a catalyst to inspire other new investment in the town.

Policy 7.7D

6.14 All the technical aspects of a tall building would be acceptable including wind, overshadowing and noise. The Townscape and Visual Impact Assessment[77] shows that there would be no adverse effect to any designated local or strategic view. The alleged impact from Farthing Downs[78] was not from the protected panorama, would almost certainly not be seen[79], and even if it could be seen, would not result in any adverse impact. The argument[80] that unless the scheme proposed something the same or similar to that which currently exists in Purley it could not respect and enhance local character, would prevent any tall buildings in an area where there are none. It would go against CLP2 policy DM44.1.

Affordable housing

6.15 The objectors argued both that *too much* is proposed[81] and that there would not be enough. The policy requirement is essentially to provide as much affordable housing as would be viable[82]. This is precisely what would be done. The viability assessments have been subject to rigorous independent review, found to be robust[83] and been rigorously reviewed by the GLA[84]. Given this independent and thorough testing on behalf of the LPA and the GLA, there is no well-founded basis upon which to unpack (let alone unpick) the analysis. Queries[85] concerning the affordable housing assessments have all been addressed satisfactorily and submitted to the Inquiry[86] and the s106 review mechanism would ensure further affordable housing should the scheme prove to be more profitable than presently assessed[87]. All this is in accordance with policy and guidance which requires a mixed use scheme not, as the alternative considered in the viability assessment, one which would be entirely residential[88].

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[77] CD1.27
[78] Chris Philp MP's representations point 3
[79] CD1.27, view 15, pp38 and 39
[80] By Chris Philp MP in XX
[81] Chris Philp MP's webpage seeking opposition to the scheme; see Cunningham's appendix GC5 attached Pearson's appendix B
[82] The London Plan policy 3.12A requirement is to seek *the maximum reasonable amount*
[83] CD13.9, 13.10 and 13.11, and ID15, ID16, ID 23 and ID25
[84] CD7.2: GLA stage 2 letter
[85] IQs sent out by email on 15 January 2018
[86] ID15, 16, 23, and 25.
[87] Pearson IC
[88] The right approach and the only one open to the decision-maker is to assess (to use the language of London Plan Policy 3.12A) the "*mixed-use*" scheme that is proposed

Density

6.16 London Plan §3.28 states that density guidelines in table 3.2 are not to be applied *mechanistically*[89]. The GLA was entirely content with and supportive of the housing density of the scheme. Two thirds of London development is above the indicative maxima in the density guidelines. This is ***not*** because it is acceptable to breach these, but because the guidelines are just that, i.e. guidelines and not ceilings. What matters is the quality of the scheme not a mathematical calculation. There would be no breach of policy[90].

Conclusion on the development plan

6.17 All of the evidence convincingly demonstrates that the scheme would accord with the development plan including recently adopted CLP1.1 and CLP2. There are no material considerations to indicate determination otherwise and so, in the language of s38(6) of the 2004 Act and NPPF§14, planning permission should be granted without delay.

Other material considerations

Social benefits

6.18 The scheme would provide 220 new homes against the site's CLP2 allocation of 211 homes towards the CLP1.1 (policy SP2.2) requirement of 32,800 new homes in Croydon between 2016 and 2036, or an average of 1,640 every year. It would accord with the Government's aim to boost significantly the supply of housing. It would meet an urgent need[91] in a highly accessible location and so amount to quintessential good planning.

6.19 The proposed 39 affordable homes would accord with the development plan and amount to a considerable benefit and arrangements with the providers are already in place for swift delivery[92]. A much improved church and community facilities[93] would enhance an admirably impressive range of services and to the public. The s106 obligation would secure the spaces required and their anticipated usage[94]. These social benefits should be given very significant weight.

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[89] See also the *draft* London Plan 2017 topic paper on Housing Density attached to ID8. This confirms at [3(b)] that the London Plan's "*density matrix was only meant to be a conceptual and indicative too of what could be developed on a site, and not to be used prescriptively"* and at [3(c)] that the "*density matrix is not being followed, 50% of development is above the matrix maximum for its location, 25% is double the maximum and 15% is below the minimum, i.e. only 35% of development is within the appropriate density matrix range."*

[90] See also the *draft* London Plan 2017 topic paper on Housing Density attached to ID8. This confirmed at [3(b)] that the London Plan's "*density matrix was only meant to be a conceptual and indicative too of what could be developed on a site, and not to be used prescriptively"* and at [3(c)] that the "*density matrix is not being followed, 50% of development is above the matrix maximum for its location, 25% is double the maximum and 15% is below the minimum, i.e. only 35% of development is within the appropriate density matrix range."*

[91] The evidence of Councillor Scott

[92] In phase 1

[93] As Rev Dr Collins explained IC, the existing hall if often packed such as by the Wednesday toddler Group. See also appendix JC1 and the extensive list in ID18

[94] ID18. To include: a) community health care facilities, b) work with children and young people, c) work with families, parents, and carers, d) work with disabled people, e) work with

Environmental benefits

6.20 The unanimously held view was that much of the application site is currently an eyesore. Its regeneration would undoubtedly benefit the town's environment. The enhancements would include the new public square on Russell Hill Road and the public realm along Banstead Road to Purley Library. The scheme's design was praised by two very experienced professionals[95], who agreed that NPPF§63 would be met[96]. The architects would be retained through the s106 Agreement and the proposals would be carried out by a developer with a track record of delivering high quality schemes[97].

6.21 The only point of difference concerned whether there would be any heritage harm. It is hard to see how transforming the site from an eyesore to one with a well-designed contemporary scheme and public realm enhancements could undermine the significance of the listed Purley Library or any other heritage assets. However, even if there would be some modest harm to the library's setting[98] and that of nearby non-designated heritage assets, under NPPF§134 and §135, the considerable public benefits, including those to the community and the outstanding design quality of the scheme, would very easily outweigh this limited harm.

6.22 Finally, with regard to environmental matters, the scheme would reduce peak run-off rates and so reduce surface water flooding[99]. Having heard this evidence the Rule 6 parties accepted[100] that this benefit would arise.

Economic benefits

6.23 Purley BID believes that the scheme would *clearly have a positive impact on local business within the town centre* and *will be the start of significant regeneration … which is long awaited*[101]*.* As explained, *times are tough… we need the influx of people*[102]*.* The tall building in particular, would announce Purley as a place to stop and one that is open for business. It would generate new business for the town centre, including by new residents and users of the community facilities shopping in the town centre or stopping for food and drink[103].

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unemployed people, f) work with refugees and asylum seekers, g) Christian activities, h) work with excluded or marginalised social groups, i) education and training, j) arts and drama including film or music performances, and k) sports, exercise and recreation activity

[95] Noble and Lacovara. The latter, who has 14 years' experience working in Croydon, sits on the Design South East Design Review Panel and is one of the Mayor of London's 50 appointed Design Advocates, described the scheme as one of the finest that he has seen come through the planning process in Croydon

[96] Noble §6.20, Lacovara §7.14. See also Applicants' closing §68

[97] Examples at ID13, appendix 4, in response to IQs

[98] Noting that this should be given considerable importance and weight – see *Barnwell Manor*

[99] Linardatos IC. See also the flood risk responses to section 11 of the Rule 6 parties' statement of case in ID8.

[100] Charles King, in questions asked of Mr Linardatos.

[101] In its letter in Collins proof, appendix JC3

[102] Cripps evidence (Purley BID)

[103] Pearson section 4.41

Other matters

6.24 Traffic concerns related to both the proposed access on Russell Hill Road and the limited parking when greater provision would exacerbate any traffic problems. In fact, the traffic generated by the scheme would create a negligible increase in traffic, it has been subject to a stage 1 safety audit, Transport for London (TfL) had no objections, and its highly sustainable location strongly accords with relevant transportation policies[104]. Any adverse effects would be negligible rather than severe[105].

6.25 Concerns over air quality were greatly exaggerated. The development would not lead to an exceedance of EU standards as these are already breached[106]. Notwithstanding the diesel emissions scandal, levels of air pollution are predicted to decline[107]. Church members do not all leave at the same time following Sunday services[108] and car park marshals would manage departures and encourage drivers to switch their engines off. Any modest air quality impacts from development traffic would be mitigated by traffic management and anti-idling measures undertaken by the Council[109].

6.26 Pedestrian safety was considered in the scheme design with measures to ensure safety from vehicles. The five year period analysed in the Transport Assessment (TA)[110] showed only two accidents involving pedestrians (both involving a pedestrian walking into traffic rather than waiting for the green signal to cross) and there would be plenty of space for more pedestrians to use the present crossings without interfering with traffic flows[111].

6.27 With regard to parking, the London Plan expects significantly fewer than one space per housing unit in areas of good public transport accessibility and so the scheme would be entirely policy compliant[112]. Limited parking would be a clear benefit as it would encourage sustainable transport options. New residents would not be so committed to having a car that they would constantly move their vehicle to avoid the controlled parking zone (CPZ) times[113] for which, due to the s106 Agreement, they would not be entitled to have a permit. Car parking spaces with recently marketed flats had in fact failed to sell[114]. For its Sunday service, the church's car park would provide for around 88 members, leaving more than sufficient parking in the long stay car parks which are free on

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[104] Balboa IC
[105] NPPF§32 provides that *[d]evelopment should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*
[106] Simmonds in ReX
[107] Ibid
[108] Rev Dr Collins in ID13, §8.b
[109] See Burton and ID12
[110] CD1.13
[111] Balboa IC
[112] Ibid. It was acknowledged that there was an error in the TA regarding rail services but this was corrected in Table 3.1 to CD2.10 Technical note 05. The RAs accepted that the PTAL level of 5 was correct, pointing to a better bus service than indicated by the TA.
[113] which extend in adjacent streets from 8am to 5pm on weekdays and on Saturday
[114] See letter of 7 December 2017 from Frost Estate Agents, appendix 5 to ID13. Gershon, the author, spoke in support and explained that there was a lack of interest in parking as the flats' purchasers were predominantly non-car owning and not interested in a parking space.

Sundays and a short walk away. Any redevelopment of these would require re-provision or evidence that alternative parking is available[115].

The overall planning balance

6.28 Through the care and attention over design and addressing all relevant planning considerations, the application scheme would accord with the development plan including the London Plan. Its outstanding design would accord with NPPF§63. Further issues and queries raised[116] have been addressed through the evidence at the Inquiry, including a series of documents[117]. The scheme would accord with the development plan, represent sustainable development, and material considerations provide additional support in favour of granting planning permission.

Conclusion

6.29 The proposed development is a once in a generation opportunity for Purley Baptist Church to improve its church and community facilities. Thornsett Group has an exemplary track record of delivering high quality, community-led, developments, which here would benefit the community at large. The SoS should grant planning permission.

7 The case for the Local Planning Authority

The gist of its case was as follows.

7.1 The opening reference[118] to an exceptional quality and policy compliant design has been borne out by the evidence to this Inquiry. This was through painstaking evolution in the context of a plan led approach, in particular in accordance with London Plan policy 7.7A[119]. Indeed, matters were gone into in such depth that the scheme was *tested to destruction*[120]. 10 points illustrate this.

(i) Both sites are crying out for re-development.

7.2 No one disagreed with the principle of developing the two sites and the urgency for it. Apart from the tall building on the Island site[121], the proposed Church and other community facilities were largely supported by very many. Through the proposals, the two sites, which currently have a negative effect on the setting of the listed library, would both address the vastness of the gyratory system and deliver a desirable mix of uses as emerging policy CLP2[122]. A widened public realm towards the library would allow an opportunity for a new stepped access to the library forecourt. The aim would be to better connect the library, a Grade II listed building and community facility, with the remainder of the PDC. The scheme would also be optimal through appropriate intensification

[115] Burton IC
[116] In IQs
[117] ID8, 9, 13, 15 – 18, 22 – 24.
[118] Inquiry Document 3 (ID3) at §4
[119] CD10.3 (Vol 5) at p. 293
[120] Pearson IC
[121] *The main sticking point*, as Hearne stated for the RAs
[122] Lacovara §7.53 p.38

which is an ever-increasing theme in the London Plan[123] and strongly supported by the GLA[124]. There is no ready alternative that would be viable and deliverable as the unimplemented 2011 permission and the Applicants' lengthy efforts demonstrate[125].

(ii) The Site has a PTAL of 5 and is within and adjacent to the Purley District Centre (as designated in the existing and emerging LP).

7.3 The site has excellent transport accessibility[126]. It has undisputed opportunities for sustainable development, in accordance with NPPF §§30, 32 and 33, arising from its accessible location partly within and partly adjacent to PDC. Its high PTAL level means that it has potential for high density, intensification and low parking levels.

(iii) The site's development potential is recognised in both LPs

7.4 The proposals are plan-led and in accordance with the development plan as a whole. The Island Site is allocated for mixed use development comprising community uses, a significant residential element and shopping[127]. The Community Services policies[128] expressly include places of worship, consistent with NPPF §70[129]. CLP1 states[130] that the Council will support and enable the provision and improvement of places of worship[131]. This is carried through in CLP1.1[132]. Both sites are allocated in the LP: Detailed Policies and Proposals (MM) (CLP2)[133]. Although not site specific, CLP2 policy DM44 (Purley) states that within the District Centre 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[134].

7.5 Existing and emerging policy strongly support the principle of a tall building in Purley and it was no part of any objector's case that there is a more appropriate site for one in Purley. The potential for a tall building in Purley (then for 14 storeys) was included in the emerging LP as long ago as 2013[135] and the Mayor

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[123] E.g. London Plan Policy 2.15(C) p. 70 - CD10.3 and policy 3.3E at p. 99 – which refer to intensification; e.g. Mayor's Housing SPG, CD12.8 pp. 41-44; Mayor's City for All Londoners, CD12.9 pp. 9, 19 and 23; the Housing White Paper, CD12.10 para. 1.53 at p.32 – as referred in White's §§8.15-8.18 pp. 54-56
[124] CD7.2 – §46 pp. 10-11 of the Stage 2 Report
[125] Collins proof and IC; Cunningham IC that the previous scheme could not be funded
[126] Even if some train split at Purley, the bus service was underplayed – Charles King IC
[127] by proposal H85 under policy H3(ii) of the CLP 2006 (UDP saved policies) CD10.2 pp.151-4
[128] in the Saved Replacement UDP CD10.2
[129] Policy CS1 (new community facilities) p 197 of CD10.2; CS2 on p 199 (loss of community facilities) and ID22 on p4.
[130] Policy SP5.6 (within SP5: Community Facilities)
[131] CD10.1 (Vol 5) on p. 44. See also para. 5.39 on p. 47 (under "Providing new community facilities"), referred to in re-examination of Mr White on Day 4.
[132] With an added reference to policy DM20.3 of CLP2. CD11.1 (Vol 6) at p. 72: and CLP2, CD11.2 (Vol 6) at p. 125
[133] Island Site – Site 35 for mixed use comprising new church, community facility and residential for 20 to 111 homes. South Site – Site 130 for 77 to 100 homes. CD11.2
[134] CD11.2 (Vol 6) p. 213. Lacovara §§7.44-7.51 on pp.35-7
[135] Lacovara IC

sees tall buildings as playing a role in London's future where they can add to the existing community[136].

