



Appeal Decision

Hearing Held on 7 February 2019

Site visit made on 7 February 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2019

Appeal Ref: APP/L5240/W/18/3204818 6-12 Woodcote Valley Road, Purley CR8 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/05209/FUL, dated 17 October 2017, was refused by notice dated 30 April 2018.
 - The development proposed is demolition of existing buildings and redevelopment to form 26 retirement living apartments for older persons including communal facilities, car parking and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and redevelopment to form 26 retirement living apartments for older persons including communal facilities, car parking and associated landscaping at 6-12 Woodcote Valley Road, Purley CR8 3AG in accordance with the terms of the application, Ref 17/05209/FUL, dated 17 October 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the start of the hearing, the appellant company wished to submit a document titled Draft Croydon Local Plan – Detailed Policies and Proposals (CLPDPP) – Viability Assessment by BNP Paribas Real Estate ('2013 VA'). The 2013 VA was prepared for the Council as part of their evidence base for the adopted Croydon Local Plan (CLP), albeit it was not put before the CLP Examining Inspector. The 2013 VA was not considered by the Council in their determination of the planning application nor had the Council been able to consider the 2013 VA prior to the hearing. After some discussion between the main parties, the Council raised no objection to the 2013 VA being accepted as part of the appeal. As the 2013 VA does not change the proposed development, I have taken it into account in reaching my decision. That said, in the interests of fairness and natural justice, I asked the Council to submit any comments in relation to the 2013 VA by 5pm on 12 February 2019, with the appellant given the opportunity to respond by 5pm on 15 February 2019. I have had regard to the parties written submissions on this matter.
3. At the hearing there was considerable discussion about the affordable housing contributions sought by the Council for the schemes at Sanderstead Court and Ormesby Court. In light of the discussion, I requested that the parties submit

written comments on the matter¹, with the respective responses due at the same time as the comments on the 2013 VA. In response to queries that I raised before the hearing, the main parties submitted an updated, signed and agreed Statement of Common Ground (SoCG) at the hearing. I have had regard to the responses received and the SoCG in reaching my decision.

4. I was informed by the appellant company that the draft planning obligation submitted pursuant to section 106 of the Act in advance of the hearing was awaiting one signature. Due to circumstances explained to me, I requested that a signed and completed agreement (s106) was to be submitted no later than 5pm on 22 February 2019. I will turn to this matter later in my decision.
5. Since the close of the hearing, the updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. I have had regard to this, as it is a material consideration in planning decisions.

Main Issues

6. The main issues are: (i) whether or not the development proposed makes appropriate provision for affordable housing, with reference to the relevant provisions of local and national planning policy; and (ii) whether the proposal makes adequate provision to mitigate the impacts in relation to employment and training, carbon offsetting and air quality arising from the development.

Reasons

7. The appeal site comprises of two pairs of semi-detached dwellings (Nos 6 to 12) within a residential area containing detached and semi-detached properties of a similar style to Nos 6 to 12. A care home and a flatted development are to the north. Both semi-detached pairings are two storey, with front and rear landscaped gardens that contain or are boarded by mature trees and landscaping. Some of the mature trees are subject of a Tree Preservation Order (TPO). Ground levels rise steeply from Woodcote Valley Road to the rear boundaries of each property. The site is located near to, and within walking distance of a range of facilities and services, including public transport. The site borders the Webb Estate and Upper Woodcote Village Conservation Area (CA) which is broadly west of the site.

Planning policy

8. Hearing sessions on policies in the draft London Plan (DLP) are ongoing. I do not know the extent of any unresolved objections to the DLP policies that are before me, but they do set a direction of travel and are relevant considerations in this case. Of those cited, DLP policies CG1, CG4, H1, H5, H6, H7, H8, H14 and H15 are broadly consistent with the Framework in terms of delivering housing, delivering housing for different groups, providing affordable housing, forming mixed and balanced inclusive communities and taking into account viability. For the time being, the DLP policies carry limited weight.
9. I note the High Court judgement on the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG), but as DLP Policy H6 is a relevant consideration, *'the issue about the status and consistency of the SPG is not one of continuing importance.'*²

¹ London Borough of Croydon Analysis of Ormesby Court and Sanderstead Court

² Council Statement of Case, Appendix 9

Affordable housing

10. The CLP explains in paragraph 4.4 that of the overall number of homes needed in Croydon, about 91% need to be affordable. While the CLP accepts that this would be an unrealistic expectation, this figure shows that there is an acute need for affordable housing in this area.
11. The Council recognise that Annex 5 of the London Plan (LP) seeks an annual benchmark of 195 specialist units of older persons accommodation in Croydon, and the DLP outlines an annual benchmark of 225 specialist units of older persons accommodation. Evidence submitted shows that between 2011 and 2018 a total of 182 specialist older persons units have either been started or completed. This equates to 20 specialist units for older people per annum, which presents significant tension in the context of CLP paragraph 4.11 which says that *'between 2011 and 2031 the number of people in Croydon over the age of 55 is projected to increase by 63% from a 2013 base.'*
12. CLP Policy SP2 relates to the provision of housing. Parts SP2.3, SP2.4, SP2.5 and SP2.6 of the policy set out the need, delivery and minimum levels of affordable housing including the provision of commuted sums. CLP Policy SP2.4 states that on sites of ten or more dwellings the Council will; negotiate to achieve up to 50% affordable housing, subject to viability; seek a 60:40 ratio between affordable rented homes and intermediate (including starter) homes unless a number of criteria are met; require a minimum provision of affordable housing as set out in CLP Policy SP2.5.
13. CLP Policy SP2.5 states, among other things, that the Council will require a minimum provision of affordable housing to be provided either: as a minimum level of 30% affordable housing on the same site as the proposed development or, if 30% on site provision is not viable; as a minimum level of 15% of affordable housing on the same site as the proposed development plus a review mechanism entered into for the remaining affordable housing provided 30% on-site provision is not viable and construction costs are not in the upper quartile. There is no dispute that the site is not within Croydon Opportunity Area, a District Centre or that the construction costs are in the upper quartile.
14. The Council's approach in the CLP is broadly consistent with Framework paragraphs 34 and 62. Framework paragraph 64 states that planning policies should expect at least 10% of the homes to be available for affordable home ownership as part of the overall affordable housing contribution from the site subject to criteria and exceptions. One of which relates to specialist accommodation for a group of people with specific needs, such as that which the proposal seeks to cater for.
15. CLP Policy SP2 broadly accords with LP policies 3.10, 3.11, 3.12 and 3.13. LP Policies 3.11 and 3.12 support the maximum reasonable amount of affordable housing being sought when negotiating on individual private residential schemes, having regard, among other things, to affordable housing targets and the specific circumstances of individual sites including development viability. LP Policy 3.13 says that boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes. Other than the CLP and LP policies cited, DLP policies H5, H6 and H15 seek the provision of affordable housing, including from housing schemes for older people.
16. In this context, the main parties submitted that the needs of providing

specialist older persons accommodation and addressing an accepted acute need for affordable housing in Croydon carry equal importance.

Viability assessment

17. Framework paragraph 57 says that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. A viability assessment³ formed part of the CLP evidence base (CLP VA). The CLP was found 'sound' on the basis that a 30% requirement for on-site affordable homes would be viable for the majority of sites in Croydon.
18. Since the adoption of the CLP in February 2018, the Framework has been published, and the Planning Practice Guidance (the Guidance) on viability has been revised which states that the role for viability assessment is primarily at the plan making stage⁴. I note the decisions at 825 Brighton Road⁵ and 11a Harewood Road⁶. However, both schemes were for a lower number of units and as such are not directly comparable. In any event, I need to consider the appeal on its own merits. Added to this, the Guidance does not rule out the assessment of viability in decision-making.
19. The appellant company says that the circumstances relevant to this case are: where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; and where particular types of development are proposed which may significantly vary from standard models of development for sale, such as housing for older people. The appellant company submits that viability testing for housing for older people is different to that of housing entirely for the market. In their view there are a number of factors including the saleable amount of the development; void costs; the niche market of housing for older people; and slower sales rates which influence this.
20. It is submitted by the appellant company submits that the CLP VA did not directly consider a typology applicable to the appeal scheme. Each of the typology's in the 2013 VA were not taken forward into the CLP VA as this was based on the Council's Housing Trajectory, said to represent the main types of development expected to come forward. Hence, the 2013 VA carries little weight. I note the Examining Inspector's view⁷ about the CLP VA, but this appeal is not the appropriate forum to test the level of evidence that would typically underpin a local plan, and while not every single site can be tested through the plan making stage, housing for older people falls within a C3 Use Class. Even so, the Council recognise that such schemes are slightly less efficient in terms of a net to gross ratio, and that the CLP VA did not specifically consider such a scheme. Moreover, housing for older people can include a lower saleable amount of the development compared to other residential developments within C3 Use Class.

³ Local Plan Viability Assessment and Community Infrastructure Levy Review, November 2015

⁴ Planning Practice Guidance Paragraph: 002 Reference ID: 10-002-20180724

⁵ Appeal Decision Ref: APP/L5240/W/18/3196773

⁶ Appeal Decision Ref: APP/L5240/W/17/3190889

⁷ Appellant company's Hearing Statement, paragraph 7.18

21. I note the 26 no. apartment development of housing for older people at 79 Limpsfield Road⁸ was found in the 2013 VA to produce a deficit irrespective of the scale of affordable housing contribution. However, when this scheme's viability was assessed during the planning application, it was found to support an affordable housing contribution of £39,515. It is not for me to examine whether the Limpstead Road viability assessment was or was not correct, but these units were largely sold off-plan, at a premium above that assessed, and quicker than perhaps expected. Without delving into the figures, which are not 'actual' and agreed in any event, the analysis highlights the difficulties around the accuracy of viability assessments. Yet, the evidence does suggest housing schemes for older people do have the potential to provide an affordable housing contribution higher than that proposed by the appeal scheme. If I were to take the Council's figures to be true, it would seem that there have been consequences for the delivery of affordable housing in Croydon.
22. There is limited substantive evidence before me about sales rates. While the units in the Limpsfield Road scheme may have sold quickly, this is only one scheme, and the Council do not dispute that the units on the development at Carriages are selling slower and in line with the appeals scheme's expected slower rate of sale. There are however no guarantees either way. However, in the context of addressing the need for specialist older persons accommodation and affordable housing in Croydon I attach substantial weight to the viability assessments before me, and the main parties agreed position.

Maximum reasonable sum

23. The main parties agree that as a result of the appeal scheme's viability the 'maximum reasonable sum' that the proposed development could viably provide towards affordable housing would be £100,000. This would equate to an approximate 5% affordable housing contribution which is around one third of the Council's minimum threshold. The proposal would contribute less towards affordable housing than the Ormesby Court and Sanderstead Court⁹ schemes, but these pre-date the CLP.
24. At the hearing, the Council accepted that the appeal scheme would accord with LP Policy 3.13. I agree. That said, this does not change the proposal's conflict with CLP Policy SP2.5. Yet, this policy does need to be read alongside CLP Policy SP2.6, which forms part of the overall CLP Policy SP2. Included within this is SP2.4 a) which says that the Council will negotiate to achieve up to 50% affordable housing, subject to viability. In securing the maximum reasonable amount, LP Policy 3.12 says that there is a need to encourage rather than restrain residential development.
25. Numerous other decisions¹⁰ have also been cited. However, all these either pre-date the revised Framework or the revised Guidance. In any event, the proposal is based on a site-specific viability assessment. I am, however, conscious that CLP paragraph 4.6 explains that viability evidence suggests that schemes that are not viable with 15% on-site provision of affordable housing would not be viable with any affordable housing and are therefore unlikely to be built. Even so, I have no reason to dispute the main parties shared view that the proposal would be likely to be built even with the proposed affordable

⁸ Council Ref: 12/01412/P

⁹ London Borough of Croydon Analysis of Ormesby Court and Sanderstead Court

¹⁰ Refs: C2014/70740/FUL; APP/P5870/W/16/3159137; and APP/N4720/A/14/2227584

housing contribution.

26. CLP Policy SP2.6 and Framework paragraph 62 provide support for the payment of an off-site affordable housing contribution through a commuted sum. Due to the specialist nature of the proposed accommodation, and in the absence of a Registered Provider to take on affordable housing units within the development I consider that robust justification has been provided demonstrating that this represents an exceptional circumstance.

Late stage viability review mechanism

27. To achieve the maximum affordable housing contribution possible from this single-phase development, a late stage viability review mechanism is proposed in the s106. Support for such an approach is provided by the Guidance¹¹ and the Viability Tested Route set out in DLP Policy H6 E.
28. The s106 would ensure that no more than 90% (23 no.) of the units would be disposed of until a review of the scheme's viability takes place. This would not be at the 75% set out by DLP Policy H6 E, but I agree with the Council that the later trigger point would allow the maximum affordable housing contribution to be obtained based on actual sales values for the sold apartments, estimated sales values for those not yet sold, and actual construction costs. The maximum contribution would be capped at 50% and be based on the mix sought by CLP Policy SP2.4. While there are no guarantees that any additional affordable housing contribution will arise from the development, the review mechanism does strengthen the Council's ability to seek compliance with relevant policies over the lifetime of the project and therefore address the chronic need for such forms of accommodation.

Mixed and balanced community

29. Despite the scheme providing the maximum reasonable sum and including a late stage viability review mechanism, the Council contend that the proposal would not support the creation of a mixed and balanced community. They say that the proposed apartments would only serve a narrow section of the community, and thus not for those on low incomes. The proposal would result in tension between two equally important needs, in terms of potentially not delivering at the minimum level set for affordable housing. However, the scheme would make an important contribution towards the provision of older persons housing, and still contribute towards affordable housing in Croydon.

Conclusion on this issue

30. There is a need for the affordable housing contribution as sought by the Council. While the proposal would accord with elements of CLP Policy SP2, the appeal scheme would not make appropriate provision for affordable housing in accordance with CLP policies SP2.4 c) and SP2.5 c) which require a minimum provision of affordable housing of 15%.
31. However, I conclude that this conflict is outweighed by the proposal's compliance with CLP Policies SP2.4 a) and b) and SP2.6; LP policies 3.10, 3.11, 3.12, 3.13 and 8.2; the SPG; Framework paragraphs 57 and 62; and the Guidance. While they attract limited weight, the proposal would accord with DLP policies CG4, H5, H6 E, H7, H8, H14 and H15. These policies and guidance,

¹¹ Planning Practice Guidance, Paragraph: 009 Reference ID: 10-009-20180724

jointly, enable consideration to be given to the viability of affordable housing contribution on individual schemes with a view to securing the maximum reasonable amount of affordable housing that the proposal is able to provide, along with the late stage viability review mechanism provided for in the s106.

32. Based on the evidence before me, the proposal would secure appropriate financial contributions for affordable housing arising from the development and satisfy the three tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 (CIL) and Framework paragraph 56.

Employment and training, carbon offsetting and air quality

33. There is no dispute between the main parties that the s106 would overcome the Council's concerns in respect of employment and training, carbon offsetting and air quality. These aspects of the s106 accord with CLP policies SP3.14, SP6 and DM23 and LP policies 5.2, 7.14 and 8.2. There is also broad support through DLP Policy CG1, which carries limited weight, for the employment and training obligation.
34. Based on the evidence before me, there is a need for the contributions sought by the Council in respect of employment and training, carbon offsetting and air quality arising from the development. On this issue, I conclude that the proposed development satisfies the three tests in CIL Regulation 122(2) and Framework paragraph 56. I am also satisfied that these contributions would not be for infrastructure and thus no pooling would occur in line with the CIL.

Other considerations

35. The appellant company advanced their case on the basis that there are benefits of the appeal scheme which I should have regard to. I asked the Council for their view on each suggested benefit at the hearing. For ease, I have set these out in terms of the economic, social and environmental roles of sustainable development set out in Framework paragraph 8.
36. In terms of the economic role, I agree with the Council that significant weight should be given to the scheme's role in revitalising the housing market through the release of under occupied family housing. I attach moderate weight to the scheme's role in creating jobs and providing local employment and training opportunities, which could enable members of the community to potentially re-use the knowledge and experience gained elsewhere. Moderate benefit would stem from the development's construction in terms of spending, albeit this is a time limited benefit. The New Homes Bonus and CIL contributions that the proposal would make carry limited weight.
37. Turning to the social role, the purported benefits in terms of design carry neutral weight. The site's accessible location carries limited positive weight. I agree with the Council that the collective benefit of enabling people to remain part of the community and meeting current and future housing need, carry significant weight, especially due to the need for specialist older persons housing not only in Croydon, but in London. This is in the context of what appears to have been a substantial annual under-delivery when set against the annual LP and DLP benchmarks. This is concerning given the need for such accommodation is only said to be rising. This is, however, a double-edged sword in that the private accommodation proposed would not cater for every Londoner, and thus, the scheme does create tension in respect of delivering a mixed and balanced community and avoiding social exclusion. I note the

Chislehurst decision¹², but the effect does temper the appeal scheme's social benefits. However, I still consider the provision of specialist accommodation carries substantial weight.

38. In terms of the environmental role, I attach moderate weight to the efficient and effective use of previously developed land; the scheme's energy and water efficient design; and its financial contribution to carbon offsetting. I attach a limited weight to the purported low level of traffic as many future occupants would still no doubt drive despite the site's accessibility. Given the proposal's design, height, scale, mass and layout and as the proposal would not be unacceptable in respect of the wellbeing of protected trees on the site, I agree with the main parties that the proposal has a neutral effect on the CA. This matter carries neutral weight. The scheme's impact on highway safety and the provision of off-street car parking carry neutral weight.
39. During my site visit I noted the position of the kitchen window in 4 Woodcote Valley Road, and the relationship that this window has with the site. I have had regard to the sunlight and daylight analysis submitted, and I agree with the main parties view that the proposal would not cause undue harm to the living conditions of the occupants of No 4.

Conditions

40. I have had regard to the suggested planning conditions in the SoCG, and the parties' comments made on these at the hearing.
41. I have imposed a plans condition in the interests of certainty. Given the nature and location of the proposed development, I have imposed pre-commencement conditions to secure a Construction Method Statement in the interests of: neighbouring residents living conditions; the safety and free flow of pedestrian and vehicular traffic on the highway; and so the development does not cause undue convenience to other users. A pre-commencement condition is necessary to secure a method statement to ensure that TPO trees are not damaged by demolition or construction works. Further pre-commencement conditions are necessary to secure precise details of measures to protect and enhance wildlife and their habitats; and to obtain details of a surface water drainage scheme so that the scheme complies with the drainage requirements.
42. So that that the appearance of the development is satisfactory, I have imposed a condition to secure details of the materials to be used. So that the development efficiently uses energy and resources, I have imposed conditions about a water use target and to reduce carbon dioxide emissions. I have imposed a condition to secure electric vehicle charge points and lighting so that the scheme facilitates sustainable modes of transport and to safeguard visual and residents living conditions. To ensure that delivery and servicing traffic does not interfere with the safety and free flow of the highway I have imposed a condition for a Delivery and Servicing Plan. As a result of the specialist nature of the appeal scheme, and the identified need for this type of accommodation in Croydon, I have imposed a condition limiting the occupation of the development to people of a certain age.

