



Appeal Decision

Hearing Held on 26 and 27 January 2021

Site visit made on 28 January 2021

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/E5330/W/20/3250670

260 Eltham High Street, Eltham, London SE9 1AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Iain Bell (Quanta Homes) against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 19/4200/F, dated 10 December 2019, was refused by notice dated 7 April 2020.
 - The development proposed is described in the application form as "demolition of existing commercial buildings and erection of 4 buildings to provide 4,000 sq.ft. of commercial floor space and 70 residential apartments, landscaping, car parking and associated development".
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by the Royal Borough of Greenwich Council against Quanta Homes. This application is the subject of a separate decision.

Preliminary matters

Revised plans and information

3. The planning application was amended during the course of its determination, including a reduction in the number of proposed residential units from seventy (as originally proposed) to sixty seven. Notwithstanding the description used in the banner heading above, which is taken from the planning application form, I have considered the appeal on the basis of the 67 dwelling proposal, along with the further amendments/information described below.
4. Following the submission of the appeal, further amended plans and documents were submitted by the appellant. The revised drawings included amendments relating to the access road, play space, landscaping, relocation of balconies, elevation changes, heating and energy plant and internal space alterations. The further information and reports included day/sun light assessment, overheating analysis report, waste and recycling strategy, biodiversity and urban greening report, landscape strategy, transport addendum and updated design and access statement.

5. As well as previously providing the updated documentation to the Council in July 2020, the appellant subsequently wrote to relevant consultees on 27 November 2020 with information regarding the proposed changes, including a relevant website link to where the plans/documents could be viewed. I am satisfied that interested parties will have had the opportunity to take account of the additional material in making any written representations by the deadline of 24 December 2020 and in any oral representations made at the Hearing.
6. The proposed revisions/additional information do not substantially or fundamentally change the nature or form of the proposed development. Taking account of the above and having regard to the Wheatcroft Principles, I am satisfied that no party would be prejudiced by my acceptance of the amended plans as part of the appeal. Therefore, I have accepted all the amended plans and information as part of the appeal and have taken it into account in my decision.

London Plan

7. Shortly after the hearing, the Secretary of State wrote to the Mayor of London to confirm that he was content for the new London Plan to be published with no further changes. I subsequently invited further written comments from the appellant and the Council on any implications of this for the appeal. I have had regard to the responses received.
8. The London Plan 2021 was published on 1 March 2021. As the main parties have recently had the opportunity to refer to the policies of the emerging London Plan at the hearing and subsequently in writing, it has not been necessary to seek any further comments on the publication of the new plan. The New London Plan 2021 forms part of the development plan and I have taken it into account in this decision.

Planning obligations

9. A completed s106 agreement and unilateral undertaking were submitted following the appeal, these being generally based upon the draft versions considered at the hearing. I go on to consider these further later in my decision.

Main Issues

10. Following the submission of further details by the appellant, the Council has confirmed that it no longer wishes to pursue its fifth reason for refusal, relating to the proposed energy strategy and overheating, along with its seventh reason for refusal relating to affordable housing.
11. Taking account of the Council's outstanding reasons for refusal, the main issues are therefore:
 - i) The effect upon the character and appearance of the area, including the effect upon non-designated heritage assets at 2 & 4 Southend Crescent;
 - ii) The effect upon the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and daylight;
 - iii) Whether the proposal would provide for an appropriate living environment for future residents;

- iv) Whether appropriate provision is made within the scheme for wheelchair users;
- v) Whether appropriate provision is made for waste/refuse with particular regard to internal site access and bulky waste storage; and
- vi) Whether the Council is able to demonstrate a five year housing land supply.

Reasons

Density

12. In spite of the distance to the nearest railway station, the site enjoys a good level of accessibility including good access to local bus services, shops, employment and other facilities. The main parties agreed at the hearing that the site has a PTAL 4 rating. In such a location, higher density of development and optimising site capacity are generally supported by Policies D2 and D3 of the London Plan 2021. Policy D3 requires that development must make the best use of land by following a design approach that optimises the capacity of sites, including design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. I have taken this into account in my determination of the proposed development.

