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## Appeal Decision

Hearing Held on 14 February 2019

Site visit made on 14 February 2019

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 27 March 2019**

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**Appeal Ref: APP/L5240/W/18/3213708**

**11 - 17 Banstead Road, Purley CR8 3EB**

- 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 and Stone Retirement Lifestyles Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 18/01377/FUL, dated 16 March 2018, was refused by notice dated 28 September 2018.
  - The development proposed is demolition of existing dwellings and redevelopment of 34 retirement living apartments for older persons including communal facilities and associated car parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the hearing, the main parties submitted a signed and agreed Statement of Common Ground (SoCG) which I have had regard to in reaching my decision. I was also provided with a draft Section 106 agreement that had been agreed between the main parties in the days leading up to the hearing. It was explained to me that this document had not been signed by all those party to the agreement. As a result, I asked that a signed and dated s106, including any plans was to be submitted no later than 5pm on Thursday 7 March. I have had regard to the signed and completed s106 in reaching my decision and the main parties' agreement about aspects of the s106 as set out in the SoCG.
3. While this appeal decision is independent of any other appeal decision, there is a need for consistent decision-making. In response to late evidence submitted and discussions held at the Woodcote Valley Road<sup>1</sup> hearing, and a timetable that I set out specifically for post-hearing submissions in relation to that appeal, the main parties agreed that their responses around the dispute on affordable housing were also relevant to this appeal. Essentially, the main parties explained that their points apply to both schemes. Due to the timetable I imposed for the Woodcote Valley Road scheme, the main parties put the Council's written response on the Woodcote Valley Road appeal before me prior to the hearing. The appellant company responded to this in writing in relation to this appeal and the Woodcote Valley Road appeal. Given the scope of the material on which the written submissions have been made, in the interests of fairness and transparency I have had regard to the parties' written responses.

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<sup>1</sup> Appeal Decision Ref: APP/L5240/W/18/3204818

4. 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**

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

### **Reasons**

6. The appeal site comprises of a pair of two storey semi-detached dwellings dating from the 1930s at 11 to 17 Banstead Road. Collectively, Nos 11 to 17 form a site roughly square and around 0.29 hectares in size. Ground levels fall considerably from the northwest to the southeast, following the gradient of the road as it falls towards Brighton Road. The dwellings sit above the road, and within verdant gardens that extend some 40 metres to the rear, and contain, or are bound by a number of mature trees. The design of Nos 11 to 17 broadly reflect the style, scale and appearance of dwellings on Banstead Road. Typical features include bay windows, mock Tudor timber framing and white render facing materials. In the wider area, there is variety in terms of the style, age and design of buildings which reflects the evolution of the area.
7. Banstead Road (A23) is identified as a red route by Transport for London. To the southeast are 7 and 9 Banstead Road. These dwellings formed part of a development proposal for a 3 to 8 storey building on land known as the 'South Site', which has, along with a mixed-use development proposal for land opposite the appeal site, known as the 'Island Site', recently been refused planning permission by the Secretary of State (SoS)<sup>2</sup> ('the Purley Baptist Scheme'). The Island Site is largely clear of built form save for Purley Baptist Church which is next to the Grade II listed Purley Library, which was proposed to be redeveloped. The South Site is also part cleared, but Nos 7-9 remain, albeit they are vacant and boarded up.
8. I note the SoS's concerns relating to the design of the South Site in the Purley Baptist Scheme<sup>3</sup>. While, this decision is subject of a challenge, I do not know the outcome of this. In any event, the appeal scheme is advanced by the appellant company on its own planning merits.
9. Purley District Centre nearby, offers a range of facilities and services, including public transport options. The site has a Public Transport Accessibility Level (PTAL) rating of 5. To the northwest, off Furze Hill around 250 metres away is the Webb Estate and Upper Woodcote Village Conservation Area (CA).

### *Planning policy*

10. Hearing sessions on policies in the draft London Plan (DLP) are ongoing. I do not have details about the extent of any unresolved objections to the DLP policies before me. That said, the DLP policies are relevant considerations in this case as they set a direction of travel. DLP policies CG1, CG4, H1, H5, H6,

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<sup>2</sup> Appeal Decision Ref: APP/L5240/V/17/3174139

<sup>3</sup> Paragraphs 14 and 15

H7, H8, H14 and H15 broadly accord 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. At present, I consider that the DLP policies carry limited weight.

