
Appeal Decision

Inquiry held on 18 – 21, 25 October and 11 November 2022

Site visit made on 21 October 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/L5240/W/22/3297832

Land rear of 13 to 73 Stafford Road, Duppas Hill Road, Croydon CR0 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Conegate Limited against the London Borough of Croydon.
 - The application Ref 21/05865/FUL, is dated 23 November 2021.
 - The development proposed is the erection of buildings comprising 140 residential dwellings (Use Class C3) and 416m² (GIA) Community Hub (flexible Use Class F.1/F.2), ranging from two to five storeys together with associated accesses, car parking, cycle parking, hard and soft landscaping and associated infrastructure works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of buildings comprising 140 residential dwellings (Use Class C3) and 416m² (GIA) Community Hub (flexible Use Class F.1/F.2), ranging from two to five storeys together with associated accesses, car parking, cycle parking, hard and soft landscaping and associated infrastructure works at land rear of 13 to 73 Stafford Road, Duppas Hill Road, Croydon CR0 4BG, in accordance with the terms of the application Ref 21/05865/FUL, dated 23 November 2021, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. For the purposes of this appeal the relevant development plan comprises the 2021 London Plan and 2018 Croydon Local Plan (CLP). The National Planning Policy Framework (the Framework) and complementary Planning Practice Guidance (PPG) are material considerations of particular importance.
3. The appeal is against non-determination and so the Council had subsequently identified six putative refusal reasons, had it been in a position to make the decision. These were the proposal's non-compliance with the site allocation of the development plan (1), its harm to the character and appearance of the area (2), the inadequacy of measures to address flood risk (3), fire safety (4) and storage for refuse and cycling (5), and the absence of a legal agreement to mitigate the impacts of the scheme (6).
4. Further discussion had taken place between the parties following the appeal and prior to the Inquiry. This had led to the appellant providing additional information and making amendments to the scheme, on which basis the Council considered putative refusal reasons 2 - 5 were addressed, subject to conditions.

5. A draft of a legal agreement between the parties was submitted to the Inquiry which sought to address putative reason 6. It followed that the Council agreed that all mitigation matters were sufficient, apart from the amount of the financial contribution towards sustainable transport measures. To resolve this, the appellant replaced the draft bi-lateral agreement with a Unilateral Undertaking (UU), whereby the level of sustainable transport contribution would rest on this decision, based on written arguments from both parties. A copy of the executed UU dated 14 November 2022 was provided and the Inquiry was closed in writing on 21 November 2022. The obligations within the UU are addressed in detail later on in this decision.

Main Issue

6. The Council's first putative reason for refusal remains in dispute and relates to the principle of the proposed land use. The site is on part of a larger site allocated in the CLP for a secondary school and residential development. As the residential part of the allocation is fully committed, the further housing proposed would preclude the future provision of a secondary school and be in conflict with CLP Policy DM49 and London Plan Policy S3. The main issue in the appeal is whether the continued protection of the site for a secondary school use within both the current and emerging CLP remains appropriate to meet the education needs in this area.

Background

7. The proposal is within the suburb of Waddon, close to the metropolitan centre of Croydon, and the site lies adjacent to Duppas Hill Recreation Ground, a large area of public open space. The site abuts the A232 Duppas Hill Road, which is one of the principal highways through the Borough. Nearby is a concentration of mixed uses centred around Waddon train station/Five Ways. Major redevelopment is promoted here as part of the emerging Purley Way Masterplan.
8. Referred to as Heath Clark North, the appeal site amounts to some 1.9 hectares. It is part of a wider parcel of 3.2 hectares which originally comprised the playing fields of the former Heath Clark school. An approved scheme for 126 dwellings on the adjacent Heath Clark South site is commencing. The appeal proposal is of a similar residential character and comprises 2 to 5 storey blocks arranged along the site's three sides and enclosing a central area of communal open space. Vehicular access is from the south, via Old School Place, which serves the permitted housing and that built earlier on the site of the former Heath Clark school.
9. Heath Clark North and South comprise allocation 16 of the CLP, zoned through Policy DM49.2 for a secondary school and residential development of between 62-128 homes, with the consented scheme effectively taking up the latter. In addition to Policy DM49.2, London Plan Policy S3 requires Boroughs to prepare development plans informed by an assessment of education needs. Such a needs assessment had been carried out as part of producing the CLP.
10. On the basis of this needs assessment, the Examining Inspector had approved the allocation of four secondary school sites. Schools on the three publicly owned allocations have been provided, all soon after adoption of the CLP. Mainstream secondary schools have been delivered on site 116 (the Ark Blake Academy) and site 622 (the Coombe Wood School). Site 120 now

accommodates the Addington Vale Academy which provides for children with special education needs and disabilities (SEND). Site 16, containing the appeal site, is privately owned and the school allocation has yet to be progressed.

Reasons

11. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal should be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 of the Framework confirms the statutory status of the development plan as the starting point for decision-making. It is common ground that this proposal conflicts with the development plan in departing from the secondary school allocation applying to the appeal site.

12. In regard to material considerations, the appellant relies on paragraph 122 of the Framework, the full wording of which is set out below, where I have underlined the parts particularly relevant to this appeal.

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

13. Applying paragraph 122 requires firstly a finding over whether there is *no reasonable prospect of an application coming forward for the use allocated in a plan*. Should it be concluded that there is no such reasonable prospect, then secondly, *alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area*. Should the proposal gain the support of Framework paragraph 122, this becomes a material consideration to weigh in the section 38(6) balance.