Character and appearance (including non-designated heritage assets)

13. The site is located to the west of Eltham Town Centre. The surrounding development is of a generally mixed form and design. To the east and south east are located two and three storey detached and semi-detached residential properties fronting onto Southend Crescent. Woodcroft Close consists of townhouses and apartment buildings of two and three storeys in height with some additional accommodation within the pitched roofs. A smaller two storey residential building is located on the right hand side at the end of the cul-de-sac. The wider area comprises a mix of buildings of varying heights and designs including the two storey Woodcroft Club building, two/three storey dwellings, four storey apartment buildings and a higher seven storey residential building on the corner of Bexley Road and Southend Crescent.
14. The shape of the site and proximity to existing residential buildings represents a challenge in seeking to optimise development in this location whilst responding to the context of the existing townscape and achieving the aim of the development plan and the National Planning Policy Framework ('the Framework') to achieve good design and high quality buildings and places.
15. Parts of the four storey components of Blocks B, C, D would be located close together, resulting in a considerable massing and bulk of development in the rear half of the site. The intensive configuration of this group of proposed buildings and proximity to the site boundaries as described below would lead to significant adverse visual effects on the immediate surrounds of the site.
16. The open space adjacent to the end of Woodcroft Close has potential to create a space that links well with the general form of the adjacent townscape. The four storey part of Block B would sit adjacent to the tallest of the existing buildings on Woodcroft Close, its height being just less than the ridge height of the existing building. However, given the proximity between the two, the four storey form and massing of this part of the building, in contrast with the pitched roofed design of the immediately adjacent building would result in an

- uncomfortable and discordant visual relationship between the two buildings. It would therefore appear as an unacceptably incongruous addition at the edge of the site.
17. Block D is of part four and part three storeys. This building would sit adjacent to the existing modest two storey building at the end of Woodcroft Close, with very little separation. As a result, the height, scale and massing of Block D in this location would result in an incoherent relationship between the two buildings, with the proposed building appearing as unacceptably dominant and incongruous in views from Woodcroft Close. Whilst the existing two storey building is much lower and of lesser massing than other existing buildings in Woodcroft Close, this does not provide justification for such a poor visual relationship between the two buildings.
 18. I have taken into consideration the articulation of the elevations of the respective proposed buildings. Whilst this provides for some visual interest within the elevations, it does not mitigate the harm identified above regarding the overall massing and dominance of the buildings and their relationship with existing development.
 19. Block C would be set back further into the site when viewed from Woodcroft Close. The four storey element would be particularly prominent when viewed from Woodcroft Close though its separation distance from existing buildings enables it to sit more comfortably in this context without being visually intrusive or dominant in views from Woodcroft Close. However, as set out below under 'neighbouring living conditions', the positioning, height and massing of this building results in separate concerns with regard to neighbouring amenity.
 20. The term 'mews development' is used as part of the appellant's justification for the intimate character and design of the proposal within a relatively narrow and inward looking nature of site. However, although the footprint of blocks B, C and D may reflect such a vision, the height and massing of these buildings would be considerably beyond what might ordinarily be considered as a mews development. One of the results of this, for the reasons set out above, is that the proposed development has not had satisfactory regard to the surrounding urban context of the site leading to substantial harm to the character and appearance of the area, particularly in the context of Woodcroft Close, from which it would be clearly visible.
 21. Whilst the appellant has sought to utilise the sloping nature of the site and surrounding development is of a mixed form, layout and design, these factors do not provide overriding justification for the harm I found would result from the proposal before me.
 22. The proposal retains the frontages of 2 & 4 Southend Crescent. These form part of a group of locally listed buildings comprising 2-14 Southend Crescent. These non-designated heritage assets differ in individual design features, have undergone some alteration and, to varying degrees, appear in need of some restoration, but they form a pleasing group of modest two storey buildings along this frontage.
 23. The three storey part of Block A would be set back from the front building line of the retained buildings. This would provide for some relief from the height difference between the retained building and new three storey part of Block A.

The three storey height and massing would be similar to other three storey buildings on the opposite side of Eltham High Street. Furthermore, the three storey addition, whilst stepping up the height from the existing two storey row, would provide an appropriately composed bookend development at the corner with the vehicular access to the site.

24. Whilst the difference in height would be visible in the approaches along Eltham High Street and from Westmont Road, this would not be so great so as to result in the three storey element appearing as either incongruous or incompatible with the adjacent locally listed buildings. The elevation design of the new building would differ from that of the existing buildings including larger windows and the inclusion of balconies. Nevertheless, the elevation features of the existing buildings vary across the group as a whole. The proposal, of a contemporary appearance, would increase and indeed, go beyond, the existing level of variation. However, this would not be to such a degree to result in any significant harm to either the setting of the locally listed buildings or the streetscene in general.
25. The proposal would retain and restore the frontage of Nos. 2 & 4. In principle and subject to the need for the final approval of details, no significant harm would arise from its partial demolition and the retention of the front elevation. There is no evidence that the proposed access section would detrimentally interfere with the layout and walls of the non-designated building to such a degree that would impact to any great extent on its overall significance. Given its set back from the front of the building, the impact on the setting and significance of the locally listed buildings would be limited.
26. I therefore find that the harm resulting upon the significance of the locally listed buildings would be limited. Notwithstanding the other impacts I have found to result set out above, this limited harm to the significance of the non-designated heritage asset in itself would be outweighed by the overall benefits of the proposed development.
27. However, overall I have found that harm would result upon the character and appearance of the area. Whilst the harm would primarily arise in views from Woodcroft Close, it would be significant. The proposal would not provide for good quality design and the harm resulting would be contrary to the relevant design aims of Policies DH1, DH3 and DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 ('the Core Strategy') and Policies D3, D4 and D6 of the new London Plan.

Neighbouring living conditions

28. Block C of the proposal would broadly run parallel with the rear boundaries of the existing residential properties on Southend Crescent. The highest part of Block C, comprising four storeys, would be adjacent to the rear boundaries of Nos. 32, 34 and 36 Southend Crescent. These properties have fairly short rear gardens, which makes them particularly sensitive to impacts from adjacent development. Although Block C would be divided into sections, ranging from two to four storeys, the four storey element would be of a considerable height, width and massing. Whilst the proposed building would be set at a slightly lower level than the adjacent residential properties, taking account of the limited separation distance to the boundary, the height, width and massing of this four storey element would appear as unacceptably overbearing, dominant and oppressive in the outlook from the rear gardens and ground floor rear

windows of the these neighbouring residential properties. This would amount to an unneighbourly sense of enclosure. The opportunities for retention of existing trees in this part of the site appears to be limited and whilst there would be an opportunity for new planting adjacent to the boundary, this would be part of the proposed outdoor amenity areas, and is unlikely to be able to be so significant to mitigate to any significant degree against the unacceptable relationship between the existing and proposed buildings.

29. Furthermore, the four storey element of Block D would also be close to the corner of the rear garden of 36 Southend Crescent. Again, taking account of the limited distance to the boundary between the respective properties, the height and massing of this building would add to oppressive and overbearing impact in the outlook that would be experienced by the occupiers of this neighbouring property.
30. An updated Daylight and Sunlight Report (July 2020) was submitted by the appellant following the submission of the appeal. Whilst it concludes that around 95% of neighbouring rooms considered will experience negligible or minor adverse daylight effects, there are some windows that would experience a greater adverse effect. One such property that would experience significant daylight effects is 32 Southend Crescent, including harm to the daylight that would be received by ground floor living room windows. Further significant effects would result upon the ground floor living room windows of 36 Southend Crescent. Bedroom windows would also experience a significant loss of daylight, though I give lesser weight to such impacts on bedrooms given the use of the respective rooms. Although these properties have other windows that are less affected, harm would still result in terms of loss of daylight to principal habitable rooms.
31. At 6 Southend Crescent reductions in daylight would result upon a ground and first floor window, due to the positioning and height of the proposed Block A. A further window, that faces part of the proposed Block A, exists at this property and does not appear to have been tested and there is no certainty as to what room it serves. Overall a moderate adverse effect is likely to result in terms of the daylight impacts upon the occupiers of 6 Southend Crescent.
32. The unacceptably overbearing and oppressive impact on the rear gardens and ground floor rear windows of Nos. 32, 34 and 36 Southend Crescent would lead overall to unacceptable effects upon the living conditions of the occupiers of these residential properties. Further harmful impacts would result from harmful daylight effects upon Nos. 6, 32 and 36 Southend Crescent. I have taken account of the location of the site near to the town centre and the need to apply flexibility in interpreting standards, but do not consider that this justifies such a reduction in levels of amenity expected by existing residents as would occur in this case.
33. Whilst there are numerous other properties that would not be unacceptably affected, this does not alleviate the unacceptable harm that would result upon the particular residential properties as identified above. I have given significant weight to this harm which would be contrary to Policy DH(b) of the Core Strategy and Policy D6 of the New London Plan 2021.

Living environment for future residents

34. Blocks B and C would be separated by the shared surface access road with narrow strips of landscaping and pedestrian accessways to the proposed buildings on either side. The respective buildings would be close together and their proximity would result in some considerable intimacy between opposing residential apartments.
35. Twenty of the proposed sixty-seven units would be single aspect, the main living/kitchen/dining room windows of four of these units would fall below the recommended daylight standard (taking into consideration the proposed balconies).
36. Unit 26 is a single aspect flat at ground floor level within Block C. Its main kitchen/living/dining room would suffer from significantly sub-standard daylight and its outlook would be detrimentally restricted due to the proximity, height and overall massing of Block B immediately opposite. Whilst the daylight results would be significantly better with balconies discounted this would not reflect the actual situation experienced by future occupiers. Furthermore, the limited distance to windows of the opposing block would lead to a poor level of privacy, even with the staggering of habitable room windows.
37. The opposite single aspect unit 9 within Block B would suffer from a similarly constrained living environment with regard to outlook, privacy and amenity. The inset and projected facades to these units are not so significant to alleviate these concerns. Whilst the single aspect units are not north facing, the issues concerning outlook, daylight and privacy means that they would not represent the design of single aspect units that the Mayors Housing SPG might find to be acceptable. Whilst units 15 and 26 are also single aspect units that would have limited levels of daylight, their position at first floor level would mean that their general living environment would be less constrained.
38. The appellant refers to recent development at Grove Plan, Eltham. However from my observations of that development, whilst the buildings are higher, there would be a considerably greater separation distance between the opposing buildings which provides for a considerably better outlook, level of daylight and privacy than for the units referred to above.
39. Whilst optimisation of the development of the site is a key aim, this needs to be balanced against the need for good design and the provision of appropriate living conditions for future residents, taking account of the need to provide high quality design. Many of the proposed units do provide for such appropriate living conditions. However, the instances where this is not the case weighs against the benefits of the development.
40. The outdoor community amenity area proposed between the rear of Block C and the adjacent site boundary would be constrained by its narrowness and oppressive location between the proposed building of three/four storeys in height and to the site boundary. The space to the north of Block C is small and, being adjacent to a proposed refuse store, would be unlikely to be an attractive space. The space to the rear of Block D would not be well sited in terms of accessibility from the remainder of the development. There is potential for additional space in place of three disabled parking spaces, but the long term retention of this could not be guaranteed. The proposed shared surface would provide some limited value as outdoor space, but given its constrained nature

and use by vehicles, including servicing and deliveries, it would have limited value. Overall, due to the constraints outlined above the provision of communal space would generally be of limited amenity value for the occupiers of the development.

41. In the appellant's latest drawings, it is proposed that an outdoor children's play space area could be provided in two parts, to the north of Block D and to the east of Block C. The quantum of playspace would meet the policy requirements and further details of the actual detailed provision, including any off-site provision for older children, could be secured by condition and, as necessary, planning obligation. Therefore, the provision of childrens playspace would be acceptable on this basis.
42. However, I conclude overall that the proposal would not provide an acceptable living environment for future residents. Taking account of the limited number of units that would experience unacceptable living conditions out of the total proposed, along with the constraints of the site, I consider the overall harm would be moderate in this regard. This would be contrary to the residential design and amenity aims of Policies H5 and DH1 of the Local Plan, Policy D6 of the London Plan 2021 and the Mayor's Housing SPG 2016.

Provision for wheelchair users

43. By the time of the hearing following amendments made to the scheme, the main point of disagreement on this issue centred on whether or not there would be compliance with the Building Regulations 2010 M4(3) requirements (wheelchair user dwellings) with which 10% of the proposed units would need to accord.
44. In the units where the Council has outstanding concerns, the Appellant has sought to demonstrate that there is flexibility within the floor layouts and areas for appropriate storage space to be provided. A suggested condition has been agreed by the main parties requiring full details of the seven proposed wheelchair accessible dwellings to be agreed by the Council. Whilst the Council has some remaining concerns regarding the capability of the proposed units to achieve the required standards, from the details and evidence provided there appears to be reasonable scope for such alterations to be made.
45. On this basis the proposed development would make satisfactory provision for wheelchair accessible and adaptable dwellings for the prospective occupants of the development. In this regard it would accord with the relevant accessibility provisions of Policies H5 and DH1 of the Core Strategy and Policies D6 and D7 of the London Plan 2021.

Waste and refuse provision

46. Following the receipt of amended drawings, the disagreement between the main parties relates to whether there would be sufficient storage provision for bulky waste and whether appropriate manoeuvring space would be provided for refuse vehicles.
47. The Council does not object in principle to the use of private waste collection. However, its concern relates to a possible future scenario where waste collection may revert to the Council utilising larger refuse vehicles than private collection services. A drawing with the agreed relevant refuse vehicle size was provided after the hearing. Based on this drawing, the manoeuvring space

within the scheme would be tight, particularly between Blocks B and C and adjacent to the disabled parking spaces. However, the tracking details do show that a refuse vehicle can gain access and egress after turning. Given the limited number of movements expected in this respect, the tightness of the vehicle tracking would not be likely to result in any significant amenity or safety issues.

48. Greater than the minimum required area for bulky waste (10 sqms) has been provided. The Council's guidance notes for the storage and collection of waste and recycling materials states that the storage should be large enough to contain a selection of typical household bulky waste such as furniture, cookers, electrical equipment and refrigeration/freezers. Although the Council raises concern at the width of this area, at 1.9m it would appear to provide a suitable area for most bulky waste storage arising from a residential development. I therefore find no significant harm in this respect.
49. The proposal would satisfactorily accord with the relevant refuse, waste and recycling provisions of Policy H5 of the Core Strategy and Policy D6 of the London Plan 2021.

Housing land supply

50. Following the publication of the London Plan 2021, the five year housing requirement is 14,826 which includes a 5% buffer. This amounts to 2,965 units per year. The Council considers it has a 5.5 year housing land supply and has provided its Annual Monitoring Report for the period 2018/19. Using the London Plan 2021 housing requirement, the appellant considers that the Council can demonstrate a 3.58 (its 'strict approach') to a 4.46 year supply (its 'benevolent approach'). Further to the recent adoption of the London Plan 2021 I have based my considerations on the housing requirement stated within it.
51. The Council has drawn my attention to two appeal decisions¹ made in June 2020 where the Secretary of State found that the Council could demonstrate a five year supply of housing. I have considered these decisions although note that they have been made some six months prior to this hearing (in which time circumstances regarding delivery of some sites may have changed) and that my consideration of the current appeal needs to take account of the evidence before me including with regard to the deliverability of sites.
52. The appellant has submitted 'The Role of Land Pipelines in the UK Housebuilding Process September 2017' which finds that the time for the completion of developments of 20 homes or more has increased to an average of four years from grant of detailed planning permission to site completion. This document does not appear to have been the subject of public consultation or significant scrutiny which limits the weight I have ascribed to it.
53. A key disagreement between the main parties centres on whether the Council is able to demonstrate a deliverable five year housing land supply, taking account of the definition of deliverable in Annex 2 of the Framework and the Planning Practice Guidance (PPG). Sites should be achievable with a realistic prospect that housing will be delivered within 5 years. The PPG states that robust and up to date evidence needs to be available to support planning decisions. Sites with outline planning permission, permission in principle,

¹ APP/E5330/W/19/3233519 and APP/G6100/W/19/3233585 ('the VIP site')

allocations in the development plan and sites on the brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.

54. The Appellant has challenged in detail the deliverability for what it has chosen as a sample of ten sites, arguing that the necessary clear evidence has not been provided to demonstrate deliverability within 5 years.
55. Starting with the **Greenwich Peninsular** site (1476 units), I note that the Inspector's report for the VIP site accepted, on balance, that 1000 dwellings could be counted from this site towards the 5 year supply. However, some time has elapsed since that analysis and the PPG says that up to date evidence is needed to support planning decisions. There has been a resolution to grant permission for a hybrid application including detailed permission for 476 units on two plots. Progress has been made towards the future discharge of conditions with a Planning Performance Agreement (PPA) in place. The site is also a strategic site where there clearly is a focus on the delivery of new housing without any major impediment other than through delays to the overall programme. There is lacking, however, as part of this appeal more detailed evidence regarding progress being made on reserved matters applications or the expected delivery rates. Taking account of the VIP site decision and the progress that has been made on this major development site, I am not persuaded that this site would realistically deliver no dwellings within the relevant period as argued by the appellant, but given the limited evidence before me, lack of detail on programming and the need for completion of such matters as s106 agreements and the discharge of conditions there is considerable doubt in my mind as to whether all of the 1476 units would realistically be able to be delivered on this site as suggested by the Council. I consider that the most dwellings that could realistically be delivered within the five year period are the 476 dwellings the subject of the resolution to grant detailed permission and at best approximately half of the remaining 1000 dwellings identified. Therefore, for the purposes of this appeal 500 dwellings should be subtracted from the overall figure of deliverable dwellings.
56. At **West Thamesmead Gateway** (450 units) it appears that site development has been delayed behind the previously intended programme although it is proposed that the affordable housing on the site is to be brought forward which is expected to be delivered more quickly than private market housing. The viability study for the site expects there to be 33 months from start on site to the first completions, although I consider this to be a general guide rather than being definitive. The s106 agreement is yet to be completed following the resolution to grant permission along with the discharge of pre-commencement conditions. There is no programme before me of an indicative timetable for site delivery. Given these concerns and lack of overall evidence before me, I consider it reasonable to estimate that approximately half of the identified dwellings would be realistically capable of being delivered.
57. At **Mecca Bingo** (100 units), whilst the Council states that the landowner is looking at bringing the scheme forward soon and the site is allocated, a planning application is yet to be submitted and there is no clear evidence before me of the realistic delivery of any of the units within the relevant period.
58. At **London South East College** (50 units) a planning application is yet to be submitted and although an application is imminently expected by the Council,

- no trajectory or programme of development has been supplied and there is no detail of any PPA. Therefore, there is no clear evidence that the 50 dwelling figure is realistically achievable.
59. At **Broadwater Dock** (200 units) there is yet to be a planning application and there is no indication of when one is likely to be submitted. Whilst, affordable housing provision on the sites such as this could be delivered at a quicker rate, from the evidence before me there does not appear to be a realistic prospect of delivery within the relevant period.
60. At **Former Thomas Tallis School** (200 units) the Council states that there is a resolution to grant planning permission for 117 units, but no evidence has been provided on a timescale for the completion of s106 agreement of discharge of conditions. Contamination remedial works have begun on site that are expected to take three months. Again it is not clear that there would be realistic prospect of these units being delivered in time.
61. At **The Huntsman** (130 units) pre-application discussions appear to be at an advanced stage though an application is yet to be submitted. Though a previous appeal decision was dismissed due to concerns regarding the viability assessment there is nothing to suggest that a policy compliant scheme cannot still be progressed. However, the evidence is also not clear on this site in respect of the opportunity for the realistic completion of units.
62. For **Orangery Lane** (100 units) a planning application has been submitted for 40 units with construction expected to start in Spring 2021. At best there appears there may be a realistic likelihood of these 40 units being delivered, but not the remaining 60.
63. At **Spray Street** (100 units) a planning application has been submitted in December 2020 for 801 units. A PPA is in place. Compulsory Purchase Powers have also been approved. However, the application details state that construction is anticipated to start in January 2023 with construction of the first block to start in January 2024. On this evidence, there is clearly concern that there is no realistic prospect of delivering these 100 units in time.
64. At **Mortgamit Square** (200 units) concerns have been raised by the GLA regarding the merits of the scheme. The scheme is being revised and whilst build to rent build out rates may be quicker but there is no clear evidence regarding realistic deliverability taking account of planned start and build-out rates.
65. The above considerations lead me to the conclusion that 1765 dwellings should be discounted from the supply due to the lack of clear evidence through this appeal on their realistic delivery within the 5 year period.
66. No detailed evidence has been submitted by the appellant to justify why those additional 'planning pipeline' sites included in its strict approach should be discounted. Based on the assessment of the ten selected sites it is possible that some of these figures are overestimated taking account of the relevant guidance in the Framework and PPG. However, without further scrutiny of such sites, which has not taken place as part of this appeal, there can be no certainty to this.
67. I have also considered the appellant's argument regarding past under delivery. The most recent Housing Delivery Test 2020 (HDT) (published on 19 January