11. The Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) was subject of a High Court judgement. However, as DLP Policy H6 is a relevant consideration, *'the issue about the status and consistency of the SPG is not one of continuing importance.'*<sup>4</sup>

#### *Character and appearance*

12. The site lies within the boundary associated with Policy DM42.1 of the Croydon Local Plan (CLP). This policy explains that within Purley District Centre and its environs, to ensure that proposals positively enhance and strengthen the character and facilitate growth, developments 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. A building therefore of the scale proposed accords with this policy and in principle with CLP Policy DM10.1 as it would achieve a minimum height of three storeys.
13. The proposal would change the semi-detached grain of development evident on this side of the road and introduce a large single building on the land. The Council accept that this character is anticipated to evolve based on the provisions of CLP policies. I agree that CLP Figure 6.4, Table 6.4 and Policy DM42.1 are a collective marker for this, but development proposals should still be of a high quality and respect the pattern, layout, siting, scale, height, massing, density, appearance, and materials of the surrounding area. CLP policies SP1.2, SP4.1 and SP4.2 broadly reflect these aspirations. London Plan (LP) policies 7.4 and 7.6 reflect the CLP policies, with LP Policy 7.4 going onto say that *'in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.'*

#### Density

14. According to the appellant company, the proposal would uplift the built form on the site from roughly 14% to around 31%. This figure does not include the areas of hardstanding and car parking. In short, the amount of built form on the site would be far greater than the stated estimate. Even so, the proposed density of 117 dwellings per hectare or 327 habitable rooms per hectare, whilst quite high, accords with the range set out in LP Table 3.2 based on the site's PTAL rating, even if it defined as 'Suburban'. As such, the proposal accords with LP Policy 3.4, albeit the proposal would result in a change and a step up in density. Nevertheless, the site's location within the area relating to CLP Policy DM42.1 leads me to consider that a higher density is to be expected based on this policy's support for buildings of three to eight storeys high.

#### Layout

15. The front elevation of the proposed building would follow the building line of nearby properties. However, the regular spaced gaps between the semi-detached pairings on this side of the road would change. Their contribution is lessened by ground levels changes, detached garages and existing landscaping,

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<sup>4</sup> Council Statement of Case, Appendix 9

- but visually, the regular grain of the semi-detached pairings does, in tandem with the long rear gardens, form a spacious suburban character.
16. The proposal would result in the loss of a visual gap between Nos 13 and 15, but a good-sized visual gap above ground floor between Nos 7 to 9 and the proposed building would be formed due to the access and hardstanding. The proposed building's flank elevation next to No 19 would be set in from the position of the existing flank elevation of No 17. Hence, despite the scale of the proposed building, the visual gap would be marginally increased here. This would facilitate the retention of existing landscaping, and enable further planting. By stepping the proposed building inwards towards the rear the appeal scheme would have an acceptable relationship with No 19.
  17. Three lower ground floor units would have a single aspect of the proposed parking provision and circulation space. A narrow strip of low-level hard and soft landscaping is proposed in front of these units. The proposed layout and aspect of these units is said to be borne from the appellant company's experience of delivering such schemes, and it was put to me that these units are likely to be sold first based on their accessibility and the proposed patio areas. Framework paragraph 127 sets out the need to ensure that developments: function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The SPG sets out that developments should minimise the number of single aspect dwellings, and outlines living condition related issues with single aspect accommodation.
  18. Notwithstanding the Purley Baptist Scheme, the layout of the lower ground floor units would compromise the privacy of their future occupants due to other residents' movements within the car park. The outlook from each unit would be dominated by hardstanding and vehicles. Landscaping next to, and facing these units would provide a degree of mitigation, but it would be fairly shallow, and not to the extent that would enable the proposal to function well in delivering a high standard of amenity for existing and future users.
  19. A concern of the Council relates to the function of and living conditions of future residents using the proposed spinal corridors. The upper three floors would be served by a good standard of natural light due to the proposed openings. The lower ground floor would have two openings serving the corridor, and a third opening linking through to the reception area. Although the lower ground floor corridor could have been designed to have more openings to provide natural light, the effect would not prevent social interaction or result in an over institutional character that would be to the detriment of future occupants living conditions.

*Scale and massing*

20. There is no policy or guidance before me which specifically says that development on the appeal site must achieve a 'mediatory role' between the character of the District Centre and the character of the suburban area south of Banstead Road. CLP Figure 6.4, Table 6.4 and Policy DM42.1 jointly advocate an evolution to the area to facilitate growth. Yet, the appeal scheme does need to have regard to both characters if it is to be considered to positively enhance and strengthen the areas character.