(iv) The development will help meet important planning objectives

7.6 This development would deliver an impressive array of benefits[137] and the Applicants have shown unusual willingness to deliver a first class scheme including a covenant[138] to retain its architect. There can be little doubt regarding the shortcomings of the existing facilities and the scope of the community facilities that would be available to the public merits very great weight. While the substance of this was properly tested[139], these have been clarified and confirmed to be in no way overstated[140]. This would not be a money-making exercise by the Church, which would donate land for social housing and for TfL, and all the community facilities, apart from the office area and prayer room, would be open for use by the local community[141].

7.7 Following the evidence, the RAs and other objectors have fairly recognised many of these benefits while they still queried whether the benefits could not be delivered without the 17 storey element. However, some possible alternative is not relevant as there is no such proposal before this Inquiry and the correct approach[142] to the proposals is to consider whether they are themselves acceptable having regard to the development plan and to any other material considerations. If the proposals are considered acceptable on that approach, as they are, the existence of some alternative is, as a matter of law, not material to determining this application. For the avoidance of doubt, that would be so even if an alternative were preferable in some respects. Relying on some unspecified possible future alternative scheme would be unrealistic given the pressing need for housing, community facilities and the Church itself, and moving the Church would not accord with either LP allocation.

7.8 The use of a well located brownfield site for both market (181 units) and affordable housing (39 units) would be very significant and make an important contribution to the borough wide housing needs[143]. The housing mix would be entirely appropriate, given its location[144] and although affordable housing (18%) would be below the policy target figures, a higher level is not supported by viability[145]. The conclusion drawn over viability is robust and was accepted by the Mayor whose new unit also assessed this[146]. In any event the 39 units of affordable housing would make an important contribution in Purley and there is

[136] CD12.9, A City for All Londoners (October 2016), p65 under "Higher density"
[137] Collins §4.2.1 p7 and Appendix 1 – enhanced and enabled by new activity – and answers to IQs and further clarification provided by Applicants and White.
[138] Clause 6.20 p60 of the legal agreement, ID5B
[139] Through IQs
[140] Collins and Pearson orally and ID18
[141] White IC: His evidence of the community benefits that could be achieved from the new facilities (from numerous unannounced visits) was compelling and he was clearly impressed by the current use and reach, even under palpable constraints
[142] in applying section 38(6) of the P&CP Act 2004
[143] Cllr Scott's evidence
[144] White §7.31 pp20-1 and ReX
[145] as the Council's independent advisers confirmed CD13.10 and 11 for updated viability appraisals
[146] As confirmed by the Applicants

also the review mechanism in the legal agreement[147]. Both the Applicants and the LPA were keen to see affordable housing but there is nothing in policy to suggest that other mixed use elements should be removed to make the scheme's affordable housing policy *compliant*. The Mayor accepted this recognising the policy requirement for re-provision of community facilities[148].

7.9 The scheme would add activity to PDC, have an active frontage, and increase vitality and viability[149] in a centre which struggles with the road network and the disconnected Tesco. The proposals are supported by Purley BID. There would be added economic benefits from construction and local employment.

(v) The proposals accord with the adopted and emerging plans and would be of a very high quality design

7.10 The detailed, conscientious and convincing assessment[150], in establishing the proposals' accordance with the development plan, is unusual. The importance of good design is clear from NPPF section 7 and the relevant development plan policies. A detailed assessment of the proposals has been made against NPPF§58[151] and criticisms nearly always refer to the tower. Even these criticisms were limited in scope. Those based on townscape impact refer to the tower being much taller than existing buildings and to policies requiring development to respect or relate to its surroundings. However, policies have to be read as a whole and do not require development to closely resemble or be similar to that which exists[152]. Rather, they have to be read alongside CLP1 policy SP4.5 and CLP2 policy DM44.

7.11 Turning to London Plan policy 7.7[153], the assessment[154] should be that the scheme would satisfy all the stated criteria and improve legibility as policy 7.7C. Nor should policies preclude outstanding or innovative designs which help raise the standard of design more generally in the area (NPPF§63). In terms of *relating* and *respecting*, the proposals would *call on* local features and materials which have inspired the design and its details[155]. Placing the single, slender, taller element adjacent to the gyratory on the Island Site with the remainder of the site stepping down would be a sensitive and sensible design approach. Impact on daylight and sunlight; outlook; privacy; and overshadowing of PDC have all been assessed and found to be satisfactory. Fire risk can be addressed by the use of sprinklers as confirmed in the Applicants' Supplementary Points[156].

7.12 The design approach of a tall building was supported by the LPA, the GLA, and Design south-east (DSE) which recognised the suitability of a tower to address the gyratory[157]. The DSE's comments have been appropriately addressed by

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[147] Clause 6.21 of the legal agreement, CD5(B). See also the example provided by White where a review mechanism has been used successfully – ID22 p1
[148] CD7.2 §§8-11 p4
[149] Pearson IC and ID11
[150] White s7 and appendix JW1
[151] Lacovara §105 pp55-57
[152] E.g. §§7.58-7.59 p85 of CLP1 (2013) relating to Purley
[153] CD10.3 at p.293
[154] Lacovara §7.30 pp 27-31 and IC
[155] As recognised by Matthews, Noble and Lacovara
[156] In response to IQs - ID13 at §1 and Appendices 1 and 2.
[157] CD12.7 (Vol 7) on 2nd page

the increased height and reduction in height of the *campanile* and there was no requirement or need to refer back to them. The building would fulfil a landmark role that signposts PDC from a good distance without impinging on any designated views. The designated panorama viewpoint[158] on Farthing Downs is not the same as that referred to[159] and it is highly unlikely that more would be seen as one descends. In any event, seeing the development would in no way make it unacceptable.

7.13 Compared with the existing position, there would be an enormous improvement in public realm[160], including landscaping and the entrance square on Russell Hill Road. While the acceptability of the design does not hinge upon the trees in the crown element of the tower, they would be an innovative embellishment, secured by proposed condition 6(2)[161], and likely to be delivered and retained successfully[162].

7.14 If the overall merits of the design are accepted, density should not be of any concern. The density figures in the London Plan[163] are not a ceiling or to be applied mechanistically. The need for higher densities, for sites with high levels of public transport is becoming more and more important. Put simply, if the design and all other aspects of the scheme would be acceptable, then density should be applied flexibly and should not be an impediment[164].

(vi) The design would be appropriate and acceptable with regard to existing heritage assets

7.15 There would be no loss of designated or non-designated heritage assets. Consequently, there would be no significant impact on any heritage assessment as meant by the NPPF. The Grade II listed library has been fully assessed[165] and while there would be a degree of harm, it would amount to less than substantial[166]. The quality of the resulting townscape compared with the existing site would far exceed the relatively minor harm to the heritage assets.

(vii) The living conditions for the new occupiers would be acceptable

7.16 There was no challenge to the acceptability of the new homes in terms of internal space, noise and sunlight/daylight[167]. The AQ Assessment recognises the existing conditions[168] and design measures would ensure that the residential occupiers of the lower floors of the buildings, which would be affected by these conditions, would be adequately protected[169]. For the community use areas[170]

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[158] CLP Proposals Map as Chris Philp MP's submission of 14 December 2017 s3 p6
[159] By Chris Philp MP
[160] See UU plan no.4
[161] ID7C
[162] See section 4 of ID13
[163] CD10.3 (Vol 5) at pp.100-101 re. Policy 3.4, §3.28 and Table 3.2
[164] CD10.3 pp 100-1 including §3.28. See also the Mayor's Housing SPG - CD12.8 pp42-46 and 54; the Housing White Paper - CD12.10 §1.53 p32 and the Mayor's City for all Londoners on pp9, 19 and 23.
[165] Against s66 of the Planning (Listed buildings and Conservations Areas) Act 1990.
[166] See SoCG – CD 6 – Section 9 "Matters of Disagreement" pp34-5
[167] White §§7.78-7.85 pp34-36
[168] Simmonds' Statement: ID1 §§2.8-2.9
[169] ID1 §2.13

this would be addressed by the use of mechanical ventilation[171], secured by the proposed conditions with an example of where this has been used[172]. Flood risk has been adequately addressed and the appropriate bodies consider the proposals to be acceptable. Appropriate measures to protect the occupants would be incorporated into the scheme[173].

(viii) The impact on existing occupiers and users of the area

7.17 There would be no unacceptable impact on neighbouring occupiers in terms of privacy, visual intrusion, daylight and sunlight, and noise and disturbance[174]. The implications in terms of air quality, wind and flooding would be acceptable[175].

7.18 With regard to air quality, the development would not cause any exceedances of any EU or other standards[176] other than the world health authority (WHO) levels which are not applied in the UK[177]. The robustness and conservative nature of the AQ Assessment has been confirmed by the Applicants' consultant[178]. There are existing exceedances in terms of NO_2 but any increase would be marginal. There is no existing or resulting exceedance of any relevant UK or European levels in relation to PM10 and PM2.5. Everyone wishes to see this allocated site developed and appropriate measures would be included through conditions, including the use of idling patrols aimed at parked vehicles with their engines left running, and Croydon is to be commended for introducing this then innovative measure back in 2005[179]. The £6,000 contribution under the legal agreement would ensure the resources to police the site and surrounding[180] and electric charging points would be provided.

7.19 The proposals would reduce existing flooding problems in the area as rainwater currently runs straight into the public sewer leading to flash flooding whereas with the development water would be stored in tanks and released slowly into the sewers [181].

(ix) The highways and parking aspects of the proposals would be acceptable

7.20 There was no highways objection from TfL[182]. The proposed accesses and additional pedestrian activity would be safely accommodated on the existing crossings and would be a benefit to PDC. The impact on the highway network from the additional traffic would only lead to a less than 0.5% increase in two-

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[170] Explored with Simmonds by IQs
[171] Supplementary Note ID13 §5
[172] ID22 pp2-3
[173] Linardatos confirmed. See also CD1.20 and CD1.21
[174] White §§7.47-7.77 pp26-34
[175] Ibid §§7.86-7.126 pp 36-45
[176] Simmonds's Statement ID1 and IC and ReX
[177] Ibid section 15 and the ID8 pp12-13
[178] ID17
[179] See the Council's leaflet produced by Mr Simmonds, ID12
[180] Simmonds XX by Charles King
[181] Linardatos IC. See plan of surface water flooding mitigation measures at CD2.4 and Applicants' Supplementary Note §6
[182] TfL response at CD 7.6; Burton §§4.1-4.3, pp7-8. See also the Transport SoCG – CD5.2

way traffic per day[183]. Concern related to traffic from the exit/access on Russell Hill Road (rather than Banstead Road) crossing the gyratory would happen at slow speeds and the negligible additional traffic will not add unacceptably to the congestion. The crossing of lanes, which is the nature of a gyratory, would continue as now but with an area of land safeguarded for TfL to straighten out the kink using land offered through the development. The accident record is of no particular concern given the volume of traffic.

7.21 The possibility of an alternative access on Banstead Road is not relevant to whether the proposed access is acceptable but this would have its own problems[184]. A Delivery and Servicing Plan, to be secured by condition, would ensure that there will no unacceptable difficulties with white van deliveries. The restricted parking provision is appropriate given the high PTAL and consistent not just with the NPPF and the London Plan but also local policy[185]. It would be backed up by the restriction on any future resident to apply for a parking permit[186] as has been successfully enforced in the Borough[187]. The travel plan and car club would also assist and further spaces could be provided[188].

7.22 With regard to the 50 spaces for Church use, management measures would ensure that no unacceptable problems arise and ensure, if necessary, that there is a spread of exiting from the car park[189]. There is currently ample spare capacity in the two existing car parks and the site proposals for the existing leisure facilities in the CLP2 include the requirement for public car parking[190]. The objectors' case for more parking would not be consistent with policy in the development plan or the NPPF.

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

7.23 The NPPF expects local planning authorities to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area[191]. This scheme would deliver all three. The concerns of the objectors, and the RAs in particular, have been fully addressed. The scheme would be one of rare quality for Croydon[192] which would deliver very great benefits to the people of Purley[193]. The SoS should be able to agree that this would be an unusually splendid scheme and too good an opportunity to be missed.

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[183] Burton §§4.27-4.30, pp15-16.
[184] Burton in oral evidence
[185] CD10.1, CLP 2013 SP8.15; CD10.2 CLP 2006 policy T8 & Appendix 2; CD11.2, CLP2 policies DM30 & DM31.
[186] Clause 6.4 of the legal agreement
[187] White answering IQs. The lawfulness of this under section 16 of the Greater London Council (General Powers) Act 1974 was confirmed by the Court of Appeal in May 2017 in *R (oao Khodari) v Royal Borough of Kensington and Chelsea Council* [2017] EWCA Civ 333 – ID19
[188] As indicated on the site visit
[189] See also §8(b) of the Applicants' Supplementary Note where Collins confirms that members of the congregation do not all depart at the same time
[190] CD11.2 Proposal Site 30
[191] NPPF §§186-187 – CD12.1
[192] Lacovara
[193] White

8 The case for Chris Philp MP

His statement was relatively succinct and so is reproduced here in full.

A. Personal Background

8.1 I was elected in May 2015 as the Member of Parliament for Croydon South and re-elected in June 2017. Purley is at the geographic centre of the Croydon South parliamentary constituency. In the 2015-17 Parliament, I served on the Housing and Planning Public Bill Committee (now enacted as the Housing and Planning Act 2016) and the Neighbourhood Planning Public Bill Committee (now enacted as the Neighbourhood Planning Act 2017). In June 2017 I was appointed Parliamentary Private Secretary to the Treasury Ministers. I have a first class degree in Physics from Oxford.

B. Document List

8.2 In this written submission or in my oral submission, I may make reference to some of the documents listed below.

	Name	Abbreviation
1	Croydon Local Plan (CLP) 1 – Strategic Policies – March 2013 – Adopted	CLP1 (2013)
2	Croydon Unitary Development Plan Saved Policies 2006 – Adopted	CUDP (2006)
3	Croydon Local Plan (CLP) 1.1 – Strategic Policies – August 2017 – Final proposal for consultation	CLP1.1 (2017)
4	Croydon Local Plan (CLP) 2 – Detailed Policies – August 2017 – Final proposal for consultation	CLP2 (2017)
5	London Plan March 2016 – Adopted	LP (2016)
6	London Housing Supplementary Planning Guidance 2016 – Adopted	LHSPG (2016)
7	London Plan 29th November 2017 – First draft for consultation	LP (2017)
8	National Planning Policy Framework - March 2012	NPPF (2012)

C. Principle of Development on the Site

8.3 I fully accept the principle that this site is suitable for residential, mixed use or commercial development. It has a high PTAL rating and is in an area that is already developed, with a suburban character. There is no current amenity value to the site, which has been vacant for a long period, and it would benefit from development.

8.4 However, I feel very strongly indeed that the site is not suitable for a 17 floor building of the design proposed, for the five reasons listed below in Section D. My view is that a suitable development of this site which would comply with Planning Policy would be a development which:

a) was 5-7 floors in height, and
b) had suitable flood mitigation measures (such as a raised podium for the ground floor) and
c) had reasonable parking provision relative to its number of residential units

D. Grounds for Objection

8.5 In each section below, I list the relevant planning policy and then explain why I feel that this application does not meet it.

1. Excessive Height which is severely out of keeping and contrary to five Planning Policies

8.6 This proposal is for a building of 17 floors. The next tallest building in Purley is 4 to 5 floors (the red brick building opposite Tesco, at the southern end of the High Street, at the junction with the Purley Cross gyratory). This proposed building is therefore around 4 times taller than the next tallest building and 5 times taller than most buildings in Purley, which are typically 3 floors. To find another building anywhere close to this high, you have to travel 3 miles north to Croydon town centre. So this proposed building is 4x to 5x taller than any other building for some miles around.

8.7 This proposal will fundamentally change the character of Purley as a place. It is currently a peaceful suburban district centre, surrounded by quiet residential housing. The built landscape does not consist of any tall buildings at all. This proposed 17 floor building simply does not fit in with the surrounding area at all, and fundamentally conflicts with it. People have chosen to live in this neighbourhood because it has a peaceful suburban feel to it, and because the built environment is not unduly intrusive. Were a tall building of this substantial height built, the character of Purley would be fundamentally and adversely altered. The building would loom over people, dominate the streetscape and block light. The proposed building is manifestly out of keeping, and I therefore oppose it in the strongest possible terms.

8.8 In my view, this issue of excessive height is the main ground for refusal.

8.9 Below are listed 5 Planning Policies which this proposal breaches. I have offered a brief comment below on each one, but the common theme is that these Planning Policies require a tall building to fit in with its surroundings. This proposal manifestly does not do so, by virtue of being 4 to 5 times taller than the other buildings in the immediate area – and indeed is 4x to 5x taller than any other building for some miles around.

Document Ref	Policy
CLP2 (2017) DM 16	Tall buildings should "Respect and enhance the local character" and (section d) "conserve or enhance the significance and setting of the assets of the wider historic environment" and (section c) "The design should be of exceptional quality and demonstrate that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale"

8.10 This proposal quite clearly does not "respect and enhance the local character" (as required by this new version of Croydon's own Local Plan) by virtue of its size relative to existing buildings. The design cannot be considered exceptional.

Document Ref	Policy
LP (2016) Policy 7.7	7.7 A: "Tall & large buildings should not have an unacceptably harmful impact on their surroundings" 7.7C (b) "tall buildings may only be considered in areas whose character would not be adversely affected by the scale, mass or bulk of a tall or large building" 7.7C (c) "tall buildings must relate well to the form, proportion,

	composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level" Para 7.25 – Defines Tall & Large buildings as being "substantially taller than their surroundings" and says "they should be resisted in areas that will be particularly sensitive to their impacts" Para 7.27 – "Ideally tall buildings should form part of a cohesive building group that enhances the skyline" [i.e. not a one-off like this one]

8.11 These important London Plan policies are blatantly contravened by this proposal as follows:

7.7 (A) – This proposal will have a harmful impact on its surroundings by virtue of being 4-5x higher than the surrounding buildings
7.7 (C) (b) – The character of this area will be adversely affected by the building, as outlined above
7.7 (C) (c) – The building clearly does not relate well to the "composition, scale and character" of the surrounding area given that it is a standalone building 4-5x higher than any other in the area. At street level, this building will loom over people and dominate the street scene and public realm
Para 7.27 – This building is a standalone building, and does not form part of a "cohesive building group" as clearly required by policy.

Document Ref	**Policy**
CLP1.1 (2017) Para 7.59 CLP1 (2013) Para 7.58	In relation specifically to Purley: "As a broad location 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." "The main focus of major residential growth will be the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness."

8.12 The proposed 17 floor building does not "respect the existing local character and local distinctiveness". The building is fundamentally and profoundly different to the existing character of Purley. This important Croydon Local Plan Policy (both existing from 2013 and current emerging) is quite clearly breached.

Document Ref	**Policy**
CLP1.1 (2017) and CLP1 (2013) Policy SP4, Clause SP4.6 (the wording is identical in both versions)	"Some locations within the areas listed in SP4.5 [which includes Purley District Centre] will be sensitive to, or inappropriate for, tall buildings and applications for tall buildings will be required to: a) Respect and enhance local character and heritage assets; b) Minimise the environmental impacts and respond sensitively to topography; c) Make a positive contribution to the skyline and image of Croydon; and d) Include high quality public realm in their proposals to provide a setting appropriate to the scale and significance of the building and the context of the surrounding area."

8.13 There is no high quality public realm (indeed there is no public realm at all) in this proposal, breaching item (d) above. Again, this 17 floor building does not "respect and enhance local character" as required by item (a) above due to its excessive height relative to other local buildings.

Document Ref	Provision
NPPF (2012) Para 58, sub point 4	"Planning policies and decisions should aim to ensure that developments: … respond to local character and history, and reflect the identity of local surroundings and materials"

8.14 The scheme as designed quite clearly does not "respond to local character," principally on the grounds that it is substantially too tall by comparison to surrounding buildings. This point has been made repeatedly above. The NPPF is an important planning document which this proposal contravenes.

- NPPF (2012), in force
- London Plan (2016), in force
- Croydon Local Plan, both in force (2013) and emerging (August 2017)

8.15 I have not analysed the newly published London Plan (November 2017) as this is a first draft published on 29th November 2017 and it has not even had initial consultation responses gathered on it yet.

8.16 There is a sixth Policy which the applicants and council may cite in support of the application:

Document Ref	Provision
CLP2 (2017) DM 44.1	DM44.1(b): Development in Purley 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".

8.17 I would make three points in pre-rebuttal to any such claim, should the applicants make it:

- DM44.1 is the only piece of policy which can be read as supportive of the proposed 17 floor building. The other five polices cited above all point clearly for rejection of the proposal. So by a margin of 5:1, relevant Planning Policy is against this proposal
- DM44.1 claims that current buildings in Purley are 3 to 8 floors. A glance out of the window shows that this is not the case – there is very little over 4 floors and nothing over 5 floors. The premise of DM44.1 is therefore patently inaccurate which materially undermines its persuasiveness
- The policy only refers to the "potential" for a tall building. "Potential" is an extremely weak formulation. A site may have "potential" for 16 floors, yet that does not mean it has to be developed as such. A weak reference to "potential" is therefore not a compelling point in favour of the application. This is insufficiently strong to overcome the very clear Policy opposition to this proposal which flow from the other 5 Policies quotes above – and which apply at the national, regional and local level.

8.18 It is clearly a matter of plain fact that the proposal is 4 to 5 times taller than any other building in Purley, and is therefore not respecting the character of the area and is fundamentally changing it. In confirming this view, it is relevant to consider the opinions of local people who know the area well and live here. It is therefore pertinent to note that this proposal is objected to by:

- 7 local Residents Associations representing approx. 15,000 households or 35,000 people.
- Me as the local MP, re-elected by 33,334 local people in June 2017

- The local Greater London Assembly Member, elected by 70,156 people across Croydon and Sutton in May 2016
- 11,933 local people (almost entirely from local postcodes CR8, CR5 and CR2) who responded to my survey on this topic (up to 14 December 2017), of whom 95.44% were opposed
- At least 15 local councillors (being all or virtually all of those representing broadly affected residents)
- When the original application was heard, the council received 616 formal responses: 551 objecting, 57 supporting and 7 commenting. This is an 89% rate of objection

8.19 On the other side, there is only one Residents Association in favour (whose own residents take a dim view of their committee's support) and one business association. The balance of local opinion is overwhelmingly opposed.

8.20 This shows clearly that the objections I have made in this section – namely, that the proposed 17 floor development is fundamentally out of keeping with the local area – commands very widespread local support.

2. Density which exceeds current London Plan Policy

Document Ref	Policy
LP (2016) Policy 3.4 & Table 3.2	Habitable Rooms should be 200-700/Ha. This application is 817/Ha (note that Croydon Council incorrectly stated 717/Ha in the original Planning Cttee report). The Island Site on its own is 1,052 Habitable Rooms/Ha

8.21 The development as proposed, taken as a whole, exceeds the upper end of the density reference range (700) by 117 habitable rooms per hectare or 17%. It exceeds the lower end of the range (200) by 308% and exceeds the mid-point of the range (450) by 82%. The Island Site taken on its own (and this is important since the Island Site is physically separate to the South Site) has 1,052 habitable rooms per hectare. This is 50% higher than the top end of the policy range (700) and over double the mid-point (450). The proposed scheme is materially denser than the current London Plan allows for in a setting such as this one, especially the Island Site taken on its own. This is clear grounds for refusal.

8.22 *(Note – the "Island Site" is the part of the site adjacent to the current Baptist Church where the 17 floor tower is proposed)*

3. Damage to a protected panorama view

Document Ref	Provision
CUDP (2006) Policy UD11	"The Council will ensure that all new development and proposed alterations to existing buildings do not have an adverse impact on the designated panoramas, local views and landmarks". Para 4.65 goes on to define the view from Farthing Downs (View "CP5") as a protected Panorama.
LP (2016) 7.7 D (b)	"Tall buildings … should not impact on local or strategic views adversely"

8.23 The view from Farthing Downs, a protected open space of very considerable beauty, is protected as described above. This proposed building would be very clearly visible from Farthing Downs and spoil this protected panorama, contrary to Policy UD11 and LP (2016) 7.7 D (b) as specified above. From the

135m above sea level contour on Ditches Lane (which runs along the top of Farthing Downs), the line of sight to the development runs about 30 degrees east of due north. The highest point on this line of sight is along a road called Hartley Down which is 100m above sea level. The base of the tower sits at 65m above sea level, and has a total height of about 60m, so the top of the tower is 125m above sea level. So at least the top 25m of the tower (around 8 floors) will be clearly visible. An illustrative diagram is given below. This development will quite clearly have an adverse impact on the protected panorama from Farthing Downs, and as such is contrary to Policy.

4. Flood risk not mitigated

Document Ref	Provision
NPPF para 100	"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk"
CLP1.1 (2017) Para 6.6	"The SFRA identifies significant episodes of surface water flooding at Purley Cross"
CLP1 (2013) Para 6.6	"The Strategic Flood Risk Assessment (SFRA, 2009) identifies the main risks of fluvial flooding in the vicinity of the Norbury Brook through Thornton Heath and Norbury and through Kenley, Purley and Waddon along the Brighton Road and Godstone Road valleys and around the culverted River Wandle"

8.24 The NPPF as referenced above is clear that development should not take place in a flood risk area. CLP1 (2013) and CLP1.1 (2017) both acknowledge that this is a high flood risk area. Purley Cross has severely flooded several times in recent years, as is well documented. As recently as February 2014 the whole underpass at Purley Cross was completely underwater. Any proposed building on this site should therefore have substantial flood mitigation measures in place – such as a raised podium for the main ground level – which this design does not have.

5. Inadequate Parking arrangements, with unacceptable consequences

Document Ref	Provision
NPPF (2012) para 29	"The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel."

8.25 This scheme does not give the choice referred to in the policy above. For the 220 flats there are only 37 parking spaces. In the Council's planning report for Committee, paragraph 8.149 admits that the development needs 165 car

spaces, and clause 8.147 of the same report recommends that future residents of the scheme are excluded from residents parking permits. This will cause parking chaos on other roads where there is not a CPZ (Controlled Parking Zone) and on unrestricted parking spaces. Moreover, the very large numbers of pedestrians leaving the building may pose a safety risk at busy times as much larger numbers than now seek to cross the very busy roads surrounding the Island Site.

E. Summary

8.26 This building will fundamentally and detrimentally change the nature of Purley, and is manifestly out of keeping with the place – being 4x to 5x higher than any other building for some miles. For this and the other reasons outlined above, which are fully shared by the vast majority of local residents (95% according to my survey of 11,933 people), I urge the Inspector in the strongest possible terms to reject this application.

Cross examination

To questions on behalf of the Applicants, the Council and from the Inspector, Chris Philp MP gave the following answers:

8.27 With regard to London Plan Policy 7.7, he acknowledged that the criteria in 7.7C were particularly important if the site is not identified as a location for a tall or large building in [an adopted plan] which it is here. With reference to LP Policy SP4.5, he accepted that this encourages tall buildings in District Centres.

8.28 He explained that his interpretation of LP Policy SP4.6 was that it was only possible to respect or enhance local character with development which was broadly similar, though he accepted that there could be exceptions for regenerating derelict areas such as Canary Wharf.

9 The case for the Residents' Associations (RAs)

The joint case was made on behalf of seven Residents' Associations (RAs). These were Riddlesdown, Coulsdon West, East Coulsdon, Hartley and District, Kenley and District, Old Coulsdon and Sanderstead Residents' Associations.

A summary of their case is as follows.

9.1 The seven RAs in areas adjoining the proposed development at Mosaic Place have been grateful to the Inspector for allowing us the opportunity over the past week or so, to present our case and summarise why we and the overwhelming majority of our members formally object to the proposed scheme.

9.2 We are a group of lay-people who represent up to 15,000 members and our case is built largely upon the concerns expressed by our local communities across Purley, Coulsdon, Sanderstead and Kenley.

9.3 The Residents' Associations are non-political and non-sectarian, representing the wider community. Our members are drawn from a varied section of demographics and it is those people whom we represent during this inquiry.

9.4 We do wish to make it clear that all of the aforementioned RAs support the work that PBC does for the community and we have no problem in principle with the

expansion of the church and associated facilities. We share many of the aspirations behind the proposed schemes - the provision of affordable housing, the regeneration of Purley town centre and increasing the community facilities available to local residents.

9.5 We are not anti-development. We wish to see this site redeveloped as part of it has been waste land and detrimental to Purley for more than 30 years now. However, we do not believe a 17-storey development in the centre of Purley is appropriate or necessary to deliver the aspirations behind the scheme. Instead we contend that the proposed development will generate a large number of significant problems for PDC and beyond, due largely to its inappropriate scale.

Landmark building

9.6 We do not in principle object to a landmark building on the site.

Proposed building height

9.7 It is our contention that the sheer height of the proposed development is excessive and wholly out of place in respect to the Purley townscape.

9.8 We do not believe that adequate consideration has been taken into account in relation to London Plan Policies 7.7, 7.7C(b), 7.7C(c), 7.25 and 7.27.

9.9 Policy 7.7C "Tall and Large buildings should: (b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building (c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban gain and public realm (including landscape features), particularly at street level;". We do not believe the Applicants' case has taken local heritage into account.

9.10 Policy 7.25 states "tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline….". "However they can also have a significant detrimental impact on local character. Therefore, they should be resisted in areas that will be particularly sensitive to their impacts and only be considered if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate and wider settings, or if they make a significant contribution to local regeneration." Again we do not believe the applicants have demonstrated that a tall building, very close to the highway boundary on Brighton Road, is appropriate and it would dominate the nearby three and four storey shopping parade.

9.11 Croydon's emerging local plan is also contradicted by this proposal. Emerging CLP2 (2017) Policy DM 16 says that: *Tall buildings should "Respect and enhance the local character" and "conserve or enhance the significance and setting of the assets of the wider historic environment".* This proposed building does not meet this criteria because it does not respect, conserve or enhance the setting.