14. To address Framework paragraph 122, the PPG gives four examples¹ of factors that may be relevant to whether there is a realistic prospect of an allocated site being developed for its intended use. The first factor is the length of time since the site was allocated. The CLP was adopted in February 2018, with the appellant referring to site 16 emerging into the public domain as a proposed allocation in 2015. It remains a fairly recent allocation but one that has not been the subject of the same early take up as sites 116, 120 and 662. Although the phasing for site 16 is indicated for the period 2021-26, the CLP runs to 2036. The Inspector's CLP Examination Report of January 2018 projected a post 2024 need for site 16.

15. In respect of the second PPG factor, the absence of any relevant planning history demonstrates the same lack of any moves to take up the secondary school allocation thus far. Regarding the third PPG factor, the appellant has

¹ Paragraph: 001 Reference ID: 66-001-20190722 Revision date: 22 07 2019

provided evidence that the site was actively marketed for its intended use as a secondary school, for a reasonable period and at a realistic price and this had not proved fruitful. The first three PPG factors are all indicative of there being no early interest in the take up of the school allocation. Much of the Inquiry evidence relates to the fourth PPG factor, as to whether any changes of circumstance mean that take-up of the site for its intended use is now unlikely. Some of the matters raised are interrelated but I deal with these under separate headings.

School capacity projections

16. The Council has a statutory duty under the Education Act to secure sufficient schools for primary and secondary education in its area, including making provision for increased opportunities for parental choice and for children with SEND. Meeting these duties requires forecasting the future demand for places, which for secondary schools is based on the division of the Borough into two pupil planning areas - north and south. The Council advises that these areas reflect reasonable travel distances and the duty to promote sustainable transport, for both physical and environmental wellbeing.
17. The evidence shows that, from the start of this year and some four years on from the adoption of the CLP, there is around 19% spare capacity spread amongst the Borough's state secondary schools. The Council's own forecasts show this to increase further from 5,238 places to 5,607 places by 2027/28. I broadly accept the appellant's case that the forecasts indicate a lack of need for an additional secondary school to provide extra capacity for at least the next 6 years, because the substantial spare capacity in the Borough's schools is projected by the Council to increase, not decrease.
18. I fully accept that an increasing degree of caution must be applied to longer term projections and that these form just one part of an evidence base over planning future school provision, which must be the subject of monitoring and review. Nevertheless, these forecasts point strongly to a lack of a short to medium term need for the remaining secondary school allocation on site 16.
19. The evidence also shows that over the last two years there has been an increase in the number of children attending independent schools in Croydon. Part of the Council's case for retaining the site 16 allocation is that the oncoming cost of living crisis might reverse this trend. It contends that state secondary school provision will need capacity to absorb any flight from the fee-paying education sector caused by the economic crisis. Whilst this is a reasonable concern, it is not substantiated by evidence from previous economic crises, such as the Covid epidemic. There is no evidence a significant shedding of pupils from independent schools would occur due to an economic recession or that this would likely erode the surplus in state secondary school capacity in Croydon.

Demographic change

20. For Croydon's secondary school capacity requirements beyond 2027/28, the appellant refers to the Office for National Statistics (ONS) projections for births, zero-aged children and 11-year-old residents in the Borough up to 2041. Whilst applying a level of caution to these projections, they fail to show any take up of the slack in secondary school place capacity after 2027. Rather, these indicate

the reverse and that spare capacity will most likely continue to increase, rather than decrease, up to the end of the CLP period.

Impact of school choice

21. The relatively good public transport connections in London mean that Croydon's pupil population has a good choice of accessible secondary schools in surrounding Boroughs. Similarly, Croydon's own schools can attract pupils from outside its area. The appellant's evidence shows there to have been an increasing net flow out of Croydon for secondary education in recent years. The appellant uses this information to demonstrate that housing development in Croydon has not led to a commensurate increase in the demand for secondary school places within the Borough. The Council makes the case for the site 16 allocation meeting a need to stem this net outflow and providing more secondary education in the southern area, within the Government recommended three miles school walking distance for pupils aged 8–16 years. However, arguments for the site 16 allocation being required to provide adequate school choice is not persuasive. This is in the context of an evidently good choice of accessible schools in the wider area and projected spare secondary capacity in Croydon.

Housing growth

22. The proposal is in an area where the CLP directs growth in homes, jobs and services for the period up to 2036. The site is close to Croydon Opportunity Area, which is planned to take approximately a third of the Borough's residential growth, and Waddon, where the Purley Way masterplan intends a significant amount of housing.
23. The school allocation is retained in the emerging CLP review and included in the draft Purley Way Masterplan. The Council acknowledges that, at its current stage, the CLP review holds limited weight but that its evidence base is relevant. The Council relies on this allocation having been found sound in the adopted CLP, as well as addressing the increased demand from the planned growth in the Croydon Opportunity Area and allocated sites in Waddon and Broad Green Places. However, beyond this, I found little detailed evidence from the Council supporting the need for the site 16 allocation to roll forward as part of the CLP review.
24. The Council's forecasts of future pupil numbers already factor in the impact of planned housing growth, applying the Greater London Authority (GLA) Population Yield Calculator. The appellant's own assessment of the child yield from new housing in Croydon, based on new postcodes, found much lower pupil numbers compared to the GLA calculator. This appears to reflect a high proportion of recent housing delivery being flatted accommodation, with a correspondingly low secondary school pupil yield. The Council refer to the CLP seeking to redress the balance in favour of bringing forward more family-sized units, which might still be as flats, and this supporting the secondary school allocation.
25. However, even if the GLA Population Yield Calculator over-estimates the secondary school demand from planned housing growth, the evidence is quite clear that there is sufficient spare school capacity to meet this. The effects on school capacity of planned housing growth in the later stages of the plan period might be more difficult to predict. The Council's case that this site might be

needed seems somewhat unsubstantiated and lacking in the underpinning evidence to demonstrate that planned housing growth requires that a secondary school allocation is retained on Heath Clark North.

Immigration

26. The effect of future levels of inward and outward migration within Croydon on the demand for school places is uncertain. The Council cites the current situation in the Ukraine, and the migrant influx associated with that particular crisis. The evidence is that in recent years long term international migration has been the main reason for the Borough's population growth. However, as the appellant has shown, this has been more than compensated for by out-migration from Croydon to elsewhere in the UK. Net migration in Croydon is not shown to be a factor having a particular bearing upon the requirement for maintaining this secondary school allocation, or the likely prospect of it being taken up.

Site suitability

27. Prior to approving 126 dwellings on Heath Clark South in May 2020, the Council had required a feasibility study for an 8 form of entry secondary school on the remaining 1.9 hectares at Heath Clark North. This study recognised some constraints to such provision, including compulsory purchase to provide vehicular access from Stafford Road.

28. The feasibility study referred to the Department for Education Building Bulletin (BB) 103, which provides area guidelines for mainstream schools. An assessment was predicated on the school utilising the adjacent Duppas Hill Recreation Ground playing fields. Various layout options were considered, involving a building of a maximum four storeys. The study found that a secondary school on Heath Clark North appeared feasible, noting a number of constraints that would need to be overcome.

29. The CLP refers to a minimum requirement of 1.1 hectares for a new secondary school. Harris Invictus and Ark Blake academies have recently been delivered on sites of around this size. The appellant's education witness had made a detailed assessment of the site against the BB 103 guidelines. He concluded the site to be physically capable of accommodating a secondary school's core functions, but only by fully stretching the minimum BB 103 guidelines.

30. With the maximum level of housing allocated for site 16 having been allowed, I consider that the roughly 1.9 hectares that remain significantly limits the offer Heath Clark North can make in contributing to Croydon's future secondary education needs. There would likely be a reliance on using part of the Duppas Hill Recreation Ground for school sports fields, and the CLP allocation makes no reference to this. Looking at the arguments, acknowledging some advantage of adjacency to the Recreation Ground, I consider the relatively small size of this appeal site constrains its role in meeting future secondary education needs. This factor would further diminish the likelihood of finding a school user for this allocation.

Alternative provision

31. Since the adoption of the CLP, St Andrew's High School closed as a mainstream secondary, with just a part now occupied by an independent SEND provider. The buildings are owned by the Diocese of Southwark and are some 365

metres east of the appeal site, to the other side of Duppas Hill Road. I agree that the closure of this school is indicative of a current surplus school capacity. However, should demand for places rise, a school here could serve broadly the same part of the Borough as that allocated on site 16. The St Andrew's site is quite small, but larger than the appeal site and the Council already owns the playing fields. There might be constraints in bringing forward a mainstream school here, including the terms of the lease to the current occupier. However, given that this site is already in educational use, which the Diocese wishes to maintain, such constraints seem to me to be significantly less than those involved in bringing forward a school at Heath Clark North.

Provision for SEND schooling

32. There is evidence over a rising need for SEND school places. This was not specifically addressed in the Inspector's report on the CLP and the site 16 allocation is simply for a secondary school. The Council makes a further case for this site potentially helping Croydon meet its SEND needs. However, I give credence to the appellant's case that SEND provision is very much a custom-led rather than speculative matter, with the Council having no clear plan of how the Heath Clark North might meet any such requirement. There is no compelling case made for the retention of this allocation to meet SEND education needs in Croydon. If the Council were required to make additional provision for SEND education, a more readily deliverable option might be to build upon the existing provision at the St Andrew's School site.

Future funding

33. The conclusions reached over projected spare capacity in secondary school places in Croydon has implications over occasions when this surplus falls below the 2% threshold needed for Basic Needs Funding. There are financial implications also over the Heath Clark North being privately owned, unlike the other three allocated sites. I accept that the allocation relates then to the site value, so assists in potential acquisition for a school. However, funding considerations generally do not appear to favour a school readily taking up this site.

Overall conclusions on likely take-up of the site for its intended use

34. I recognise that this relatively small site provides the only secondary school allocation in the Borough and is in the southern Pupil Planning Area where there is more marginal spare capacity and significant housing growth planned. The need to safeguard sufficient land for future community facilities in Croydon, in the face of high residential land values and a need to preserve open space and protect Green Belt and Metropolitan Open Land (MOL), is understood.

35. This Inquiry heard more detailed evidence over the education needs for this allocation, than any provided to the Inspector examining the CLP. The PPG factors all point to there not being a realistic prospect of this site being developed for its allocated use. On the balance of probabilities, having considered the evidence provided, I consider there to be no reasonable prospect of Heath Clark North coming forward for the secondary school use allocated in the CLP.