2021) found that the Council has delivered 90% of its housing needs over the last three years and exceeded its annual housing target in 2019/20. This suggests an improvement in recent years for housing delivery, though the three year average requires an action plan as a consequence of the HDT results.

68. My assessment is based on the evidence before me as part of this appeal. For sites such as the Greenwich Peninsular and West Thamesmead Gateway I have made the best estimate of realistic delivery based on the evidence. From my assessment, for the purposes of this appeal the most realistic position is that, due to the lack of clear evidence of deliverability, the Council has not demonstrated a five year housing land supply. Taking account of the above considerations and the available evidence, my estimation is that the supply would be likely to be 4.9 years. The tilted balance in paragraph 11(d) is therefore applicable on this basis.

Other matters

Planning obligations

69. A signed and dated s106 agreement and separate unilateral undertaking were submitted following the appeal, based upon the draft versions that were considered at the hearing.
70. The s106 agreement makes provision for not less than 35% of the residential units to be constructed and occupied as affordable housing. Further provision is made within the s106 for car club use, car free development, pedestrian works, a travel plan, participation and promotion of the Local Labour and Business Scheme, the Considerate Constructors Scheme, energy and sustainability measures including possible Qualifying Heat Network connection, employment space strategy, waste collection scheme and childrens playspace.
71. The s106 agreement also provides for several financial contributions towards cycle training, Local Labour and Business Scheme, car club, bus infrastructure, carbon off-setting, public realm, cycle facilities, parking enforcement and playspace (if not provided on site).
72. The Unilateral Undertaking is intended to secure the implementation of junction improvement works (to be approved by the Council and Transport for London) prior to the occupation of the development.
73. Where relevant and appropriate, I have taken into account the obligations in my assessment of benefits below (and the subsequent planning balance), but otherwise it has not been necessary to consider the detail of the obligations in any further detail due to my overall conclusion on the appeal.

Benefits

74. Some economic benefits (including employment and construction spending) would result from the construction of the scheme, albeit these would be on a short term basis. Some further economic benefits would result from the spending of the new households, demand for services within the local economy, council tax and new homes bonus. The new employment floor space is estimated to be able to accommodate up to 48 full time jobs, although the actual number will depend on the actual specific use of the B1 employment floor space. In any case this is likely to offer additional employment beyond the

existing use of the site. I have given moderate weight to the economic benefits that would be likely to result.

75. The scheme would provide sixty seven new dwellings. The London Plan 2021 recognises the need to increase the delivery of new housing and I have found for the purposes of this appeal that the Council's current housing land supply falls just short of five years. Although the shortfall I have identified is small, this emphasises the benefits of new housing provision within the Borough. This is also underlined by the latest Housing Delivery Test results. The scheme would also include provision for at least 35% of the proposed residential accommodation as affordable housing, thereby making an important contribution towards meeting the particular need for affordable housing. I have therefore given considerable weight to the benefits of the proposed new housing towards increasing the supply of housing and meeting needs within the Borough.
76. I have given modest weight to the support made towards achieving a balanced community given that this is a general planning policy requirement. There is no robust evidence submitted that the scheme would support family connections and so this carries only minimal weight.
77. The proposals would utilise and seek to make a more efficient use of brownfield land within the urban area. The Framework states that this should carry substantial weight. However, the benefits of replacing the existing buildings and use with a more intensive development are reduced due to the harm I have found to result from the design and layout of the scheme. The proposal would be in an accessible location, though this being a general policy requirement limits the weight it carries in favour of this scheme. Further limited weight would arise from public realm improvements and the creation of a new pedestrian access through the site. The general benefits from the new community amenity space and playspace would also be limited given the location of such space would mean that it is likely to be primarily used by the occupiers of the development and I have concerns regarding the quality of the proposed communal space. Some limited ecological benefits would be likely to result from the landscape and ecological enhancement measures.