21. The proposed design would respond to the site's ground levels. In isolation, the scale of the proposed building would respond to the character and appearance of the area and the provisions of CLP policies DM42.1 and DM10.1, especially in the context of the District Centre. However, this is a narrow view. For all the evidence about the Purley Baptist Scheme, the proposed building would occupy much of the site's depth. This would be ajar to the suburban character on the southern side of Banstead Road which focusses built form towards the road. In tandem with the proposal's scale and massing, the appeal scheme would collectively not enhance or strengthen the character of the area, especially in relation to the southern side of the road. The proposal would result in a bulky form of development that would not be sympathetic, respect or improve the character of the area in terms of its scale and massing.

*Design of the proposed elevations*

22. A central concern of the Council is the detail expressed on the proposed elevations, especially in terms of the window reveals. Such, finer points of a development do influence the overall success of a scheme in responding to its surroundings. Taking the appeal scheme on its own merits, the proposed balconies would add interest and depth to the elevations. There is also some variety proposed in the design of window openings, but there is insufficient detail about the depth of each reveal. While the proposed contemporary approach may lend weight to the lack of window reveals, given the site's surroundings, they would help the scheme respond to its context. To this end, further details could be secured through a planning condition, which was accepted as an appropriate approach by the main parties at the hearing.

*Materials*

23. In questioning, the Council accepted that a suitable planning condition could address their concerns about the proposed use of materials so that they create interest to each elevation. Thus, despite what I heard about the poor quality references identified, and the oral explanations provided at the hearing itself, I consider that a planning condition would ensure that the appeal scheme would provide for high-quality materials that would complement, and not necessarily replicate, the local architectural character having regard to LP Policy 7.6 and CLP Policy DM10.1, especially given the varied use of materials which characterise the site's surroundings.

*Communal amenity space*

24. The proposed communal amenity space would be made up of hard and soft landscaping. This would include several existing mature trees. There is no dispute between the main parties about the quantum of amenity space proposed, and through discussion at the hearing, issues with the stepped access to the grassed area in the southwest corner of the site were identified. As such, this space would not be accessible for all. Still, this concern could be addressed through a planning condition securing a landscape scheme with a more considered approach to ground level changes. A landscaping scheme could also secure further benches for future occupants to use, adding value to the use of this space and therefore future residents' wellbeing. On this basis, CLP Policy DM10.4 would be addressed.

*Heritage assets*

25. It is an agreed matter between the main parties that the appeal scheme

would not detrimentally affect the setting of any designated or non-designated heritage assets. I note the SoS's findings on the Purley Baptist Church scheme, but the appeal scheme would have a different relationship with the designated and non-designated heritage assets in the area<sup>5</sup>. Moreover, the proposal is of a different scale, massing and quantum of development. Given the site's location; the layout of busy roads; and the indivisibility between the proposal and the CA, Local Heritage Area and 960 Brighton Road, I consider that the appeal scheme would have a neutral effect on these heritage assets. Purley Library is closer. Even so, this single storey communal facility is set within spacious grounds with mature trees. It is also orientated to respond to the road layout. Given that planning conditions could be imposed to secure suitable finishes, I am of the view that the proposal's effect would be neutral.

### Conclusion on this issue

26. Drawing these matters together, it is evident that the appeal scheme appropriately responds to the character and appearance of the area in some regards or can be made acceptable in others through the use of planning conditions. In terms of the building's height, density, the design of the proposed elevations, the use of materials, and the communal amenity space, I consider, on this issue, that the proposal would accord with CLP policies DM10.1 c); DM10.4; DM10.7; DM10.8; DM28; DM42.1; Figure 6.4, Table 6.4 and LP policy 3.4.
27. However, I conclude that my findings on these matters does not outweigh the significant collective harm that the proposed development would cause to the character and appearance of the area through its layout, scale and massing. For these reasons, the proposal would not accord with CLP policies SP1.2, SP4.1, SP4.2, DM10.1 a) and c), LP Policies 7.4 and 7.6, Framework paragraphs 124 and 127, the SPG, and DLP Policy CG1, which carries limited weight. Jointly these policies and guidance, whilst recognising the need for growth, and the place specific scale set out in CLP Policy DM42.1, among other things, seek the creation of high quality buildings and places that function well and respect the scale and massing of the area's character, so that the development positively enhances and strengthens that character, and creates places with a high standard of amenity for future users.