Meeting an unmet need for development in the area

36. With no reasonable prospect of the allocated secondary school use coming forward, paragraph 122(b) of the Framework requires that alternative uses on the land be supported, where contributing to meeting an unmet need for development in the area.
37. The CLP seeks to deliver a minimum target of 32,890 homes between 2016 and 2036. The Council is meeting the Housing Delivery Test and providing the minimum five-year housing land supply required by the Framework. However, this target of homes reflects practical constraints on supply, such as the Green Belt and MOL. There is an actual need for 42,930 new homes in Croydon by 2036 which the CLP does not seek to meet due to the limited supply of land. The 140 homes proposed in this scheme would thus meet an unmet housing need beyond that required under the CLP. This means that Framework 122(b) deems that, as an alternative use of land to that allocated, the housing proposed should be supported.
38. The Framework has to be read as a whole and requires strategic policies provide sufficient provision for community facilities such as education (paragraph 20), looking ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities (paragraph 22). Specific to the main issue of this appeal, Framework paragraph 95 refers to the importance of ensuring a sufficient choice of school places is available to meet the needs of existing and new communities. However, the evidence discussed above indicates that sufficient school provision and choice is not shown to depend on the site 16 allocation, even based on pupil number projections looking ahead to the end of the CLP period. Paragraph 95 requires a proactive, positive and collaborative approach to meeting such education needs, which might reasonably apply to the Council working with the Diocese to redevelop the former St Andrew's High School site, should at some point increased school capacity be required.
39. The evidence shows that the continued protection of the Heath Clark North site for a secondary school use within both the current and emerging Local Plan is not appropriate to meet the education needs in this area. In the context of the Framework read as a whole, paragraph 122 requires that the alternative residential use proposed at Heath Clark North be supported as this would contribute to meeting an unmet need for development in the area.

Section 106 agreement pertaining to Heath Clark South

40. In gaining permission for the housing on Heath Clark South, the owner covenanted with the Council not to jeopardise and to cooperate and actively facilitate the delivery of the school on the neighbouring site. I have had regard to that obligation. However, whether any party is in breach of this as a consequence of pursuing this particular proposal is in my view a legal matter between the parties involved. Making any finding on this obligation would be outside the remit of my decision.

Other Matters

41. Further matters of concern were raised by interested parties in representations made over the planning application and subsequent appeal. The Council has addressed these issues in its appeal statement of case. As later confirmed

through its statement of common ground with the appellant, the Council's earlier concerns, apart from the conflict with the secondary school allocation, had subsequently been addressed. Having reviewed the evidence, I have not come to any differing view to the Council over these other matters, which I deal with below.

Character and appearance

42. The scheme design provides variation and form of architectural detailing and a palette of materials considered appropriate in this location. The layout of buildings, of a contemporary rectilinear design, fits in well with the mixed-use character of the surrounding area and the new street scenes created would provide a visual uplift to the surroundings. The building heights range from 2-5 storeys and the arrangement of these provide a scale and massing appropriate for the site context. An overall density of 70 dwellings per hectare would make effective use of the site and be suitable in this urban context. The mix of public and private spaces works successfully by including a central garden bordered by buildings, as well as a northern landscaped buffer and eastern connections to Duppas Hill Park. In all, the design of the scheme is considered suitable for this site and would have a positive effect on the character and appearance of the area.

Transport and Highways

43. The proposed vehicular access to the site will be through Old School Place from the south, with just an emergency connection onto Duppas Hill Road. The location provides good accessibility to regularly required services and facilities and a large proportion of future occupiers' daily needs could be met through walking, cycling or public transport. The proposal has been shown not to have an unacceptable impact on the wider community in terms of parking stress, highway safety and road network capacity. Subject to sustainable transport measures to mitigate for the proposal's impacts, the proposal is considered suitable in regard to this issue.

Residential living conditions

44. The scheme design and arrangement of building heights is such that the proposal would preserve acceptable living conditions for neighbouring residential occupiers, in respect of outlook, privacy and daylight.
45. The proposal has been subject to noise assessment. Noise impacts during the construction period would be for a temporary period and can be mitigated through conditions. Otherwise, given that the proposal is predominantly residential and an alternative to an allocated secondary school, there are no grounds to find it incompatible with the surrounding uses with regard to likely noise and disturbance.
46. Concerns over crime, litter and the upkeep of communal areas are all matters that might be addressed through conditions.

Flood risk

47. The appeal site is in Flood Zone 1, indicative of a low risk. However, the land is at some risk from surface water flooding, with this being high in the north western corner. This part of the site provides a basin to attenuate surface water run-off, as part of a wider sustainable drainage strategy (SuDS). Berms

will also be introduced along the eastern boundary with Duppas Hill Recreation Ground to prevent flooding from this direction. The proposed SuDS strategy for the scheme was found appropriate by the Council and can be applied by condition, so there are no longer grounds to resist the proposal in relation to flood risk.

Planning obligations

48. The obligations in the appellant's UU cover nine matters. In summary, these are i) financial contributions towards air quality improvement, ii) carbon off-setting, iii) and sustainable transport, iv) restrictions on residential parking permits, v) a commitment to a local employment and training strategy, vi) the entering into section 278 agreements for the Duppas Hill Road/ Recreation Ground connections, vii) the delivery of affordable housing, viii) the provision of the scheme's community hub and ix) the payment of obligation monitoring fees.
49. I have considered the obligations made in the UU against the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations 2010. I have had regard to the cases² requested from each of the main parties over the costs and contributions relating to the new pedestrian/cycle crossings required in mitigation for the proposal. I agree that the contribution should be based on the measures proposed at Denning Avenue, which would be fairly and reasonably related in scale and kind to the proposal. Therefore, other than a Sustainable Transport Contribution of £169,000, that of £40,392 and the remaining obligations made in the UU all meet the required tests. I consider them to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

Planning balance

50. The proposal provides a number of benefits. It would help meet the increased housing targets brought about by the 2021 London Plan, including the good proportion of family-sized units and 50% affordable provision needed in Croydon. These benefits attract significant weight, as do the economic ones deriving from the scheme.
51. Set against these main benefits, there is the harm from the conflict with the development plan from the proposal precluding the secondary school allocated in the CLP and its emerging review. No further harm than this is found but, nevertheless, bringing forward balanced growth, with adequate provision for education infrastructure to support this is a fundamental purpose of the CLP.
52. However, the Framework is a material consideration of great weight. In the context of its aim to make effective use of land, paragraph 122 requires this appeal decision reflects changes in demand. I have found there to be no reasonable prospect of the appeal site coming forward for the secondary school use allocated in the CLP. This proposal would contribute to an unmet need for housing in this Borough and paragraph 122b of the Framework requires it should be supported. This is a material consideration of sufficient weight to indicate this appeal be decided otherwise than in accordance with the development plan.

² Letters and enclosures from ARUP and LB Croydon, both dated 10 November 2022,

Conditions and conclusion

53. The conditions prepared by the Council, with the reasons for these and policy justification, had been agreed with the appellant and were discussed at the Inquiry. I have considered these against the advice in the PPG on conditions and the tests set out in Framework paragraph 56. These are that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
54. I have adopted these conditions and reasons, having made some minor amendments. Subject to these conditions, and for the reasons explained, I conclude that the appeal should succeed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gwion Lewis of King's Counsel was instructed by Kieran Wheeler of Savills

He called on evidence from:

Jon Ackroyd, Ackroyd Lowrie Architects – scheme architect

Ben Hunter BA DipMS, Education Consultant for Education Facilities Management Ltd (EFM) - education

Kieran Wheeler BSc Dip TP MRTPI – planning policy/balance

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of Counsel was instructed by Ms Brooke Toon, Solicitor of Browne Jacobson

He called on evidence from:

Denise Bushay MA, JP - education

Julia Dawe BA(Hons) MRTPI – Team Leader (Plan Making) - planning policy

Natalie Rowland BSc MSc MRTPI - Principal Planning Officer - planning balance

INTERESTED PARTIES:

Councillor Ellily Ponnuthurai – ward member

INQUIRY DOCUMENTS (ID)

ID 1. Opening submissions for the appellant by Gwion Lewis KC

ID 2. Opening statement on behalf of the Council by Stephen Morgan

ID 3. Copies of paragraphs 28-33 of Secretary of State's decision and Inspector's recommendations 12.9 – 12.15 regarding appeal reference APP/P4605/W/18/3192918: Land at site of North Worcestershire Golf Club, Birmingham, B31 5LP, (further to Appendix B of Mr Hunter's rebuttal proof).

ID 4. Update to figures in Table 7.2 of Mr Wheeler's proof providing a comparison between Housing Requirement and Housing Need in Croydon

ID 5. Letter from Mr Hunter dated 24 October 2022, corroborated by Mrs Dawe from the Council, clarifying various points in his proof of evidence

ID 6. Closing submissions on behalf of the Council by Stephen Morgan

ID 7. Closing submissions for the appellant by Mr Lewis

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Existing Block Plan – Dwg 830-002 Rev P2
- Site Location Plan – Dwg 830-001 Rev P2
- Proposed Block Plan – Dwg 830-003 Rev P4
- Proposed Ground Floor Plan – Dwg 830-100 Rev P4
- Proposed First Floor Plan – Dwg 830-101 Rev P4
- Proposed Second Floor Plan – Dwg 830-102 Rev P4
- Proposed Third Floor Plan – Dwg 830-103 Rev P4
- Proposed Fourth Floor Plan – Dwg 830-104 Rev P4
- Proposed Roof Plan – Dwg 830-105 Rev P4
- Proposed Detail Plans – Apartments – Dwg 830-106 Rev P4
- Proposed Detail Plans – Accessible - Dwg 830-107 Rev P4
- Proposed Detail Plans – Houses – Dwg 830-108 Rev P3
- Proposed Elevations 1 – Dwg 830-110 Rev P4
- Proposed Elevations 2 – Dwg 830-111 Rev P4
- Proposed Terrace House Elevation Details – Dwg 830-113 Rev P1
- Proposed Sections – Dwg 830-120 Rev P4
- Proposed North Entrance Basin – Dwg 830-121 Rev P4
- Block A - North Elevation– Dwg 830-300
- Block A - South Elevation (1/2) – Dwg 830-301
- Block A - South Elevation (2/2) – Dwg 830-302
- Block D - North Elevation (1/2) – Dwg 830-303
- Block D - North Elevation (2/2) – Dwg 830-304
- Block D - South Elevation (1/2) – Dwg 830-305
- Block D - South Elevation (2/2) – Dwg 830-306
- Block E - East Elevation– Dwg 830-307
- Block E - South Elevation– Dwg 830-308
- Block E - West Elevation– Dwg 830-309
- Block F - East Elevation– Dwg 830-310
- Block F - West Elevation– Dwg 830-311
- Block G- North Elevation– Dwg 830-307
- Block G - East Elevation– Dwg 830-308
- Block G - West Elevation– Dwg 830-309
- Affordable Housing Layout – Dwg 830-020 Rev P4
- Affordable Housing Schedule
- Proposed NIA Schedule of Accommodations
- Proposed GIA & GEA Schedule
- Image: View 01 - South Entrance

- Image: View 02 - Park Side
- Image: View 03 - North Entrance
- Image: View 04 - Central Park 01
- Image: View 05 - Central Park 02
- Image: View 06 - Central Park 03
- Image: View 07 - Duppas Hill Recreation Ground
- Image: View 08 - Front Mural View
- Hardworks Plan 1/2 - Dwg 597-CTF-XX-GF-DR-L-40000-Rev P06
- Hardworks Planting Plan 2/2 - Dwg 597-CTF-XX-GF-DR-L-40000 Rev P06
- Site Sections - Dwg CTF-XX-00-DR-L-20001 Rev P7
- Roof Planting Plan 2/2 - Dwg 597-CTF-XX-RL-DR-L-50001 Rev P06
- Site Sections - Dwg CTF-XX-00-DR-L-20000 Rev P7
- Site Sections - Dwg CTF-00-DR-L-20002 Rev P7
- Site Sections - Dwg CTF-XX-00-DR-L-20003 P4
- Landscape General Arrangement - Dwg 552-CTF-XX-GF-DR-L-1000 Rev P10
- Planting Plan 1/2 - Dwg 597-CTF-XX-GF-DR-L-50000 Rev P07
- Planting Plan 2/2 - Dwg 597-CTF-XX-GF-DR-L-50000 Rev P07
- Planting Plan 1/2 - 597-CTF-XX-RL-DR-L-50001 Rev P06
- Sketch 01 - Overland flow paths 13/04/2022

Reason: For certainty.

Pre-commencement conditions

- 3) Prior to commencement of the development hereby permitted, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The CLP shall include:
- a) hours of construction
 - b) hours of deliveries;
 - c) proposed delivery routes
 - d) parking of vehicles associated with deliveries, site personnel, operatives and visitors inside the site;
 - e) facilities for the loading and unloading of plant and materials inside the site including details of holding/storage areas;
 - f) swept paths for manoeuvring and turning of large vehicles inside the site; to leave the site in forward gear
 - g) details of vehicular crossovers
 - h) the siting of any site huts and other temporary structures, including site hoardings;
 - i) details of the proposed security arrangements for the site;
 - j) details of the precautions to guard against the deposit of mud and substances on the public highway;
 - k) 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 Mayor of London's 'Control of Dust and Emissions During Construction and Demolition' Supplementary Planning Guidance (July 2014);

l) confirmation that All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

m) photographic survey of the pre-existing condition of the footway and carriageway around the site;

n) details of proposed utility connection coordination

All construction phases of the development shall thereafter be carried out in accordance with the approved CLP.

Reason: In order to ensure that the development does not prejudice the safety or free flow of pedestrian and vehicular traffic on the highway or cause undue inconvenience to other users, or adversely impact on the amenities of the occupiers of nearby properties as required by Policies SP8, DM29 and DM30 of the Croydon Local Plan (2018).

- 4) Prior to commencement of the development hereby permitted, a Phase 2 intrusive site investigation and risk assessment into the possibility of soil, water and gaseous contamination as recommended in the Phase 1 geo-Environmental Assessment (IDOM, November 2021) shall be submitted to and approved in writing by the local planning authority. If the site investigation indicates the presence of significant potential pollutant linkages, a strategy detailing the remedial measures required to render the site suitable for its intended use shall be carried out, in accordance with details that have the prior written approval of the local planning authority. A validation report detailing evidence of all remedial work carried out shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development hereby permitted. The developer shall notify the local planning authority of any on site contamination not initially identified by the site investigation, so that an officer of the Council may attend the site and agree any appropriate remedial action.

Reason: To ensure the safe development of potentially contaminated land. This condition is required to be pre-commencement to ensure that such details have been fully considered prior to the commencement of the scheme to ensure the development is carried out safely.

- 5) Prior to the commencement of development hereby permitted details of the existing Thames sewer level to confirm that the levels and gravity strategy presented is technical viable, or an alternative pumping strategy outlining the required maintenance and arrangements in the case of pump failure, to demonstrate management of surface water from the site at all times in the

event that a pumped connection to the sewer is required the following information shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: To ensure surface water runoff is managed safely and effectively to manage flood risk to / from the development.

- 6) Prior to the commencement of development hereby permitted full arboricultural details shall be submitted and approved by the local planning authority. These details shall include:
- a) a Tree and Arboricultural Method Statement detailing the construction and ground protection methods proposed to protect the full extent of the Root Protection Areas of trees onsite and adjacent to the site
 - b) confirmation of new utility service routes through the site.

The approved scheme shall be implemented on site prior to commencement and retained for the duration of the works.

Reason: To ensure that trees which contribute to visual amenity can be retained and are not damaged by the construction and associated works, in accordance with Policy G7 of the London Plan (2021) and Policy DM28 of the Croydon Local Plan (2018).

- 7) Prior to the commencement of development hereby permitted a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) measures to avoid or reduce impacts during construction (which may be provided as a set of method statements to include pollution prevention measures, sensitive lighting during demolition and construction period, nesting bird checks, and precautionary measures for reptiles, badger, hedgehog and foraging / commuting bats, alongside any other measures that may arise);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs;
 - i) containment, control and removal of any invasive non-native species present on site, replacement planting with native species should be detailed.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 8) Prior to the commencement of development hereby permitted a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) shall be submitted to and approved in writing by the local planning authority. No piling shall be undertaken other than in accordance with the piling method statement approved.

Reason: To safeguard nearby sewerage infrastructure.

- 9) No development including groundworks shall take place until a stage 1 written scheme of investigation (WSI) for archaeology has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1, a stage 2 WSI for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the local planning authority. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The planning application lies in an area of archaeological interest.
 - b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To safeguard the heritage of the borough by ensuring that any archaeological remains that may exist on site are not permanently destroyed.

- 10) Prior to the commencement of above ground works, a final layout plan confirming all Sustainable drainage systems (SuDS) dimensions including green/blue roofs and online storage with supporting hydraulic calculations, shall be submitted and approved by the local planning authority.

Reason: To ensure surface water runoff is managed safely and effectively to manage flood risk to / from the development.

- 11) Prior to the commencement of above ground works of the development hereby permitted, a full Fire Safety Statement (FSS) shall be submitted to and approved by the local planning authority. The FSS shall include:

- a) construction methods, products and materials used, including manufacturer details;
- b) means of escape for all building users, including suitably designed stair cores, escape for building users who are disabled or require step free access and associated evacuation strategy approach;
- c) features which reduce the risk to life, including fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;
- d) access for fire service personnel and equipment; including how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed and the ongoing maintenance and monitoring of these;
- e) details of a smoke free or equivalent environment specifically in respect of the evacuation lift waiting areas;
- f) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building;
- g) assurances that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The approved FSS shall be implemented prior to the first occupation of the development and thereafter maintained for the lifetime of the development.

Reason: To ensure that the proposal achieves the highest standards of fire safety in line with Policy D12 of the London Plan (2021).

- 12) Prior to the commencement of above ground works of the development hereby permitted a Biodiversity Enhancement Strategy (BES), shall be submitted to and approved by the local planning authority. This shall include:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The approved BES shall be implemented prior to occupation and shall be maintained.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

- 13) Prior to the commencement of above ground works of the development hereby permitted, full details of the following shall be submitted to and approved in writing by the local planning authority:

Elevational Treatment

Large scale drawings (at 1:5, 1:10, 1:20 and 1:50 as appropriate), (including sections, as appropriate) of the following elements:

- a) all typical external facade details (with sections as required) including all openings in external walls, brick panels, reveals, junctions between materials and roof parapets to include the community use elevations and residential lobbies;
- b) proposed elevations;
- c) external flues, vents and extracts (including mechanical ventilation systems) for the residential and community units;
- d) plant enclosures; v. ground-floor residential entrance lobbies including entrance door thresholds;
- e) any externally visible rainwater goods (which should be avoided where possible) and any other external equipment or fixtures;
- f) all external doors, gates and windows; window reveals to be a minimum depth of 225mm and reveal depths to be noted on drawings;
- g) all typical brickwork detailing, including bond, header courses and sills (where appropriate), reveals and junctions and parapets;
- h) proposed balcony and terrace designs
- i) external signage for the residential units.

Three dimensional drawings showing:

- a) the detailed design of the elevations including the materials, fenestration and external equipment and fixtures;

External Facing Materials

- a) Material specifications and samples including the following:
- b) brick and mortar samples - 1m x 1m squared sample panel - showing the mortar joint and colour;
- c) articulated brickwork - 1m x 1m panel to be viewed on site
- d) external metalwork including fenestration;
- e) all doors and gates to include undercroft parking shutter
- f) the proposed internal face materials for the recessed balconies, balustrading and soffits
- g) any other external materials to be used on the external elevations.

The development shall be carried out in accordance with the details thus approved.

Reason: To ensure that the appearance of the development is acceptable and contributes towards a high quality built environment.

- 14) Prior to the commencement of above ground works of the development hereby permitted, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the local planning authority.

Such details shall include:

- a) existing planting to be retained
- b) species, locations, planting density and size of proposed new planting including girth and clear stem dimensions of trees
- c) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing
- d) highway and pedestrian routes to include the alleyway along the western boundary and proposals for shared surfaces/raised tables around the central green
- e) details of junctions with areas of public realm including drainage
- f) all boundary treatments and gates within and around the development, including differentiation between front and rear boundary treatments of the housing and details of the front boundary treatment to the Ground Floor Unit in Block D. All front boundary treatments to be low level and visually permeable.
- g) details of child play areas including details of proposed play equipment
- h) details of communal amenity space including details of any fixed external furniture
- i) a maintenance/management plan for all aspects of the hard and soft landscaping, including the child play and communal amenity spaces
- j) plan and sectional details of all furniture, including seating, bollards, drinking fountains, bins, tree grilles etc

The landscaping works in relation to each building shall be provided in accordance with the approved details on site before the occupation of the relevant building or within such longer period or periods as the local planning authority may previously agree in writing. The approved items shall be completed on site by the end of the first planting season following completion of each building. All planting shall be permanently maintained from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed shall be replaced by planting of similar size and species to that originally provided within one planting season.

Reason: To ensure that the appearance of the development is acceptable, contributes towards a high quality built environment, and provides a sufficient quantum and quality of child play and communal amenity.

- 15) Prior to the commencement of above ground works of the development hereby permitted, full details of the following shall be submitted to and approved in writing by the local planning authority:

- a) refuse stores, including: the size and number of bins; locks to bin stores; and bulky waste stores

- b) cycle parking provision (comprising no less than 230 long stay and 8 short stay spaces), including the type of cycle stands
- c) parking spaces including blue badge spaces
- d) turning areas, visibility splays and pedestrian and vehicular sight lines
- e) active (20%) and passive (80%) electric vehicle charging points
- f) confirmation of the proposed signage on site (to include at the shared surface entrance/exit points)
- g) details of how emergency access and the exit of cyclists onto Duppas Hill Road will be controlled.

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

Reason: To ensure that an appropriate quantum of refuse storage, cycle parking, parking and highway matters are provided to an acceptable standard.

- 16) Prior to commencement of above ground works of the development hereby permitted, a lighting scheme including security lighting of the buildings, communal, public areas and pedestrian routes, shall be submitted for approval to the local planning authority. The submitted scheme shall be implemented in relation to each building and maintained for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of development is provided within the townscape and for the security and safety of residents.

- 17) Prior to the commencement of above ground works of the development hereby permitted, details of the public art strategy and proposals, including a timetable for delivery of the public art, artist briefs and procurement strategy shall be submitted to the local planning authority for approval and the approved proposals shall be installed on site in accordance with the approved timetable. The public art shall remain at the site and be maintained for the lifetime of the development.

Reason: To improve the visual amenity of the area.

- 18) Prior to the commencement of above ground works of the development hereby permitted, details of security measures shall be submitted and approved in writing by the local planning authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason: In order to promote safe and secure urban environments and avoid creating new opportunities for crime.

Prior to occupation conditions

- 19) Prior to the occupation of the community facilities hereby permitted, full details of the proposed opening hours for the community facilities shall be submitted to and approved in writing by the local planning authority and these shall thereafter be adhered to.

Reason: To safeguard the amenity of residents and the area generally.

- 20) Prior to the occupation of the development hereby permitted a Delivery and Service Management Plan (DSMP) shall be submitted to and approved in writing by the local planning authority. The DSMP shall specify the number and frequency of servicing trips, the location of identifiable passing places/loading bays and how their use will be managed on site. The approved DSMP shall be adhered to thereafter and be maintained for the lifetime of the development.

Reason: To prevent adverse impacts upon the transport network during the operational phase of the development.

- 21) Prior to the occupation of the development hereby permitted a Parking and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- a) the proposed parking for the community elements of the permission;
- b) how parking will managed and monitored across the site
- c) how unauthorised use of the spaces will be prevented (including the accessible spaces)
- d) how the accessible spaces will be repurposed into public realm rather than standard parking spaces if there is no demand.

The approved plan shall be adhered to thereafter and be maintained for the lifetime of the development.

Reason: To manage parking during the operational phase of the development.

- 22) Prior to the occupation of the development hereby permitted the CO2 emission reductions, in the form of a minimum of 56.8% and 41.7% for the residential and non-residential elements respectively, of CO2 savings beyond the calculated target baseline as outlined in the Energy Statement (Hodkinson, dated November 2021), shall have been carried out in full. Details, in the form of a Microgeneration Certification Scheme (MCS) certificate, or other verification process agreed with the local planning authority, shall be provided and approved in writing, confirming that the above measures have been met prior to the occupation of the development.

Reason: To ensure high standards of sustainable design and construction in new development.

- 23) Prior to the occupation of the development hereby permitted, a Low Emission Strategy (which shall include an Air Quality Assessment in relation to energy and NOx emissions produced in accordance with the council's toolkit) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved strategy. Reason: In order to demonstrate that the proposed development is at least 'air quality neutral and not lead to further deterioration of existing poor air quality.

- 24) Prior to the occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for Trees T2 and T46 and the Tree line on the Western Boundary shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 25) Prior to the occupation of the development hereby permitted, an Ecological Management Plan (EMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the EMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organization responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures;
 - i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
 - j) where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Compliance conditions

- 26) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Tyler Grange, October 2021)

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species)

- 27) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.

Reason: To ensure high standards of sustainable design and construction in new development.

- 28) The development hereby permitted shall ensure that any hot water boilers achieve or improve upon Class 6 of the Energy related Products Directive. For gas and LPG boilers this requires maximum NOx emissions of 56 mg/kWh.

Reason: To ensure high standards of sustainable design and construction in new development.

- 29) All of the residential units within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable', save for the 13 units as indicated on the Accommodation Schedule hereby approved which shall comply with either the optional requirement M4(3)(2)(a) 'wheelchair adaptable', or the optional requirement M4(3)(2)(b) 'wheelchair accessible'. Such provision shall be reasonably maintained for the lifetime of the development.

Reason: To ensure the adequate provision of accessible and adaptable dwellings and wheelchair adaptable and wheelchair accessible dwellings

- 30) The community facilities (the flexible space and the changing rooms/toilets) shall be constructed to meet BREEAM excellent standard. Certification of the BREEAM level achieved shall be submitted to and approved in writing by the local planning authority within three months of practical completion of the development, or within such timeframe as has previously been agreed in writing by the local planning authority.

Reason: To ensure that the relevant sustainability standards are met

- 31) The development shall be completed and subsequently maintained in accordance with the mitigation strategy detailed within the Overheating Assessment (Hodkinson, November 2021) for the lifetime of the development.

Reason: To ensure an acceptable standard of accommodation for future occupiers.

- 32) The development shall be completed and subsequently maintained in accordance with the Air Quality Assessment by ARUP (ref: 279266-00 draft 1) dated 17 November 2021) for the lifetime of the development.

Reason: To safeguard the amenity of residents and the area generally.

- 33) Unless previously agreed in writing by the local planning authority, upon practical completion and for so long as the development remains thereafter, it shall operate fully in accordance with the "Site Waste Management Plan" (IDOM dated November 2021) submitted with the application.

Reason: For the avoidance of doubt and in the interests of proper planning and to make sure waste is disposed of.

- 34) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the community facilities located in the north west and north east corner of the site shall only be used as flexible Class F1 / Class F2 and for no other use.

Reason: To safeguard the amenity of residents and the area generally

- 35) The development shall be completed and subsequently maintained in accordance with the Noise Assessment by Ardent Consulting Engineers (ref: 2104610-01) dated November 2021.

Reason: To safeguard the amenity of residents and the area generally.