Conclusion

43. In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004

¹² Appeal Decision Ref: APP/G5180/W/16/3155059

development which conflicts with the development plan should be refused unless material considerations indicate otherwise. There is a conflict with the CLP in terms of the minimum affordable housing contribution. But, in this case, the appeal scheme would contribute the maximum reasonable amount, and the review mechanism does strengthen the Council's ability to seek compliance with relevant policies over the lifetime of the project and therefore address the chronic need for such forms of accommodation in Croydon.

44. However, even if I was to adopt the Council's stance about affordable housing, there are social, economic and environmental benefits associated with the proposed development. On the whole, notwithstanding my findings in the Banstead Road¹³ scheme, there are significant material considerations which lead me to the conclusion that these outweigh the conflict with the development plan.

45. For these reasons, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

¹³ Appeal Ref: APP/L5240/W/18/3213708

SCHEDULE OF CONDITIONS

- 1) The development shall be begun within three years of the date of the permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SE-2452-02-RL-PL1100; SE-2452-02-RL-PL1101; SE-2452-02-RL-PL1102; SE-2452-02-RL-PL1110 Rev B; SE-2452-02-RL-PL1111 Rev B; SE-2452-02-RL-PL1112 Rev A; SE-2452-02-RL-PL1113; SE-2452-02-RL-PL1114 Rev B; SE-2452-02-RL-PL1210 Rev B; SE-2452-02-RL-PL1211 Rev B; SE-2452-02-RL-PL1212 Rev B; SE-2452-02-RL-PL1213 Rev B; SE-2452-02-RL-PL1214 Rev B; SE-2452-02-RL-PL1215; SE-2452-02-RL-PL1300; SE-2452-02-RL-PL1301; SE-2452-02-RL-PL1302; SE-2452-02-RL-PL1310 Rev A; SE-2452-02-RL-PL1311 Rev A; SE-2452-02-RL-PL1312 Rev A; SE-2452-02-RL-PL1313 Rev A; SE-2452-02-RL-PL1314; SE-2452-03-NL; MCS21162 11 and MCS21162-03a.

Before commencement of development

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved by the Local Planning Authority. The Statement shall provide for:-
 - (1) hours of demolition and construction,
 - (2) hours of deliveries,
 - (3) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
 - (4) facilities for the loading and unloading of plant and materials,
 - (5) details of the storage facilities for any plant and materials,
 - (6) the siting of any site huts and other temporary structures, including site hoardings,
 - (7) details of the proposed security arrangements for the site,
 - (8) 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
 - (9) 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'; and
 - (10) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) Prior to the commencement of works including demolition within tree root protection areas or areas fenced for the purpose of protecting trees during works, whichever is the larger, a method statement setting out the construction details for the works within those areas shall be submitted to and

approved in writing by the Local Planning Authority. Once approved, the works shall be implemented as specified in the method statement.