9.12 Further, emerging Policy CLP1.1 (2017) Para 7.59 says in relation specifically to Purley: "As a broad location 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." Existing Policy CLP1 (2013) para 7.58 says "The main focus of major

residential growth will be the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness. "Local character is not respected by this proposed building, which is completely out of keeping with the local area because it is 4x to 5x higher than the immediate surrounding buildings.

9.13 Finally, Policy SP4.6 of both the existing and emerging Croydon Local Plan makes clear in section (a) that a building must "respect and enhance local character and heritage assets". Again, this proposal does not do that due to its design and excessive height compared to other nearby buildings.

9.14 NPPF Para 58 point 2 also requires local character to be respected.

9.15 Despite the reference in the emerging Croydon Plan CLP2 Policy DM44.1 to the "potential" for a tall building in Purley, the other criteria mentioned above are not met and are grounds for refusal.

Overshadowing

9.16 We do not believe that our concerns regarding overshadowing were addressed by the applicants. We contend that overshadowing will occur to neighbouring properties, especially Tudor Court and the surrounding PDC in Russell Hill Road and Brighton Road, especially in November, December and January.

Planning

9.17 On the planning issue, we note that policy DM44, as part of the emerging CLP2, has not yet been adopted, which means that it cannot carry the full weight of development plan status.

Density

9.18 As the London Plan is part of Croydon's 'Development Plan', this proposal does not present convincing evidence for going beyond the appropriate density range of 700 hr/ha in the London Plan, neither does it demonstrate that it represents an appropriate configuration in terms of scale, massing and layout given the existing Purley townscape. On average, it is 17% above the upper end of the appropriate PTAL range in the density matrix.

9.19 While the overall proposed site is 807 Habitable Rooms per Hectare ("hr/ha"), the Island Site has a density of 1,052 hr/ha which is 50% higher than the top end of the range of 200-700 hr/ha specified in Table 3.2 in the London Plan (2016). London Plan (2016) Policy 3.4 says clearly that any development in excess of these figures should be "resisted" – that is, these densities are not merely guidelines that can be ignored or overlooked.

Heritage

9.20 We do not believe that these proposals seek to form a positive relationship with the PDC, principally the Victorian shopping parades in Brighton Road and Russell Hill Road.

9.21 The bulk and massing of the buildings proposed mean that they will dominate the townscape particularly the existing character of the area and skyline, which is exacerbated by the lack of any architectural rhythm or shared detailing.

9.22 The contrast between the proposed development and the existing urban grain is jarring (described as dramatic by the heritage witness) rather than striking, reflecting the lack of any positive relationship between the proposal and PDC.

9.23 Specifically the schemes will have a detrimental effect on 960 Brighton Rd (Pizza Express). The Council's Heritage Officer[194] agreed that this development will present a degree of harm to this building.

Affordable housing

9.24 The RAs strongly support the provision of affordable housing for the local people in the Purley area. We do not, however, believe that the low level of affordable housing proposed is acceptable, given the strategic importance and location of these sites. We do not agree that the provision of community facilities as part of this scheme constitutes exceptional circumstances for the low level of affordable housing proposed on site.

Community facilities

9.25 We were surprised to hear the statement from PBC, in which it clearly stated these community facilities would not be available to everyone in the wider community, as restrictions will apply.

9.26 Croydon Council has a responsibility to ensure that the community facilities are available to all sections of the Purley community. These should be marketed to all community groups, however this is in contention with the ethos and the statements we have heard from the Baptist Church. If the facilities are not going to be available to various sections of society, it is difficult to see how Croydon Council can be satisfied that the facilities are available to the wider community.

9.27 We feel that the community spaces are inadequate on both proposed sites and the south side courtyard site would be overshadowed.

Regeneration of Purley town centre

9.28 We strongly support the regeneration of the island and south sites and we continue to work with other stakeholders to help facilitate this.

9.29 We do not however believe that these proposals will create sustainable social, economic and environmental benefits for PDC and the wider area. Rather, the lack of relationship with PDC will further lead to the decline of the viability and vitality of the district centre as has been evident since the Tesco development in the 1980's.

Parking

9.30 We believe the parking provision will exacerbate the existing parking problems Purley residents face in the surrounding area, as it has done in other areas.

9.31 Our experience also shows us that residents of social and affordable homes also have similar levels of usage and ownership of cars and vans, as they frequently have the use of company vehicles.

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[194] Mr Lacovara

9.32 The uncertain future of the Council-owned multi-storey and the Russell Hill Place car parks diminishes the claims that there is plenty of other parking in Purley.

9.33 We are also well aware of the congestion and pollution caused by car use, but we believe that persuasion is more effective than coercion. Purley is in outer London and is not the same as Camden, Islington or inner London District Centres, where many facilities are geographically close.

9.34 We do not believe that sufficient parking has been provided for deliveries such as fast food, white goods, supermarket deliveries, or online mail order deliveries. Not enough consideration has been given to this and the likely increase of this trend. The biggest increase in traffic over the past 10 years has been in white vans (LCVs), typically for mail-order deliveries[195].

Transportation

9.35 We, as local residents who use the junction on Russell Hill Road (A23), on a regular basis, do not believe that the Council or TfL have made the correct decision in relation to the vehicle entry and exit point from the proposed development, which is so close to the signalled junction of Brighton Road. TfL also raised adverse comments in relation to this on their initial site visit.

9.36 We are still of the view that when a major event has finished in the auditorium, up to 80% of vehicles will attempt to leave at the same time, adding to congestion on the already very busy Russell Hill Road. The proposed exit is on the narrowest part of Russell Hill Road almost opposite the junction to Russell Hill Place, a public car park exit.

9.37 It has been agreed that the A23 and the Purley gyratory are one of the busiest and complex traffic areas in the borough of Croydon. It is also clear that when traffic exits the island site, lane changes will have to occur either before the traffic lights at Brighton Road or immediately thereafter for those wishing to travel along the A22 towards Whyteleafe. In our view this will increase the likelihood of further accidents by these junctions.

9.38 It is clear that the majority of accidents which happen around the gyratory are close to the Russell Hill Road entrance/exit. Fortunately these accidents generally result in minor injuries with the majority being just vehicle shunts (non-injury accidents are not recorded), but these can cause considerable delays to traffic flow, subsequently resulting in delays and additional pollution.

Air quality

9.39 Purley gyratory already has poor air quality and is above WHO guidelines and parts of the Brighton Road also exceed EU air quality levels. The exit onto Russell Hill Road will decrease local air quality due to the need for vehicles exiting the site having to queue to enter in Russell Hill Road.

9.40 The Council's Air Pollution representative[196] has agreed with us that the proposed development will take place within an area where harmful levels of

[195] RAC Van Trend 2014
[196] Mr Simmonds

NO_2 already exceed EU legal limits and that the proposed development will only increase these levels.

9.41 Studies by both Dudley and Lambeth Councils conclude that stationary vehicles create twice as much pollution as moving vehicles. Forty or more vehicles could be leaving the site at the same time after a major event. This will increase the level of pollution at the exit and in Russell Hill Road at these times.

9.42 We welcome that Croydon Council has instigated Idling Patrols to deal with this problem. However, we note that this a small team and is only likely to visit the site infrequently and only more frequently if there have been complaints. The Idling Patrol will have no jurisdiction for vehicles queuing in traffic on the public highway nor on the Island site.

Flooding

9.43 It has not been proved that during flash floods the main water holdings tanks would be sufficient to avert flooding outside the proposed development in Purley Town Centre. What if the surface water sewers are backed up due to flooding in Purley Cross? Where does the surface water from the sites then go? We do not believe this question was answered satisfactorily at the Inquiry.

9.44 It was also stated that under certain flash flood situations, the proposed development carpark would flood, possibly putting the basement site machinery and services in jeopardy.

9.45 We do not believe that flooding by the Caterham & Coulsdon Bournes (which meet under the gyratory at Tesco's) has been sufficiently addressed, as these tend to flow above ground and flood on a 5-7 year basis when the aquifers on the North Downs overflow. From previous history of flooding, this has caused extensive flooding immediately in front of the proposed tower on Brighton Road.

Pedestrian routes

9.46 The exit into Russell Hill Road will interfere with pedestrian flow and affect air quality in Russell Hill Road especially when cars leave after an event. We question what contingency plan is in place, especially for the additional pedestrians when the traffic lights on the gyratory system fail, as was the case on Wednesday 10 January. Pedestrians needing to cross these junctions at that time, put themselves at huge risk.

Landscaping

9.47 We are not convinced that the proposed Scots Pine trees would be best suited to roof conditions and in gale force winds, these trees will either be blown over, or have branches snapped off and fall onto the streets below. We contend that sufficient evidence has not been provided as to the depth of root support system and whether the restraint straps and root system will support these trees in high winds.

'Section 106'

9.48 We find it disappointing that none of the Section 106 monies is proposed to be spent on other areas within the centre of Purley.

Conclusion

9.49 Our residents are not natural revolutionaries. They accept that growth is necessary if we are to provide homes for local people and ensure that our district centres provide the services that we need. However, the strong reaction to these schemes is noteworthy, given the overwhelming concerns over the detrimental impact that they will have on the locality.

9.50 On balance, whilst we accept and acknowledge that there are many good parts to the application, the joint RAs are firmly against this development in its present form.

9.51 Finally, we would like to acknowledge the hospitality that has been provided to us over the past six days of the Inquiry by the Purley Baptist Church, the Minister, and his staff. We would also like to thank the Planning Inspector for his impartiality in adjudicating this Inquiry.

Cross examination

To questions on behalf of the Applicants, the Council and from the Inspector, the RAs witnesses gave the following answers:

9.52 Other than with regard to London Plan Policy 7.7, the RAs did not allege any breach of policies. Notwithstanding the provisions of the LP, they acknowledged that they objected to a 16 storey tower in principle. They took no issue with the difference between 16 and 17 storeys. The architectural detailing was generally excellent. They had concerns with regard to the effect on the old NatWest bank (960 Brighton Road) but not on the library.

10. The cases for interested persons opposed to the application

The gist of their cases is as follows. Where points reiterate those already made they are not repeated.

10.1 **Kevin Williams** has been a resident of Purley for all his life; some 50 years. He saw the closure of Sainsbury's around 40 years ago and has seen the site deteriorate over that time. The town is missing a central component and needs developing but not with an ugly structure.

10.2 **Cllr. Donald Speakman** has been a resident for 32 years and a Councillor for 16 years. He was not against development, indeed supported 8 storeys, but disagreed that something would be better than nothing. He considered that the 17 storey tower would be monstrous and that there would be a lack of surrounding open space.

10.3 **Cllr. Christopher Wright** has been a resident for 50 years, and a Councillor for 28 years, and has seen the site deteriorate over that time. It needs developing. His concerns were: the height of the tower, added traffic at the

dire Purley Cross, over-development of the site, and impact such that Purley would lose its character.

10.4 **Cllr. Luke Clancy** has represented Coulsden West since 2014. He acknowledged that this is a development site and that there is a need for more homes. His two objections were height and parking. The tower would be significantly higher than other buildings which were typically 4 storeys. Local residents already report that parking is inadequate and in this regard Purley is similar to Coulsden.

10.5 **Geoff Hunt** also approved of housing and affordable housing but was concerned about the height, parking provision and access.

10.6 **Steve O'Connell** is Councillor for Kenley and a member of the London Assembly. He accepted the need for regeneration and supported facilities for PBC but was concerned that the scheme would significantly change the character of the town. He highlighted the dysfunctional A22/A23 junction which needs addressing. He raised the issue of commuter parking while supporting the trend towards public transport. He felt that an iconic gateway could be 8-12 rather than 17 storeys which he would support in Croydon but not in Purley.

10.7 **Peter Davis** objected in 2015 and did not renew his membership of Purley RA following its support. He felt that the design would not be a landmark but took its values from the Tesco supermarket.

10.8 **Jui-Hsuan Tang** is a practising chartered architect who has lived locally for 8 years. In objecting to the proposed height, he emphasised the effect on the listed library, the proposal for the tower being 6 times taller, and compared the number of flats on each side with the relative heights. He felt that the proposed civic space would be in the middle of the busiest road junction, too small to accommodate the over ambitious scheme and might be reduced further by road widening. It would be an over-polluted, windswept and north facing dark corner. He explained the higher construction costs associated with high-rise building, which is reflected in the viability assessment, reducing the proportion of affordable housing. He argued that a good example of a more sustainable development could be found at Highbury Gardens on the Holloway Road was limited to 7 storeys. He found no evidence that the scheme had been sensitively designed to match the local character and heritage.

10.9 **Enid Allen** has been a resident of Purley for 34 years and raised her family there. She found that the many Edwardian houses, and stylish more modern homes, made it appealing and a good place to live and to raise a family. She advised that the Island site had been derelict all the time she had lived in Purley and, while not speaking out against new homes generally, she was concerned by the excessive height and claimed that it would conflict with the emerging LP which states that residential *growth should respect the existing residential character and local distinctiveness.* She objected to the CIL requirement which had driven the higher rise and would not necessarily be spent in Purley.

10.10 **Jan Stollery** is Chair of Old Coulsden RA and a signatory to the joint statement. She introduced **Julie Blackburn,** who is a local flooding expert, and gave evidence that the Coulsden and Caterham Bournes rise every 7

years and have no spare capacity. She said that flooding led to psychological distress and was likely to get worse. Surface water already enters the foul sewers leading to effluent flooding.

10.11 **Alan Bates** lives off Foxley Lane and rejected the accusation that most objectors were older and well-heeled owner-occupiers. He has a young family and was pro-development providing that it would not ruin the town. He raised the issue of narrow and sometimes unusable cycle routes as well as those beyond the CPZ which are blocked by parked cars. With regard to the proposed tower, he felt that the lattice would do little and that the trees would draw the eye towards it making matters worse.

10.12 **Tim Pollards** acknowledged that opinion on architecture can be personal but argued that the tower would be a standard design suitable for Croydon town centre. He considered that a landmark need not be big. While public transport from Purley is good travelling north or south, it is poor east or west. He denied that objectors were 'NIMBYs' but was wary of the direction of change.

10.13 **Philip Gibson** has been a resident of Woodcote Valley Road for 37 years. He focussed on landscape and submitted photographs and analysis[197] of more distant viewpoints from where he argued the impact of the tower would be *major detrimental*. He referred to potential redevelopment of the Tesco site and his concern that, were this application allowed, this might be hard to resist. He listed other recent developments, all of which are significantly lower in height, and referred to Croydon where he felt developments are graduated in height. He also expressed concern with regard to air quality[198] and the effect on heritage.

10.14 **Malcolm Saunders** focussed on parking issues. He looked at the stated car usage of 0.75 cars per household and calculated the number of spaces required. On this basis, he considered that the number of residential units should be reduced to a reasonable level. He argued that there should be reserved spaces for visitors, doctors/care workers, grocery deliveries and ambulances. Overall, he put the shortfall at 174 spaces.

10.15 **Dr James Robertson** was the Chief Economist for the National Audit Office. He is a member of Purley RA but takes no active part. By reference to the agenda and minutes of the Planning Committee, he queried the soundness of the conclusions reached and the recommendation to approve the application. In particular, he criticised consideration of the affordable housing provision, the conclusion of less than substantial harm to the listed building, the subjective architectural assessments, the design of the tower by reference to 1960s problem tower blocks, the levels of natural light, density, unit sizes, privacy and parking. He added that the necessity for sprinklers throughout the buildings was an outstanding issue.