Planning balance

78. The proposal would lead to considerable benefits, notably from the provision of market and affordable housing on an existing brownfield site seeking to make efficient use of land within the urban area. Moderate economic benefits along with other benefits would also result as described above.
79. Notwithstanding all the benefits, significant harm would result upon the character and appearance of the area. Significant harmful impacts also would result upon the living conditions of the occupiers of neighbouring residential properties. Moderate harm would arise from the concerns I have found with regard to the residential living environment for future residents. The development plan policies referred to by the Council in these respects are generally consistent with the Framework and I have given substantial weight to the conflict with them. In spite of the benefits including new housing provision, the proposal development would not accord with the development plan when considered as a whole.

80. The lack of a demonstrable five year supply of housing land for the purposes of this appeal means that the tilted balance in paragraph 11(d) of the Framework is applicable. In this case the application of policies in the Framework that protect area or assets of particular importance is not applicable. Therefore, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
81. The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. The proposal would fail to achieve these aims. Taking account of the small shortfall in five year housing land supply, the benefits of the scheme, including the provision of new market and affordable housing on a brownfield site within the urban area, along with other benefits outlined above, carry considerable weight in favour of the proposal. However, the harm resulting in this case leads me to the conclusion that the proposal would not amount to the creation of high quality buildings and places, or a good design, as sought by the Framework. The overall combined level of harm that would arise in terms of the character and appearance of the area, the living conditions of neighbouring residents and the residential living environment for future residents would cumulatively be highly significant. This leads me to the conclusion that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
82. Even if (based on the list of other 'pipeline' sites in the appellant's 'strict approach') the Council's housing land supply was further below my estimate of 4.9 years, in which scenario the shortfall and the consequent need for housing could be somewhat greater, this would not be to the extent that would alter my conclusion that the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

83. The proposed development would be contrary to the development plan and the other material considerations do not suggest that the decision should be taken otherwise than in accordance with the development plan. Consequently, despite the absence of a five year supply of housing land, permission should be refused.
84. Therefore, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Ashley Bowes of counsel	Cornerstone Barristers
Michael Calder	Phase 2 Planning
Jack Baron	DAP Architecture
Christopher Higenbottam	Tempietto Architects
Kevin Markey	Ardent Consultant Engineers
Stuart Gray	Delva Patman Redler
Paul Thompson	Solicitor

FOR THE LOCAL PLANNING AUTHORITY

Tom Blackman	Principal Planning Officer
Lauren Brown	Planning Policy Officer
Samantha Moreira	Senior Principal Planning Officer
Liz Evans	Occupational Therapist

INTERESTED PARTIES

Councillor Greenwell	Ward Councillor
Laurence Baker	The Eltham Society
Emma Finch	Local resident
Nichola Cocklin	Local resident
Jonathon Morris	Local resident
Lee Thomas	Fairlight Group

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision APP/E5330/W/16/3145602 (The Huntsman Sports Club)
2. Appellant's letter dated 26 January 2021 with written agreement of the suggested pre-commencement conditions
3. Photograph submitted by Emma Finch of rear garden of No.10 Southend Crescent
4. Drawing showing window positions at the rear of 6 Southend Crescent

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Private refuse vehicle swept path analysis
2. Refuse vehicle swept path analysis
3. Email from the Council dated 29 January 2021
4. Two emails from the Appellant dated 29 January 2021
5. Homes and Communities Agency Employment Density Guide 3rd edition
6. Agreed list of planning conditions
7. Amended Community Infrastructure Levy Regulations 2010 Compliance Schedule
8. Signed and dated s106 agreement
9. Signed and dated Unilateral Undertaking
10. Email from the Council updating on progress of the New London Plan

11. Appellant's written submission dated 15th February 2021 regarding the New London Plan
12. Council's written submission dated 17th February 2021 regarding the New London Plan