### *Affordable housing*

28. 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.
29. LP Annex 5 establishes an annual benchmark of 195 specialist units of older persons accommodation in Croydon, and the DLP identifies an annual benchmark of 225 specialist units of older persons accommodation. 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.*' As a result, the main parties submitted that the needs of providing specialist older persons

<sup>5</sup> SoCG, Appendix 4



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

30. 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 explains 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.
31. CLP Policy SP2.5 says, among other things, that the Council will require a minimum provision of affordable housing to be provided either: preferably 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. The site is not within Croydon Opportunity Area, a District Centre and the construction costs are not in the upper quartile.
32. Policies in the CLP broadly reflect 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.
33. CLP Policy SP2 reflects 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, amongst other matters, 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.

#### Viability assessment

34. 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 assessment formed part of the CLP evidence base (CLP VA<sup>6</sup>). 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.
35. 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

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<sup>6</sup> Local Plan Viability Assessment and Community Infrastructure Levy Review, November 2015

the plan making stage<sup>7</sup>. I note the decisions at 825 Brighton Road<sup>8</sup> and 11a Harewood Road<sup>9</sup>. However, both schemes were for a lower number of units and as such are not directly comparable. Nevertheless, I do 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.

36. 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. They also say, together with other retirement house builders that if the minimum level of affordable housing is rigidly applied that it would be difficult to find sites that would viably work. This, in their opinion, would mean that retirement house builders would look outside of Croydon for suitable sites.
37. I note the appellant company's view that the CLP VA did not directly consider a typology applicable to the appeal scheme. The 2013 VA carries little weight, but my attention was drawn to typology 5 in the 2013 VA which is a 26 no. apartment development of housing for older people at 79 Limpsfield Road<sup>10</sup>. I note the similarities between this scheme and the proposal that is before me, and while the 2013 VA found that the Limpstead Road development would produce a deficit irrespective of the scale of affordable housing contribution, it was later found having had its viability assessed during the planning application, to support an affordable housing contribution of £39,515.
38. 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. In total, some 54 no. typologies were tested as part of the CLP VA. I note the Examining Inspector's view<sup>11</sup> 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 accept 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.
39. Although the Limpsfield Road scheme provided an affordable housing contribution, the main parties evidence broadly supports the Examining's Inspector's points about viability assessments. It is not for me to examine whether the Limpstead Road viability assessment considered by the Council was or was not correct. However, 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 further highlights the difficulties around the accuracy of viability assessments. That said, the evidence does show 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

<sup>7</sup> Planning Practice Guidance Paragraph: 002 Reference ID: 10-002-20180724

<sup>8</sup> Appeal Decision Ref: APP/L5240/W/18/3196773

<sup>9</sup> Appeal Decision Ref: APP/L5240/W/17/3190889

<sup>10</sup> Council Ref: 12/01412/P

<sup>11</sup> Appellant company's Hearing Statement, paragraph 7.18



Council's figures to be true, it would seem that there have been consequences for the delivery of affordable housing in Croydon.

40. 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, but to address 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 amount

41. The main parties are in agreement that the maximum reasonable sum that the proposal could viably provide towards the provision of affordable housing is £154,778. On this basis, the Council accept that the appeal scheme accords with LP policies 3.10, 3.11 and 3.12. I agree. However, this does not change the proposal's conflict with CLP Policy SP2.5 given that the affordable housing contribution would roughly equate to 5.5%.
42. Even so, 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.
43. 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.
44. I note that the proposal would contribute less towards affordable housing than the Ormesby Court and Sanderstead Court<sup>12</sup> schemes, which yielded contributions of 10 and 11%, but these pre-date the CLP. Several appeal decisions<sup>13</sup> have also been referred to, but all of these schemes pre-date the revised Framework or the revised Guidance. In any event, the proposal is based on a site-specific viability assessment. I am mindful 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. There is, however, no dispute between the main parties, that the appeal scheme would be likely to be built even with the proposed affordable housing contribution.

Late stage viability review mechanism

45. The s106 includes a late stage viability review mechanism so that the proposal achieves the maximum affordable housing contribution possible from this single-phase development. Support for such an approach is provided by the Guidance<sup>14</sup> and the Viability Tested Route set out in DLP Policy H6 E.