10.16 **Cllr. Lynne Hale** was concerned that the scheme would put Purley on the map for all the wrong reasons. She reflected on how some jobs, such as care

[197] See illustrations in ID20
[198] By reference to a May 2014 extract from the 2013 Air Quality Progress Report for the Borough

workers, needed a car and that it was not fair to house people next to a dual carriageway. As the Bourne rises every 7 years, she was surprised that there were not more substantial flood defences.

10.17 **Siva Param's** family have been residents for 34 years. Amongst other things, they were concerned over the impact on Foxley Lane, Russell Hill Road and Moor Close and said that the development would affect the privacy of the neighbourhood and back gardens.

10.18 **John Clarke** is a member of the Hartley and District RA. He reiterated common concerns and added that there could be construction lorries for 47 months. **Laura Stringer** reiterated concerns over parking, air quality and an unfair housing burden being placed on Purley. **Frederick Kippin** is a retired civil engineer who was particularly concerned that the tower element would be one which belongs in Croydon not close to the Webb Estate in Purley.

10.19 **Cllr. Margaret Bird** has lived in Coulsden for 34 years and reiterated residents' views over the 17 storey tower including the protected view from Farthing Downs. She added that some of those in social housing would be unable to refuse the offer but would be refused a permit for an essential work van. She was also concerned that it would be unhealthy for families to live near the gyratory with little green space.

10.20 **Nick Barnes** opposed the proposed development, as he believes most of local residents do, while his local RA, the Purley and Woodcote RA, did not. The two previous permissions only led to one objection. The present scheme, for 17 storeys, would be totally out of keeping, dominate the townscape and was opposed in a petition by 95% of local people. This was also true of the Croydon Plan proposals. These views have been ignored by the Council, PBC and the developer. He claimed that the scheme would result in a considerable increase in the population of Purley and he was not clear that the health authorities had been consulted. The reaction to pollution, a requirement for filters, acknowledges that the community's health would be jeopardised. Surface water would be deflected to existing businesses and it is not clear how the sewers would cope with an additional 24m litres of waste water. He added his concern that it could set a precedent and submitted documents on air quality, flooding and housing intensification.

10.21 **Maureen Levy** is secretary of the East Coulsdon RA, a member of the Committee of Friends of Farthing Downs and Happy Valley, and has worked for the Planning Department of the Council and another borough. She was concerned that having previously believed that planning control was there to ensure the right development in the right place, it now seemed that consultations, as here, were sham and generally ignored. She argued that it was not *nimbyism* to try and protect the built environment for residents and future generations. The proposed 17 storey building would be a monstrosity and the same number of flats could, as she illustrated, be delivered through raising the height of the other blocks along Banstead Road. Parking and traffic would be further problems, as would flooding, and it would spoil protected views.

10.22 **Yvette Hopley** is a Ward Councillor who has lived all her life in Sanderstead and Purley. Her particular objection was the lack of respect for 'Tudor' Purley as can still be seen along the High Street and Russell Hill Road.

Stephen Smurthwaite has been a resident for over 40 years. As well as objecting to the lack of sympathy with the gabled frontages nearby he was concerned about parking for deliveries and essential services such as midwives. **John Hain** is a retired solicitor who has lived locally all his life. He voiced objections regarding infrastructure including schools, doctors, dentists and water supplies with a 5% increase in the population of Purley. **Alan Torry**, a long term resident, was confused about the density and why an urban range was being applied to a suburban market town on a woody hillside. He pointed out that while the local RA backed the scheme it did so as a least worst option rather than a ringing endorsement. **Moya Gordon** acknowledged that it was important that the site should be developed soon but would have preferred a maximum of 10 storeys. Submitting an article by Mark Easton for the BBC, based on research by Professor Alasdair Rae, she highlighted the misconception that most of the UK is built on when in fact it is only 0.1%. It is not necessary to build up to provide new housing.

11 The cases for interested persons in support of the application

The gist of their cases is as follows. Where points reiterate those already made they are not repeated.

11.1 **Cllr. Paul Scott** has represented Woodside Ward for the last 15.5 years. He has been a member of the Planning Committee for the whole of that period and the Chair of the Committee for 4.5 years. He is also the Deputy Cabinet Member for Housing, Planning and Regeneration. He has taken a leading role in the development of the new CLP and especially CLP1.1 and CLP2. He was not representing the Planning Committee but was giving a perspective from the Committee which approved the application by a majority vote.

11.2 He submitted detailed evidence to support the ambitions of the Council in delivering high quality, distinctive and sustainable places, new housing and community facilities. He wished to provide some balance to the inappropriate political interference in the planning process. He found it disappointing that the SoS appeared to have failed to comply with the Caborn principles [for calling in planning applications]. The application is not of national interest and should have been left to the local, democratically elected, Council to decide. He refuted the suggestion that the application was *rammed through by a Labour dominated Council*[199] and explained decision making process.

11.3 The derelict Island site has blighted the centre of Purley for years despite its owners' endeavours. A mixed-use development is needed to fund the new church and community complex. The previous, unimplemented, 2006 consent was significantly smaller and would not have funded the overall scheme. Purley's capacity to accommodate a new tall building was identified under the previous, Tory, administration which introduced a 14 storey landmark in the town centre with the presumption that it would be on the Island site[200]. The final policy description in the 2016 CLP remains virtually unchanged from 2013 with the landmark building's height increased marginally to 16 storeys. CLP1.1

[199] By Chris Philp MP. It should be noted that he was not present at that time to challenge this suggestion

[200] CLP Detailed Policies and Proposals Oct 2013 PDC and its environs §11.82 and policy DM35

and CLP2 are due to be adopted in February 2018 with the Purley's Island site policies unaltered.

11.4 The implications of a building of this scale, such as: limited parking provision, taking advantage of the very good public transport links, a level of impact on the outlook, daylighting and access to sunlight of some neighbouring properties, impact of the setting of local listed buildings, and the current character of the area, have all been recognised. The form and density of the proposed building are supported not only by emerging policy, but current national, regional and local policy.

11.5 Purley's location was no doubt determined by an ancient north-south route through the North Downs, with cross roads bisecting it. It is a pleasant small town despite the A23 and high levels of traffic. It continues to evolve and, while the Edwardian buildings dominate the High Street in the town centre, it is composed of many building styles that have typically increased in size. The A23 corridor is a key spine for intensification and the scale of the buildings along this route is already increasing. A taller landmark would act as an appropriate marker reflecting its importance of Purley and this key junction.

11.6 The Borough's biggest challenge is massively increasing the supply of homes. Bold interventions such as the proposed tower in Purley will be needed to provide these homes. The Applicants engaged closely with Croydon Council to develop an acceptable proposal. Initial concerns were raised about the then total absence of affordable housing as a result of which the southern site was incorporated to provide more housing overall and affordable housing.

11.7 The Councillor alleged that while a lot of the objection to what was dubbed *The Purley Skyscraper* was apparently organised by the local MP, and supported by a number of RAs, there were also many supporters including the actual local RA and the BID organisation. He considered that the campaign against the application was misleading and designed to exaggerate the impact of the scheme and try to directly blame the size of the tower on to the Labour Council. He told the Inquiry that a major part of the campaign was run through an online survey petition organised by Chris Philp MP and that the image used to illustrate the scheme was an early iteration with a much bulkier form than in the planning application. The grey massing for this created a very negative image[201]. He noted that the £2m referred to on the website presumably referred to the CIL and s106 obligations that would be expected to be met by any developer. He denied that there was ever any threat of compulsory purchase. The Council had followed advice in the Government's PPG[202] in turn based on NPPF§§11 and 14.

[201] See Cllr. Scott Statement ID20 p7 and Cunningham's appendix GC5 attached to Pearson's appendix B

[202] Reference ID: 21b-016-20140306: *Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons*.

11.8 The principle of a 16 storey landmark tower in Purley has been tested through a Public Inquiry into CLP1.1 and CLP2 and will be adopted by the Council next month. The Island site is a focal point in the urban structure and an appropriate location for a tall landmark building. The density guidelines are not ceilings and the scheme was well designed both in its general modelling and finer detail which reflects and complements the local area.

11.9 Car parking provision is a concern across the whole borough with objectors typically calling for the levels of provision provided in the past. National, London and local policy all seek to reduce car dependence and encourage greater use of other modes of transport. Parts of the area are prone to flooding and ensuring that the development would not increase the risk or magnitude of flooding was a key consideration especially given the proposed basements. Experts from The EA, Thames Water and the Lead Local Flood Authority all examined the proposed protection, mitigation and sustainable urban drainage systems and found that the issues had been appropriately addressed.

11.10 The provision of 18% affordable housing by unit numbers is lower than the Council would normally expect but it was accepted that the wide range of community facilities would mitigate against this. The insistence on a reasonable proportion of affordable homes only resulted in the marginal increase in the height of the tower from 15 to 17 storeys. The Planning Committee would normally expect many more family, 3 bed, and units in Purley but accepted a much lower proportion given the town centre location.

11.11 In summary he considered that the quality of the design of the overall development was excellent and that the scheme had been very well designed to accommodate its community uses whilst providing a large number of new homes in an elegant solution to fit the context. He hoped that the application would progress rapidly to completion for the benefit of Purley, the Church and its community, and for Croydon as a whole.

11.12 **Simon Cripps** is the Chair of Purley BID, represents 180 businesses in the town and has lived locally all his life. The Purley BID Board believe the scheme would have a positive impact on local business within the town centre; be the start of significant, and long awaited, regeneration of the town centre; increase footfall and customer numbers within the centre; provide a significant benefit to the BID members; and attract new businesses to the area. He explained the current difficulties for the town's businesses and emphasised the benefits of straightening the kink in Russell Hill Road, the restriction on parking permits and that the site is currently a mess.

11.13 **Ben Gershon** is the director of Frosts Estate Agents which he has owned for 10 years. He confirmed that the smaller scheme, granted permission 5 years ago, didn't work. Referring to parking, he advised that at a recent development of 40 apartments only 3 parking spaces sold. In his experience, young buyers do not want to buy spaces but say that they don't drive[203].

11.14 **Myles McCarthy** said that he had bought his house for £65,000 but that his daughters could only dream of buying one. He emphasised the excellent

[203] In XX by King

public transport links, the growing use of car clubs and electric bicycles, and noted that the High Street was not doing well.

11.15 **Graham Bass** is President of, and represented, the Purley and Woodcote RA. He has always lived in Purley, was a Councillor for 22 years and a past Mayor of Croydon. He was aware that the proposals were not popular and of the number of names collected in petitions. He was sceptical as to how much weight, if any, should be given to these if they were in response to an emotive and simplistic question. Not all of his RA members, or its Committee, are enthusiastic supporters but by engaging in discussions and consultations they should at least be well-informed.

11.16 He had been involved since the year 2000 and was disappointed that the Financial Crisis meant that the previous scheme was not implemented but felt that this scheme was now as good as Purley is going to get – if you like, the least worst option – and certainly better than the present eyesore, vacant for 37 years, and realistically the best possible long term outcome. While many objectors, including the surrounding RAs, were opposed, no more than a dozen members of the Purley and Woodcote RA had resigned over its support.

11.17 He emphasised that the scheme would add footfall and vitality to the town to offset the depressing impact of Tesco. He doubted that the shortage of parking would be a deterrent, and has supported a study of the gyratory which would have to look well beyond Purley. He noted that the proposals would accord with policy, that no viable alternative had been put forward, and believed that the building would be of outstanding quality and a major asset to Purley. He answered[204] that any increased congestion on Russell Hill Road would be a drop in the ocean.

11.18 **Badsha Quadir** has lived in Purley for 40 years and been a Councillor for 8 years. He felt that the site has been an eyesore for many years and that it was about time something was done. His personal view was that it was not necessary for it to rise to 17 storeys and added his concern with the number of parking spaces for those with disabilities. **Richard Shakespeare** submitted a list of benefits to the community church and Council. He was in favour of more affordable housing but acknowledged that this would be a start. **Roxanne Bignol** reiterated other concerns and emphasised her concerns with regard to precedent and the effects of construction.

11.19 **Deborah Baggott** is a member of PBC, a member of the church's 58:12 Committee and would be responsible for the facilities to be provided at the new centre. In particular, she addressed the social value given to the community facilities. She first clarified that the only spaces dedicated to the church would be some office areas and a prayer room[205]. The new facilities would be well used, enable the church to enhance and increase the number of services it runs as well as allow the community to run its own activities and this would be protected by the s106 Agreement. There has already been significant interest by charities and key local service provide such as Croydon Adult Learning and Training (CALAT) and the submitted letter from its

[204] In XX by King
[205] Plus two apartments for rent by the Church to supplement its income – in answer to IQs

Strategic Service Manager, Sidra Hill-Reid set out how keen it is to use the proposed facilities.

11.20 She went on to address the quantum of development and the height of the tower and assured the Inquiry that she had done all she could to temper the size of the development without losing the community facilities. There had been compromises from all sides to achieve a viable scheme. It was good that the local MP was interested but disappointing that, even last Monday, his website was showing a scheme which was rejected a long time ago. She commended the warm brick and stone materials, the open space around the library and the trees on the top of the tower.

11.21 **Mike Rodwell** has resided in the ward for 40 years, is a member of the Kenley & District RA, and is responsible for the upkeep of the church premises. He outlined the history of the church which was built up over 130 years but the facilities for which are no longer fit for purpose. The Purley Cross Centre, in the High Street, had 3,605 visitors in 2017 and provides services, training and advice[206] while the main site accommodates over 30 activities[207]. He dealt with a point regarding teenagers who would be extensively catered for by a full time member of staff and support team and reiterated PBC's mission to serve the local community.

11.22 **Rev. Bill McIlroy** works as a Placement Tutor for Spurgeon's College, where people train for Christian Ministry, and visits students at their placement churches. He gave evidence that PBC is one of a small number that he would describe as outstanding and the quality of its ministers is exemplary. He was left with little doubt that PBC would sustain the maximum good from the development. He was conscious of the time, effort, thought and goodwill that had gone into the scheme and considered that it would be a shame, if not a scandal, if it did not proceed.

Finally,

11.23 **Lewis White** was ambivalent. As a landscape architect and resident of Coulsdon for 15 years he was broadly supportive of redeveloping a site next to the A22/A23, which has been derelict for decades, and to the stepping down in height to the listed library. He supported the use of facing brick, variation in materials and the landscaping along Banstead Road. He was concerned that the shops might not work in isolation, that the tower would be higher than the hills, and that the *campanile* element was too wide, too big and too dark. He submitted copies of the photo-montages with annotations to explain this and other points. The high level Scots Pine trees would appear caged in a portal, be dark rather than green, lose their lower branches and it was hard to predict how they would perform in 20 years' time. He submitted details on the trees and on wind speeds to illustrate his points.

[206] Listed in his statement
[207] Submitted as ID18

12. Written Representations

12.1 **Laszlo Heckenast** has a background in traffic management but was unable to attend. He submitted a letter to the Inquiry objecting particularly on the grounds of parking and access[208]. He calculated the parking provision to be wholly inadequate and illustrated the length of Furze Lane, in the conservation area, which he believed would be affected. Much of this is an unadopted highway and parking is already a problem on account of Purley Station. He reiterated concerns, and suggested improvements to, the Russell Hill access.

12.2 **Dr Peter Boffa**, a local doctor, submitted a statement in an email via Chris Philp MP regarding the availability of air quality data.

The points raised by the very substantial number of other written representations were taken up by the RAs and are not repeated here.

13. Conditions

13.1 The suggested conditions were discussed at the Inquiry[209]. These must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects[210]. Most of these were agreed between the Council and the Applicants, without dissenting voices. Other than a few changes by me, to avoid duplication with reserved matters, for clarity and precision, to add retention clauses, or as set out below, suggested conditions are set out in the attached Appendix.

13.2 In the agreed[211] interests of fire safety, sprinklers should be required by the addition of criterion xii to Condition 37. A car park management plan, which could include a requirement for marshalls to direct the traffic, should be controlled by Condition 40. To minimise water use by the church and community uses, a strategy should be required by Condition 57.

14. Obligation

14.1 A summary and explanation for the various elements of the Legal Agreement is set out in the Planning SoCG[212]. My conclusions (below) are based on an assessment in the light of the Community Infrastructure Levy (CIL) Regulations 2010, and NPPF§204, which set 3 tests[213] for such obligations. From April 2015, CIL Regulation 123(3) also restricts the use of pooled contributions that may be funded via a s106 agreement if five or more obligations for that project or type of infrastructure have already been entered into since April 2010 which could have been funded by the levy.

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[208] Which he illustrated with photographs and maps
[209] ID7a-d
[210] NPPF§206
[211] See ID13 item 1.
[212] Pp37-39
[213] CIL Regulation 122:(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —
(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

14.2 The provisions were discussed on two occasions at the Inquiry. Where appropriate the contributions have been assessed against agreed formulae, the calculations have been set out, and the justifications relate the contributions to the impact of the development and to relevant policies.

14.3 Clause 2.4 would exclude enforcement of funding in the event that the SoS identifies an obligation which would not satisfy the various statutory tests. The Applicants confirmed that they did not expect this to apply and, given the Conclusions below, this should not apply to any of the obligations.

14.4 The Legal Agreement sets out covenants that would be imposed on the owners in favour of the Council and TfL in the event that planning permission is granted. It makes provisions for 15% of the habitable rooms to be constructed as affordable housing (AH) in accordance with an attached Schedule. Subject to an agreed viability review, the Owner would be obliged to pay a Deferred AH Contribution (of 60% of any surplus) up to a maximum sum of nearly £8.5m.

14.5 By reference to other statutes than just s106, the Agreement prevents any owner or occupier applying for a parking permit. A Local Employment and Training Strategy must be approved and a contract entered into with a Car Club Operator. It requires the owner to complete Public Realm works to the Council's satisfaction following details to be submitted in accordance with a Condition 6. It obliges the Community Facilities, identified on a plan, to be provided for the lifetime of the development and makes these subject to a Community Facility Management and Maintenance Plan, along the lines of an attached draft Schedule of activities, under the control of the Council.

14.6 Works linking the Island site with Purley Library are required, as are Highway Works, to the satisfaction of TfL. The Agreement also safeguards land alongside Russell Hill Road for free transfer to TfL for highway improvements. It requires payment of reasonable monitoring and legal costs to the Council and that the Owner retains the services of the scheme architects[214] until Practical Completion. It controls phasing such that the Island site could not reach Practical Completion before the AH on the South site and requires an AQ contribution of £6,000.

[214] Proctor and Matthews

15. Conclusions

From the evidence before me at the Inquiry, the written representations, and my inspection of the application sites and their surroundings, I have reached the following conclusions. The references in square brackets [] are to earlier paragraphs in this report.

These conclusions assume that development would be completed as required by the Legal Agreement and through control by the suggested conditions.

Main considerations

15.1 The main considerations in this application are:

a) its consistency with the development plan including the London Plan;

b) its effect on the character and appearance of the area;

c) the quality of its design with particular regard to its height and its conformity with Policy 7.7B of the London Plan regarding tall buildings;

d) its effect on heritage assets;

e) its access arrangements with particular regard to pedestrian safety;

f) its parking provision with particular regard to highway safety;

g) its affordable housing provisions;

h) its other infrastructure provisions;

i) its potential benefits for housing and community facilities, and;

j) any other substantive matters listed in paragraph 7.4 of the committee report (material issues raised in representations) and not covered above;

k) its consistency with policies in the NPPF in requiring good design of the built environment.

The development plan

15.2 The relevant policies are set out above. Under s38(6) of the P&CP Act, reiterated in NPPF§2 and NPPF§210, it forms the starting point for any consideration of the scheme. Given that the LP has very recently been adopted, there is no reason for any relevant LP policies to be afforded reduced weight. Whether or not there would be conflict with these policies is a matter of fact and degree which needs to be assessed for each issue before determining the accordance or otherwise with the development plan as a whole. Assessing material considerations follows on from this. [1.2][3.1-3.14][6.2][6.28][7.10][8.9][9.8]

Character and appearance

15.3 Purley is a commuter town with excellent rail and road links to and from Croydon and central London. While there were concerns that travelling north or south is much easier than going east or west, there was no challenge to the site's PTAL level of 5. The High Street and Brighton Road, at the heart of PDC, generally date from the early 20th century and much of these were built in a distinctive mock-Tudor style with a proliferation of black and white first floor frontages rising to 3 storeys. It has pleasant, attractive and bustling shopping frontages which appear reasonably vibrant. On the other hand, the town centre lacks many of the major fashion or department stores which tend to

draw shoppers. It has a very large branch of Tesco quite close to one end of the High Street but the intervening gyratory junction probably makes linked shopping trips unattractive. [2.2-2.3]

15.4 Despite the charms of the main shopping streets, Purley is likely to be identified in the minds of many as the road junction between the A23, from London south to the M23, and the A22 to Eastbourne. The junction itself comprises a large gyratory system, extending to 5 lanes in places, which is slightly offset so that at street level there is only a pub and a few shops to suggest the extent of PDC that lies beyond. Instead, the gyratory is flanked by views down the 3 main approach roads, the late 20th century ubiquitous 'barn-style' Tesco (albeit with the addition of some black and white false gables) and by the hoardings around much of the Island site. [2.1][2.6][7.9]

15.5 The application sites comprise two elements: the Island site and the South site. Significant parts of both are vacant. Behind the hoarding on the Island site, the former Sainsbury's may have been boarded up for as much as 35 years and there was no dispute that this site is long overdue for redevelopment. The Applicants boasted that the scheme would be by far and away the highest quality modern development in Purley. Bearing in mind the design of the highway, the Tesco store and the Island site's hoardings, this is not an excessive claim. [2.2][2.6][10.1]

15.6 The proposals would be as described above. There were few objections to the scheme for the South site, even though it would rise well above the existing and adjacent buildings, or to the section of the Island site further up Banstead Road and adjacent to the library. On both sites the appearance of the scheme would be of blocks which would step up towards a tower at the point nearest to the gyratory. On the South side, this would result in two-to-three storeys (above ground) alongside existing buildings on Banstead Road and seven storeys at the corner across the road from the proposed tower. For the Island site, the residential units next to the library would start at three storeys and rise steadily to seven storeys followed by a slight break before the 17 storey tower. On the ground floor to the Island site there would be active frontages visible from the gyratory and the adjoining streets. The external materials to be used for all the buildings would be of a varied palette. [5.1][6.7][9.52]

15.7 The lower buildings, the bottom storeys of the tower, and their range of facing materials would all provide attractive features to this part of the town and be more than acceptable. Compared with the existing situation, the lower elements of the scheme would provide an enormous lift to the appearance of the area. Providing lively frontages, which are likely to attract footfall, would be a boon to the vitality and viability of this part of the town. Rather than a loss of character, these features would provide a welcome improvement. 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. [3.8][5.2][6.4][6.12][10.22]

15.8 The tower would be slightly offset from the gyratory but would stand in line with the route of the A22 from the south as it passes under the railway bridge. It would be close to the line of approach of the A23 from the west. In both

these views it would stand out as a marker of the road junction and the start of the town centre. In these regards it would amount to good urban planning. The tower would be roughly square on plan and rectangular in elevation, with a proportion of around 3:1, and an attached element described as a *campanile*. The structural grid would be emphasised and open at the top where the Applicants hope that trees would grow successfully. [4.2][5.1][6.6][6.11][7.7][7.10][7.12-7.13][8.22-8.23][9.5][9.52]

Design

15.9 It was the view of the LPA that positioning the tower next to the gyratory on the Island site, with the remainder of the development stepping down to the library, would be a sensitive design approach. The DSE panel, which saw an earlier version of the scheme, generally welcomed both the thoughtful approach and that the site would be brought back into use. It also welcomed the coherent landscape scheme around the sites. The panel supported both a single very tall building in Purley and the Island site as the location for it where it might enhance the hostile gyratory, provide a viewpoint and contrast with the wider townscape. It felt that the tower could be slimmed further as well as removing the attached *campanile* element. It did not resist the tower becoming taller than the 16 storeys proposed at that time but sought a more elegant form. [2.6][5.1][7.12][11.11][11.23]

15.10 Revisions were made, including reductions to the height of the *campanile*, but the proportions of the tower remained the same and so are still unlikely to be quite as elegant as the DSE might have wanted. The Applicants considered that the DSE's comments had been appropriately addressed by the reduction in height of the *campanile* and that there was no need to refer back to the panel. The designers also hoped that the open grid at the top, with the fairly novel idea of trees at that height, would be a successful solution. As above, a requirement of the s106 Agreement would be to retain the architects who not only have a very high reputation to maintain but would be working with a developer with a track record of delivering high quality schemes. [5.3][7.13][9.47][10.11][11.20][11.23]

15.11 Given the novelty of trees open to the elements on the upper storeys of a tower block, it is difficult to know with any certainty whether the proposed trees would become established as quickly and effectively as hoped and so produce an attractive apex to the tower. Given the depth of the tracery, the architect's assertion that one would be able to see through the façade at the top of the tower, such that it would dematerialise, may be somewhat fanciful for views from many angles. Nevertheless, even if the appearance of the upper floors would not be quite as insubstantial as was hoped, any minor shortcomings in the elegance and variety of appearance of the tower would be more than compensated for by the vast improvements to the appearance of the public realm. While it might be stretching a point to describe the proportions of the tower as slender, taken in the round, it would be of a high standard. [2.5-2.6][6.4][6.12][6.20][7.2][7.13][8.11][8.13][9.9][14.5]

15.12 The vast majority of the objections to the scheme focussed on the height of the tower. In particular, there was concern that it would rise to 17 storeys in a town of predominantly 3 storeys with only a relatively few buildings rising to 5 or 6 storeys. The DSE panel used its expertise to assess the scheme and supported a very tall building which would be highly visible from many places

and a focal point in many long views. The principle of a tower in this location has been accepted in the development plan which could not be more up to date. [3.7][4.2][5.1][8.6][8.8][8.13][8.23][9.7][9.13][10.3-10.5][10.8-10.9][10.13][10.21][11.10][11.20]

15.13 Distant viewpoints from where the tower could potentially be seen would include Farthing Downs. As above, the Applicants' wireline suggests that the proposed development would not be seen from there. In truth, even after the site visit it was not clear whether or not the tower would be visible from the protected viewpoint or not, or whether it might be visible in summer but not in winter. What was evident was that, if visible, it would be in the context of plenty of other built development including the tower blocks of central Croydon's more-or-less directly beyond the centre of Purley. In either regard, the proposed tower would do no harm to the view. From further down the road on the way back into Purley, such as from the position photographed by Chris Philp MP and from other viewpoints which are not protected in the LP, the potential for harm would be further reduced. There would be no conflict with London Plan Policy 7.7D. [1.7][2.8][5.3][6.14][7.12][8.23][10.19][10.21]

15.14 With regard to London Plan Policy 7.7B, the site is identified in the LP. Even if it were not, and the scheme had to be measured against Policy 7.7C: the site has good (indeed very good) access to public transport; with the exception of heritage assets (see below) it is in an area whose character would not be affected adversely by the scale, mass or bulk of a tall or large building - rather the site is appropriate for a focal point; again, apart from heritage assets, the scheme would relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level; it would certainly improve the legibility of the area, by emphasising a point of civic and visual significance next to the gyratory; it would incorporate the highest standards of architecture and materials; have ground floor activities that would provide a positive relationship to the surrounding streets; and it would make a significant contribution to local regeneration. On all these criteria it would comply with or exceed the requirements of London Plan Policy 7.7.
[3.3][6.11-6.13][7.11][8.10][8.27][9.8-9.9]

15.15 On the criterion of satisfying the design policy standards required for a tall building in the various strands of the development plan, the site is in an appropriate location, within PDC, and with a PTAL of 5, and would lead to considerable improvements to the public realm in accordance with LP Policies SP4.5-SP4.10. For the above reasons (under London Plan Policy 7.7C) the proposals would satisfy or exceed the criteria under LP Policy DM15. The scheme would not only accord with LP Policy DM42.1, but has been plan-led in the way its design has followed its place-specific requirements.
[2.1][3.7-3.8][7.2-7.3][7.21][8.3][9.18]

15.16 It follows that the proposals would be of a much better than satisfactory design. On balance, the height of the tower would comply with the LP and the quality of its design should weigh in favour of the scheme.

Heritage assets

15.17 There was no disagreement as to the significance of Purley library as a listed building. This includes its simple but distinctive 1930s style, high quality

materials and detailing including modest carvings. With regard to the contribution the setting of the library makes to its significance, this includes the green space and trees which provide relief from the otherwise hard landscaping around the site when viewed from adjoining roads. [2.2-2.5]

15.18 The proposed alterations to the public realm at ground floor level adjoining the library (including the changes to the wall which would require listed building consent) would help to link this community facility to the other aspects of the Purley Cross Centre and PDC as a whole. They would amount to both a heritage and a public benefit. [5.1-5.2]

15.19 The tower would be prominent in views looking down Banstead Road past the library which include the two principal elevations. Its presence would lead the eye away from these façades and so, to a small extent, distract from the enjoyment of experiencing them and from the civic presence of the library. However, the degree of harm would be at the lower end of that of less than substantial harm as referred to in NPPF§134. Even within the proposals affecting the library, that is the alterations to the walls and new steps, the harm as a result of the loss of historic material and the impact of the tower on its setting would be outweighed by the heritage benefits of better and more extensive public realm. The wider, and more substantial, public benefits, including better links between the library and PDC, are assessed below. [5.2][6.4][6.11][6.20-6.21][7.2][7.15][9.52][10.8][11.20][14.6]

15.20 The former bank at 960 Brighton Road is a locally listed building or, in terms of the NPPF, a non-designated heritage asset. Its significance stems from its elaborate architectural treatment and its prominent corner position. The proposed tower would be seen in several views of the building and be a distraction. To this extent it would detract slightly. Conversely, the positive regeneration of the derelict site and the removal of the hoardings would improve the context and the public realm and enhance the contribution which the setting makes to the significance of the building. The net result would be neutral. [2.3][9.23][9.52]

15.21 Similar considerations would apply to the Brighton Road LHA where the tower would replace the hoardings with a neutral impact in heritage terms. Due to the separating distances involved, there would be no harm caused to the setting of the listed United Reformed Church. [2.3]

15.22 It is unlikely that the tower would be visible from within either the Upper Woodcote Village or Webb Estate Conservation Areas. It would be visible from Furze Lane just outside the Webb Estate. Within the Conservation Area, it would be more distant and more likely to be screened by trees so that any impact would be reduced or eliminated. From Furze Lane, the tower would appear in the context of tree-lined roads and existing development. Even if it could be seen from just within the conservation area boundary, it would not be prominent but would have the benefit of helping to identify the edge of the town centre. At worst, the effect would be neutral. [1.7][2.3][2.7][10.18]

15.23 With regard to designated heritage assets, the same considerations apply to the considerable importance and weight to be given to the special regard to be had to the listed building and to the special attention to be paid to the conservation area; both would be preserved. The proposals would therefore

comply with sections 66 and 72 of the Planning (Listed buildings and Conservations Areas) Act 1990. [3.16][7.15]

15.24 For the above reasons, the scheme would not cause any net harm to heritage assets, as assessed in terms of the heritage balance alone against NPPF§134. Even if it were assessed that, on balance, it did cause some less than substantial harm, it would be necessary to go on to weigh this against the considerable public benefits (see below), which would very easily outweigh any very limited harm. The proposals would comply with the aims and requirements of LP Policy SP4.13. [6.21][7.15][10.15]

Access/pedestrian safety

15.25 Alongside the Island site, Russell Hill Road is a multi-lane one-way street which leads down the hill towards the gyratory; it is often busy. The proposed vehicular access would be onto Russell Hill Road quite close to its junction with Brighton Road at the start of the gyratory. Concerns were raised regarding the potential for vehicles trying to exit from this access experiencing delays. These echoed comments by TfL following its initial site visit. [2.1][7.20][7.22][9.35-9.38][9.46]

15.26 The objection centred on vehicles leaving after a church service or event. In theory, up to 50 cars might all try to get onto the road at the same time, at an exit only a few car lengths from the start of the gyratory, where the road is likely to be already full of traffic. The evidence at the Inquiry was that, although services are very well attended and end at a particular time, the congregation often stay on a little longer and do not all rush away at the same moment. The requirement for marshalls would not only control the traffic but ensure that stationary car engines are not idling. [5.4][6.19][6.25][9.35-9.38][13.2]

15.27 While there might be some delays in exiting, there was no evidence that the number of accidents (typically vehicle shunts) near to the Russell Hill Road junction is likely to be repeated at the proposed access and a variation to the kerb alignment would ensure adequate forward visibility of pedestrians by drivers. For these reasons, any residual cumulative impacts would be slight and fall well short of the requirement for refusing development, under NPPF§32.3, that it would need to be *severe*. [6.26][9.37-9.38]

15.28 The RAs repeatedly claimed that the access would be better taken from Banstead Road rather than from Russell Hill Road. In terms of congestion, this might be true. If it was found that the proposed access was unacceptable, but argued that the benefits would outweigh this harm, then the possibility of an alternative access, that avoided unacceptable harm, would be relevant. However, for the above reasons, the scheme put forward would not be unacceptable or lead to a severe impact under NPPF§32.3, and so there is no need to consider further options. Moreover, there was no alternative scheme before the Inquiry, let alone one which was tested, and no evidence to show that such an alternative would be workable, regardless of its implications for the streetscape and links between the proposed entrance to the Purley Cross Centre and the existing library. [5.4][6.224][7.20-7.21][9.35-9.38][10.5][12.1]

15.29 Access to the South site would be from Banstead Road. Although some concern was raised regarding the overall increase in traffic, given the limited number of new parking spaces and the very high levels of existing traffic, the difference would be negligible. The proposals have all been subject to safety audits. For the above reasons, the potential for some difficulty in exiting onto Russell Hill Road should not count against the scheme. The proposed access arrangements would comply with NPPF§32.3 and relevant development plan policies. [6.24][6.26][8.25]

Parking/highway safety

15.30 Streets close to the application sites are within a CPZ. The on-site parking provisions would accord with what are maximum car parking standards for locations with high PTAL levels. Apart from these spaces, new residents would be excluded from applying for parking permits. Objectors were concerned that such a low level of provision would exacerbate existing problems and produced evidence that this has happened elsewhere. They claimed that car usage was likely to be similar for market and for social housing, which would be on the South site with spaces limited to those with disabilities. The RAs pointed to the uncertain future of the Council's nearby car parks, did not accept that there were adequate facilities nearby to compensate for the lack of parking, and highlighted the rise in online deliveries of food and other purchases. [2.1][5.4][6.27][8.25][10.11][11.12]

15.31 Notwithstanding the Applicants' survey indicating free spaces in nearby car parks, it is likely that it can sometimes be difficult to park in and around Purley and that this will probably continue. If this were not the case there would be no need for any of the streets to be subject to a CPZ. However, as well as parking concerns, the objectors also, quite rightly, pointed to congestion and poor air quality both of which are the result of high levels of traffic. 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. [6.24][6.27][7.3][7.20-7.22][8.25][9.30-9.34][10.4-10.6][10.11][10.14-10.15][10.18][10.21-10.22][11.4][11.9][11.12-11.13][11.17-11.18][12.1]

15.32 With regard to the Council's car parks, any redevelopment would be required to take existing parking provision into account. Although deliveries can pose problems, the scheme would include the ability for delivery vehicles to turn into the Island site to unload and to use the refuse lay-by on the South site. In any event, the number of parking spaces would comply with relevant policies in the development plan which set maximum requirements. The evidence fell well short of demonstrating that there would be a *severe* impact, or that it would pose an increased risk to highway safety. For all these reasons, the limited parking provision should not count against the proposals. The scheme would comply with London Plan Policy 6.13 and Table 6.2, and the NPPF§32.3 for parking and all other highway safety issues. [3.12][7.21][8.25][9.46]

Affordable housing (AH)

15.33 The Legal Agreement would require a proportion of AH calculated at 18% by units or 15% by rooms. The viability study also looked at an alternative without the church. However, no other scheme has been suggested for the Island site that would accord with the development plan and delivery of a new church is now expected by LP Table 11.10, Ref. No.35. Both the Applicants and the LPA argued that considering some possible alternative was not relevant as there was no such proposal before the Inquiry and the correct approach to the proposals is to consider whether they are themselves acceptable having regard to the development plan and to any other material considerations. [3.5][3.9][5.1][6.15][6.19][7.8][9.4][9.24][10.5][10.8][10.15][11.6][11.10][11.18][14.4]

15.34 That is correct as far as it goes. However, should a proposal fail to accord with the development plan then it would be relevant to consider whether an alternative, viable, scheme would comply with policy and weigh this in the balance. From the evidence at the Inquiry, comparing the scheme with the LP requirements for the site and for all the reasons in these conclusions, the proposals would comply. Only if the SoS were to find that the scheme would conflict with relevant policies would he need to consider if an alternative viable scheme might deliver a more policy compliant contribution towards affordable housing. Indeed, the LPA more or less acknowledged as much. [6.15][7.2][11.17][11.20]

15.35 The Applicants' consultants' original report found only marginal viability. Following a review after house price inflation, they found there should be no change despite a significant improvement to the anticipated profit margin. This was justified by their doubts over the original scheme despite the developer's confidence. The LPA commissioned consultants to check this who, on balance, found it to be reasonable. Questions at the Inquiry did not go into details regarding the high construction costs given that the scheme is particularly complex as a result of the mixed use development which accords with the site allocation. The GLA reviewed the findings, and agreed with the other consultants, but did not instigate any fresh assessment. [5.7][6.15][7.8][10.8][14.4]

15.36 In further representations, both consultants accepted the need for the church to clear its current liabilities through development profit, on top of provision of a church, community facilities, a retail unit and two apartments (which would essentially be provided to PBC at no cost) was reasonable. This was despite the fact that this both effectively inflates the existing use value and ignores funds that the church has raised to clear its debts through its development company. There was also some doubt as to whether the fitting out had been double counted. The upshot of these considerations is that a tougher negotiation by the Council's consultants might arguably have resulted in a marginally greater proportion of AH. [3.5][5.7]

15.37 Nonetheless, the extent of viability could yet be reversed to a marginal level should house prices turn down as low as in the initial assessment. Moreover, the Legal Agreement includes a review mechanism which could fund additional affordable housing off-site. The LPA provided some confidence that this mechanism might realise tangible benefits by citing an example of where just over £½m for AH was received by the Council in October 2017 through a

similar undertaking. On balance, the scheme cannot be shown to be contrary to the AH requirements of the development plan, including LP Policy SP2.5 which a sets a minimum of 15% in a District Centre plus a Review Mechanism. [7.8]

Benefits

15.38 The proposals would result in 220 new homes, a new church and greatly enhanced community facilities as part of the mixed use of the Island site as allocated under Ref. No.35 in the LP. While there would be some limitations over the use of the community facilities to prevent egregious conflict with the aims of the church, these would be limited and within the control of the LPA. Moreover, church and community use of the site would be entirely policy compliant. There would be benefits to PDC, estimated by the applicants at some £1.24m, and new jobs both during construction and in the long term for those employed by the church or in the new retail and community facilities. [6.1][6.18-6.19][6.23][7.6-7.9][10.4][11.6][11.10-11.11]

15.39 Regeneration of the derelict parts of the sites would benefit the town's environment. From various approach roads the scheme would emphasise the start of PDC and, with additional public realm along Banstead and Russell Hill Roads, would help to link it to the library. The active street frontages and the outstanding design quality of the scheme would also be benefits. [6.2][6.20][6.23][9.4][9.10][9.28][10.6][11.1][11.12]

15.40 It would be overstating matters to accept that, through encouraging sustainable transportation options, limited on-site parking would be a clear benefit, that there would be overall benefits to heritage assets or that there might be some flood risk alleviation from reduced surface water run-off rates (see below) that would go beyond mitigation. Rather, these would be neutral items. Nevertheless, the weight to be given to the various benefits overall should be considerable. [5.4][6.19][9.21][7.6]

Other infrastructure provisions

15.41 With regard to **flooding**, the RAs felt that the question of where the surface water from the sites would go, if the sewers backed up due to flooding in Purley Cross, was not answered satisfactorily and that not enough work had been done. However, the Applicants explained, with evidence, that if the sewers backed up the sites themselves would flood, specifically the car parks where the storage tanks would be located. The requirement for the scheme was not to prevent flooding at Purley Cross, which would require works well beyond the sites, but to ensure that existing flooding, including that leaking into foul sewers, was not made any worse. There was sufficient evidence at the Inquiry, including that from the relevant authorities, the EA, the LLFA and Thames Water, to conclude that this requirement could be met, subject to further details being submitted, and these could be controlled by the suggested conditions.
[5.6][6.22][7.17][7.19][8.24][9.43-9.45][10.10][10.20-10.21][11.9]

15.42 The submitted **air quality** assessment, which included detailed data on monitoring, background concentration and traffic, found negligible effects on existing buildings and that impact on proposed dwellings could be dealt with by appropriate ventilation. A contribution towards the AQ Action Plan would be

secured through the Legal Agreement as would limitations on parking permits, requirements for marshalls and car club provisions to reduce the need to use private cars. [3.14][5.5][6.25][7.17][9.39][9.46][10.13][10.18][10.20][12.2]

15.43 Concerns were raised by the RAs and by local residents that many parts of the borough are already well above WHO guidelines and parts of the Brighton Road also exceed EU air quality levels. They felt that the exit onto Russell Hill Road would decrease local air quality due to the need for vehicles having to queue to exit the site onto Russell Hill Road with consequential engine idling. [7.18][9.39]

15.44 While the Applicants' closing focussed on the modest air quality impacts from development traffic, when a major concern was that providing new housing in an area with serious existing air quality problems, the LPA responded in detail to these concerns both in its statement and at the Inquiry. It was satisfied, with evidence, that a building design with appropriate mechanical ventilation equipment to the lower floors would ensure that the new dwellings would have internal air with NO_2 concentrations below the annual mean air quality objectives. Rightly or wrongly, there is no requirement in England to meet WHO standards. On balance, and subject to controls, the proposals would comply with policy in NPPF§120 and ensure that the effects (including cumulative effects) of pollution on health would be taken into account. [5.5][7.16]

15.45 With regard to **foul water**, conditions controlling the consumption of water in each flat, by the church (notwithstanding that it is a Baptist Church, this could be recycled) and communal uses, should reduce the outflow to rather less than that suggested by objectors and should not lead to problems over and above those which exist already. [7.19][9.43][10.10][10.20]

Other matters

15.46 The potential impact of the scheme, and the tower in particular, on daylight and sunlight, outlook, privacy and any **overshadowing** of PDC or neighbouring properties have all been assessed and were considered on the site visit. The reports all found that these would be satisfactory and there was no substantive evidence to the contrary. The **density** guidelines in the London Plan are just that. They are not intended as ceilings. [3.4][5.1][6.14][6.16] [7.11] [7.14][8.20-8.21][9.10][9.18-9.19][10.15][10.22][11.4][11.8]

15.47 Turning to the strength of **public opinion**, insofar as it is a planning matter, it should be noted that there is no Neighbourhood Plan, which would have required a referendum (i.e. an assessment of local opinion) on its contents which might have included proposed site allocations. Otherwise, it is more useful to look not so much at the strength of opinion but at the reasons for any objections. This Inquiry has done so in some detail. For whatever reason, from a simple reading of the extract from the MP's website, it is likely that the campaign against the application, promoting the online petition, may have led some people astray insofar it showed an image that bore only limited resemblance to that of the actual application. Whether or not calling in the planning application failed to comply with the Caborn principles is beyond the scope of this report. [4.2][8.18-8.19][11.15]

15.48 With regard to the soundness of the conclusions reached, and the recommendation to approve the application, by the Planning Committee, this Report demonstrates that the case officer considered all relevant factors in a thorough, detailed and comprehensive report and reached a fair and balanced conclusion which was adopted by the Committee. [10.15][11.1]

NPPF

15.49 NPPF§7 defines the three dimensions to sustainable development as: economic, social and environmental. The scheme would lead to substantial investment during the construction phase and Purley BID considered that new residents and users of the community facilities would generate new business for the town centre. [6.23][7.9][11.7][11.12]

15.50 Regarding the social role to sustainable development, the scheme would provide 220 new homes, above the requirement in Policy SP2.2, and so *boost significantly the supply of housing* (NPPF§47). It would do so in a location with accessible local services and so amount to good planning. A new church and community facilities would enhance these services. [6.18-6.19][7.6][11.6]

15.51 On the environmental side, there would be some harm to the settings of the listed library, 960 Brighton Road and the Brighton Road LHA. However, setting against this the improvements to the public realm, the net result for each heritage asset would be neutral. The net effect on flooding would be neutral at worst. There would be no harm to protected views. On the other hand, the overwhelming opinion was that the Island site is currently an eyesore. Its regeneration and the enhancements to the public realm along Russell Hill Road and Banstead Road would benefit the town's environment as would the scheme's design in accordance with section 7 of the NPPF. [6.22][7.23]

15.52 The proposals should therefore be viewed positively with each role. Measured against the policies in NPPF§§18-219 as a whole, the scheme would amount to sustainable development. [3.5][6.18-6.23][7.3][7.23][9.29][10.8][11.2]

Conclusion on the development plan

15.53 The starting point for consideration of the application is the development plan. This includes the London Plan and the very recently adopted Croydon LP. Given the above conclusions concerning the tower, the scheme would comply with London Plan Policies 7.7A, 7.7B, 7.7C and 7.7D. On balance, it would satisfy Policies 3.11-3.13 with regard to affordable housing. Parking provision would be appropriate and accord with what are in any event maximum standards in London Plan Policy 6.13. Given that the scheme would minimise additional vehicle use and that otherwise external air quality is largely beyond the Applicants' control, the mitigation would accord with Policy 7.14. [3.1][3.2-3.4][3.9][3.12][6.1][6.17]

15.54 The church, mixed uses and tall building on the Island site would reflect allocation No.35 in Table 11.10 of the LP Proposals for uses of land on specific sites in Purley. Indeed, the LP sets a presumption in favour of community facilities under Policy SP5.1; they would be well designed and located as required by Policy SP5.5; and accord with Policy SP5.6 which aims to support and enable the provision and improvement of places of worship. The scheme would comply with the criteria for these in Policy DM19.2. [3.8][3.11]

15.55 The proposals would therefore closely follow the expectations of the LP; indeed, they were probably led by it. Virtually all aspects of the scheme would indicate that it would amount to sustainable development under the NPPF and so also accord with LP Policy SP1. The scheme would provide a significant number of new homes towards the target in LP Policy SP2.2. It would accord with: Housing Policies SP2.3-SP2.6; Croydon Panorama Policy SP4.2; requirements for tall buildings in Policies SP4.5-SP4.10 and the specific criteria in Policy DM15; those for heritage assets and their settings in SP4.13; car free Policy SP8.15; and the place-specific requirements in Policy DM42.1. There would be no significant conflict with any relevant policy in either the London Plan or the LP. [3.5-3.8]

Conclusions

15.56 Although many issues were raised, and these are covered above, the main concern for most objectors was the height of the tower. As set out above, 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 LP for several years. No concerns other than affordable housing and air quality merit any significant weight. For the reasons explained above, these negative aspects should be tempered and, on balance, neither would conflict with the development plan. As material considerations they warrant limited weight when compared with that which should be given to the substantial benefits of new homes, a new church, greatly enhanced community facilities and extensive regeneration.

15.57 Despite a thorough overhaul of all the issues at the Inquiry, the overwhelming evidence was that the scheme would fully comply with the requirements of the up-to-date LP, indeed was probably designed to do so. The balance of material considerations, including the NPPF, also weighs heavily in its favour. Overall, the scheme closely accords with the development plan as a whole and so, under NPPF§14, should be approved without delay.

16. Recommendation

16.1 I recommend that the application should be approved and planning permission granted subject to the attached Schedule of conditions and all the obligations in the Legal Agreement.

David Nicholson

INSPECTOR

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 LAmax 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 joins 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 UDP Saved policy UD16

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.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of Counsel	instructed by Samra Yunus, solicitor for Croydon Council
He called	
Ronald Burton BSc MILT	Croydon Council
Vincent Lacovara MA Reg Arch	Croydon Council
Clive Simmonds	Croydon Council
James White MA RTPI	Croydon Council

FOR THE APPLICANT:

Christopher Katkowski QC and 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	Sole practitioner, Townscape and Heritage evidence
Victoria Balboa BEng MILT MCIHT	Technical Director, Pell Frischmann
Rob Pearson BSc DipTP MRTPI	Nexus Planning
Dimitros Linardatos BEng MSc CEng MICE FIHE	Price & Myers, Flooding
Cunningham	Director, Thornsett Group Plc

FOR THE RESIDENTS' ASSOCIATIONS:

Charles King, MBE	Chair, East Coulsdon RA.
Diane Hearne, Hartley & District RA.	Hartley & District RA
Dennis King, RIBA (retired)	Sanderstead RA.
Lee Cooper	Vice chair Hartley RA
Jan Stollery	Old Coulsdon RA.

INTERESTED PERSONS:

The names of those who spoke at the Inquiry are set out with their summary above.

INQUIRY DOCUMENTS

1	Statement by Clive Simmonds
2	Opening Statement on behalf of the Applicants
3	Opening Statement on behalf of the LPA
4	Presentation to inquiry by Andrew Matthews
5a-b	Agreement under s106 of the T&CP Act
6	Photograph from Farthing Downs
7a-d	Draft suggested conditions
8	Applicants' comments on matters raised by RAs' statement of case
9	Headline summary of ownership and transaction structure from Stephenson Harwood
10	Letter in support dated 15 January 2018 from Partners Advocacy

11 Note on financial benefits to Purley District Centre
12 *Switch off that engine.* Croydon Council leaflet on engine idling powers
13 Applicants' supplementary points in response to Inspector's questions
14 Complete set of full size plans
15 Letter dated 15 January 2018 from Douglas Birt Consulting
16 Letter dated 15 January 2018 from BNP Paribas Real Estate
17 Air quality note dated 15 January 2018
18 Purley Baptist Centre New Facility Usage dated 15 January 2018
19 Judgment in *Khodari*
20 Statements by interested parties
21 Site visit routes
22 Further notes from the LPA regarding: affordable housing review mechanism; air quality ventilation systems, and; policies relating to places of worship
23 Letter dated 16 January 2018 from Douglas Birt Consulting
24 Email exchange dated 16 January 2018 regarding sprinklers
25 Letter dated 16 January 2018 from BNP Paribas Real Estate
26 Email dated 16 January 2018 from the LPA confirming agreement to the s106 amendments
27 Closing submissions on behalf of the Joint Residents' Associations
28 Closing submissions on behalf of the LPA
29 Closing submissions on behalf of the Applicants

CORE DOCUMENTS

CD1.1	Planning Application Cover Letter	Nexus Planning	May 2016 /-
CD1.2	Planning Forms and Certificates	Nexus Planning	May 2016 /-
CD1.3	CIL Liability Form	Nexus Planning	May 2016 /-
CD1.4	Planning Statement	Nexus Planning	May 2016 /-
CD1.5	Draft S106 Heads of Terms Agreement	Temple Bright	-
CD1.6	Draft Community Facilities Management Plan	Nexus Planning	-
CD1.7	Application Drawings–Island Site	Proctor& Matthews	April 2016 /-
CD1.8	Application Drawings–South Site	Capital Architecture	May 2016 /-
CD1.9	Landscape Plans (including amenity space proposals)	Philip Cave Associates	May 2016 /-
CD1.10	Design and Access Statement (including amenity space proposals)	Proctor and Matthews /Capital Architecture /Philip Cave Associates	May 2016 /-
CD1.11	Tree Survey Report	RGS	January 2016 /-
CD1.12	Statement of Community Involvement	Bellenden Consultants	March 2016 /-
CD1.13	Transport Assessment	WYG	May 2016 / 6
CD1.14	Residential Travel Plan	WYG	May 2016 / 2
CD1.15	Purley Baptist Centre Travel Plan	WYG	May 2016 / 2
CD1.16	Draft Construction Logistics Plan	WYG	April 2016 / 2
CD1.17	Sustainability and Energy Statement	Peter Brett Associates	March 2016 / B
CD1.18	Pedestrian Wind Assessment	Price and Myers	April 2016 / 1
CD1.19	Television Reception Analysis	G-Tech Surveys	March 2016 / 1
CD1.20	Flood Risk Assessment for the Island Site	Price and Myers	May 2016 / 3
CD1.21	Flood Risk Assessment for the South Site	Price and Myers	April 2016 / 4

CD1.22	Air Quality Assessment	Amec Foster Wheeler	March 2016 / 2
CD1.23	Noise Impact Assessment	Amec Foster Wheeler	April 2016 / 5
CD1.24	Land Quality /Contamination Assessment	Amec Foster Wheeler	March 2016 / 2
CD1.25	Archaeology Desktop Assessment	Amec Foster Wheeler	March 2016 / 3
CD1.26	Heritage Statement	Geoff Noble	May 2016 /-
CD1.27	Townscape and Visual Impact Assessment	Geoff Noble	May 2016 /-
CD1.28	Sunlight and Daylight Assessment	BLDA Consultancy	May 2016 / 2
CD1.29	Topographical Survey (Island Site)	Met Surveys	August 2016 / 0
CD1.30	Topographical Survey (South Site)	Met Surveys	May 2006 / 0
CD1.31	Viability Assessment	Douglas Birt Consulting	May 2016
CD2.1	Island Site Architectural Plans (Final Revisions)	Proctor & Matthews	Various
CD2.2	South Site Architectural Plans (Final Revisions)	Capital Architecture	Various
CD2.3	Landscape Plans (Final Revisions)	Philip Cave Assoc.	October 2016 / E
CD2.4	Flood Risk Assessments (Final Revisions for Island Site & South Site)	Price & Myers	October 2016 / 7
CD2.5	Sustainability & Energy Statement (final revision)	Peter Brett Associates	September 2016 / E
CD2.6	Daylight & Sunlight Addendum - 11 Banstead Rd.	BLDA	November 2016 / -
CD2.7	Tree Survey (final revision)	RGS	October 2016 / -
CD2.8	Pedestrian Wind Assessment – Addendum	Price & Myers	-
CD2.9	Transport Technical Note TN04 August 2016	WYG	August 2016
CD2.10	Transport Technical Note TN05 November 2016	WYG	November 2016
CD3.1	Island Site Architectural Plans	Proctor & Matthews	Various
CD3.2	South Site Architectural Plans	Capital Architecture	Various
CD3.3	Landscape and Other Plans	Various	Various
CD4.1	Applicant Statement of Case	Nexus Planning	May 2017
CD4.2	Council Statement of Case	Croydon Council	-
CD4.3	Rule 6 Party Statement of Case	Rule 6 Party	30 November 2017
CD5.1	Planning Statement of Common Ground	Nexus Planning and Croydon Council	December 2017
CD5.2	Transport Statement of Common Ground	Pell Frischmann and Croydon Council	December 2017
CD6.1	Croydon Committee Report and Minutes	Croydon Council	15 December 2016
CD6.2	Croydon Committee Report Addendum	Croydon Council	15 December 2016
CD6.3	Draft Planning Permission	Croydon Council	-
CD7.1	GLA Stage 1 Letter and Report	GLA	2 August 2016
CD7.2	GLA Stage 2 Letter and Report	GLA	14 March 2017
CD7.3	Historic England Representation	Historic England	23 June 2016

CD7.4	Environment Agency Representation	Environment Agency	29 July 2016
CD7.5	LLFA Representation	LLFA	14 November 2016
CD7.6	TfL Representation	Transport for London	14 July 2016
CD7.7	Thames Water Representation	Thames Water	7 July 2016
CD7.8	NPCU Representation	NPCU	22 July 2016
CD8.1	Local Organisation Letters	Various	Various
CD8.2	Local Politicians and MP Letters	Various	Various
CD9.1	Cover letter	Nexus Planning	29 September 2016
CD9.2	Site Location Plan	Proctor & Matthews	April 2016 / A
CD9.3	Listed Building Interface Plans	Proctor & Matthews	September 2016 / A
CD9.4	Heritage Statement Addendum	Geoff Noble	September 2016
CD10.1	Croydon Local Plan: Strategic Policies (CLP1)	Croydon Council	April 2013
CD10.2	Croydon Unitary Development Plan (Saved Policies)	Croydon Council	July 2006
CD10.3	London Plan	Mayor of London	March 2016
CD10.4	Croydon Local Plan CLP1 Policies Map	Croydon Council	-
CD11.1	Croydon Local Plan: Strategic Policies (CLP1.1) Partial Review – Main Modifications	Croydon Council	August 2017
CD11.2	Croydon Local Plan: Detailed Policies and Proposals (CLP2) – Main Modifications	Croydon Council	August 2017
CD11.3	Croydon Local Plan CLP1.1 Draft Policies Map – Main Modifications	Croydon Council	-
CD11.4	Croydon Local Plan CLP2 Draft Policies Map – Main Modifications	Croydon Council	-
CD12.1	National Planning Policy Framework	Department of Communities and Local Government	March 2012
CD12.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3)(extract)	Landscape Institute + IEMA	April 2013
CD12.3	The Setting of Heritage Assets: Good Practice Advice in Planning: 3	Historic England	March 2015
CD12.4	Historic England Tall Buildings Advice Note 4	Historic England	December 2015
CD12.5	Assessment of Local Designated Landmarks, Local Designated Views and Croydon Panoramas	Croydon Council	August 2016
CD12.6	Affordable Housing and Viability Supplementary Planning Guidance	Mayor of London	August 2017
CD12.7	Design South East Panel Letter	Design South East Panel	October 2015

CD12.8	The London Plan Housing Supplementary Planning Guidance	Mayor of London	March 2016
CD12.9	The London Mayors 'A City for all Londoners'	Mayor of London	October 2016
CD12.10	Housing White Paper 'Fixing our broken housing market'	Department for Communities and Local Government	7 February 2017
CD12.11	Croydon Borough Character Appraisal	Croydon Council	21 September 2015
CD12.12	Croydon Public Realm Design Guide	Croydon Council	23 April 2012
CD12.13	Croydon Conservation Area General Guidance SPD	Croydon Council	22 April 2013
CD12.14	Webb Estate and Upper Woodcote Village Conservation Area Appraisal and Management Plan SPD	Croydon Council	25 June 2007
CD12.15	Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017	Croydon Council	June 2017
CD12.16	Brighton Road (Purley) Local Area of Special Character Supplementary Planning Guidance	Croydon Council	27 September 1997
CD12.17	Local Heritage Areas 2016	Croydon Council	5 August 2016
CD13.1	Representations on Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options)	Nexus Planning	17 December 2015
CD13.2	Correspondence from NPCU to Nexus Planning and Croydon Council	NPCU	12 April 2017
CD13.3	Correspondence from PINS to Nexus Planning	PINS	28 April 2017
CD13.4	Stage 1 GLA Applicant Response	Nexus Planning	17 September 2016
CD13.5	Stage 2 GLA Applicant Response	Nexus Planning	28 October 2016
CD13.6	Stage 3 GLA Applicant Response	Peter Brett Associates	9 November 2016
CD13.7	LLFA Applicant First Response	Price & Myers	-
CD13.8	LLFA Applicant Second Response	Price & Myers	-
CD13.9	Review of Financial Viability and Planning Obligations Report Update (May 2016)'	BNP Paribas Real Estate	September 2016
CD13.10	Viability Exercise Letter to Croydon Council	Douglas Birt Consulting	18 October 2017
CD13.11	Response to Viability Exercise Letter to Croydon Council	BNP Paribas Real Estate	November 2017
CD13.12	Croydon Strategic Housing Market Assessment	Croydon Council	June 2015

Ministry of Housing, Communities & Local Government

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.