- 5) No development shall be commenced until details pursuant to the recommendations of the Preliminary Ecological Appraisal produced by ACD Environmental (Ref: MCS21162), including a timetable for implementation have been submitted to and approved by the Local Planning Authority.
- 6) Prior to commencement of construction, in accordance with the submitted Technical Note (Peterbrett, dated 14/12/2017, Job No: 41346/2000, Note No. TN001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority (LPA) in consultation with the Lead Local Flood Authority (LLFA). The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 - i. Infiltration testing should be undertaken, in line with BRE 365 guidance, to verify feasibility for inclusion of infiltration SuDS as part of the drainage proposals. Where determined to be feasible, infiltration rates should be confirmed and the drainage strategy updated in line with the outcomes of the infiltration tests and submitted to the LPA for approval, in consultation with the LLFA;
 - ii. Where testing determines infiltration is feasible, evidence of consultation with the Environment Agency to be provided confirming the use of the proposed infiltration SuDS within Source Protection Zone 1 and demonstration of incorporation of any required mitigation measures;
 - iii. Where testing determines infiltration is not feasible, an alternative drainage strategy in line with local and national policy and with the appropriate statutory approvals (e.g. written confirmation from Thames Water that the site has an agreed point of discharge and discharge rate where discharge to sewer is proposed) should be submitted to the LPA for approval, in consultation with the LLFA; and,
 - iv. Demonstration that in exceedance events both the proposed development and third party land is unaffected by the proposals to be provided. If this is not feasible then clear justification must be provided and mitigation measures proposed.

Before first occupation or management

- 7) No works on site above ground level shall commence until samples of the external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.
- 8) The development shall achieve a water use target of 110 litres per head per day.
- 9) The development shall achieve the applicant's proposed reduction of carbon dioxide emissions of at least 35% beyond Building Regulations 2013. Within three months of the first occupation, a report showing how the target has been met together with EPC certificates, BRUKL/SBEM certificates and evidence of the PA panels/renewables installed (such as MCS certification) shall be submitted to the Council for approval in writing.

10) Prior to the first occupation of the development schemes shall be submitted to and approved by the Local Planning Authority for:

1. Electric Vehicle Charge Points; and
2. Details of lighting

The development shall be carried out in accordance with the approved details and thereafter retained as such.

11) The units hereby approved shall not be occupied until a Delivery and Servicing Plan for vehicles has been submitted to and approved in writing by the Local Planning Authority. Vehicles servicing the development shall do so in accordance with the approved details, and shall continue to do so for the life of the development.

12) The occupation of the apartments shall be restricted at all times to people of 60 years and above or those over that age with a spouse or partner of at least 55 years old.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT COMPANY:

Rupert Warren QC	Landmark Chambers
Matthew Shellum	The Planning Bureau
James Chaffer	Alder King
Peter Graham	The Planning Bureau

FOR THE LOCAL PLANNING AUTHORITY:

Simon Pickles of Counsel	Landmark Chambers
Robert Naylor	London Borough of Croydon
Ian Stone	London Borough of Croydon
James Purvis	BNP Paribas Real Estate

INTERESTED PERSONS:

Councillor Yvette Hopley	London Borough of Croydon
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DOCUMENTS

Documents submitted at the hearing

- 1 Draft Croydon Local Plan – Detailed Policies and Proposals (CLPDPP) – Viability Assessment by BNP Paribas Real Estate (DCLPVA)
- 2 Signed and agreed Statement of Common Ground
- 3 Record of Attendance
- 4 Letter from Councillor Yvette Hopley
- 5 Appellant company's written agreement to the suggested pre-commencement planning conditions

Documents submitted after the hearing

- 6 London Borough of Croydon Post Hearing Note LP Viability, including Appendices 1 and 2
- 7 London Borough of Croydon Analysis of Ormesby Court and Sanderstead Court
- 8 Housing Extracts from Croydon Monitoring Report, June 2018
- 9 London Borough of Croydon Housing Completions 2011-2017
- 10 Table highlighting completed specialist older persons housing development in Croydon 2011-2017
- 11 Appeal Decision Ref: APP/L5240/W/17/3190889, 11a Harewood Road, South Croydon CR2 7AT
- 12 London Borough of Croydon specialist older persons starts and completions 2011-2018
- 13 Appellant's Response to Council Note, 12 February 2019
- 14 BCIS Costs – LB Croydon 05 May 2012
- 15 BCIS Costs – LB Croydon 29 Nov 2014
- 16 London Borough of Croydon Response to Appellant's Note, 19 February 2019
- 17 Appellant's Response to Council Note, 19 February 2019
- 18 Signed and complete Section 106 Legal Agreement