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<sup>12</sup> London Borough of Croydon Analysis of Ormesby Court and Sanderstead Court

<sup>13</sup> Refs: C2014/70740/FUL; APP/P5870/W/16/3159137; APP/P5870/W/16/3159137 and APP/N4720/A/14/2227584

<sup>14</sup> Planning Practice Guidance, Paragraph: 009 Reference ID: 10-009-20180724

46. The s106 would ensure that no more than 90% (31 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. However, I agree with the parties' that this 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 subject of a cap which would equate to an affordable housing contribution of 50% and of the mix set out by CLP Policy SP2.4. Although 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*

47. Notwithstanding this, the Council consider that the proposal would not support the creation of a mixed and balanced community as the proposed apartments would only serve a narrow section of the community, and thus not for those on low incomes. This point has merit, as the proposal would only go so far in tackling the identified need and delivering a better housing choice. Balanced against this is the important contribution that the appeal scheme would make towards the provision of older persons housing, and its contribution towards affordable housing in Croydon, albeit not at the minimum level set.

*Conclusion on this issue*

48. There is a need for affordable housing in Croydon. Even though the proposed development would accord with elements of CLP Policy SP2, the proposal would not make appropriate provision for affordable housing in accordance with CLP Policies SP2.4 c) and SP2.5 c) which requires a minimum provision of affordable housing of 15%.
49. Nonetheless, 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, 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.
50. Having regard to the evidence before me, the appeal scheme 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*

51. It is common ground between the main parties that the s106 would address 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. DLP Policy CG1 also provides support, albeit the weight this policy carries is limited, for the employment and training obligation.

52. 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. I conclude that the proposal satisfies the three tests in CIL Regulation 122(2) and Framework paragraph 56. Furthermore, I consider that these contributions would not be for infrastructure and thus no pooling would occur in line with the CIL.

*Other considerations*

53. The appellant company has made their case that there are benefits associated with the proposal which are relevant considerations to be taken into account. I have had regard to the Council's response set out in the SoCG, and for ease, I will consider these based on the approach taken by the main parties that follows the economic, social and environmental objectives of sustainable development set out in Framework paragraph 8.
54. In terms of the economic role, I consider that significant weight should be given to the scheme's role in revitalising the housing market through the release of under occupied family housing. In my opinion, the scheme's contribution towards job creation and providing local employment and training opportunities carry moderate weight given that these skills could potentially be re-used elsewhere. I do not share the Council's view that increased spending by future occupants should carry limited weight especially as there would also be benefits linked to the development's construction. I attach moderate weight to increased spending. The New Homes Bonus and CIL contributions that the appeal scheme would make carry limited weight.
55. The appeal scheme attracts a significant dis-benefit associated with achieving a well-designed built environment. This transcends the social and environmental roles. Specifically, in relation to the social role, the site's accessible location near to local facilities and services carries limited positive weight. There would also be a significant collective benefit of the proposal in that it would allow people to remain part of the community whilst meeting current and future housing need. This is important due to the need for specialist older persons housing within Croydon, and within London, and a substantial annual under-delivery when set against the annual LP and DLP benchmarks. The need for this type of accommodation is also said to be growing. The Council is correct that the proposal would not fully achieve the aim of a mixed and balanced community as the proposed accommodation would be private and not cater for every Londoner. I note the Chislehurst decision<sup>15</sup>, but the effect does reduce the scheme's social benefits. In the round the provision of specialist accommodation carries substantial weight.
56. In terms of the environmental role, I attach moderate weight to the efficient and effective use of the site; the scheme's energy and water efficient design; and its financial contribution to carbon offsetting. The scheme's effect on highway safety and the provision of off-street car parking carry neutral weight. I agree with the Council that a neutral weight should be attached to the scheme's effect on the CA. Limited weight can be given in favour of the proposal to its contribution to helping improve biodiversity.

**Conclusion**

57. S38(6) of the Planning and Compulsory Purchase Act 2004 states that

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<sup>15</sup> 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 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.

58. I am also mindful of the Woodcote Valley Road scheme, this nor my findings on affordable housing would not change the significant harm that the proposal would cause to the character and appearance of the area. As set out in Framework paragraph 12 where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. While there are social, economic and environmental benefits linked with the proposal, these do not lead me to a conclusion that they outweigh the conflict with the development plan in this case.

59. For these reasons, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR

