



Appeal Decision

Hearing held on 14 January 2026

Site visit made on 15 January 2026

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/L5240/W/25/3373162

The Glamorgan, 81 Cherry Orchard Road, Croydon CR0 6BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amar Dhatt, Butlers Walsall Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04106/FUL.
 - The development proposed is Demolition of existing public house building, construction of a new 7 storey building with roof terrace level and basement to re-provide a public house (Sui Generis) together with 19 flats with associated access, amenity space, and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the description of development was amended. I have therefore used the wording as provided on the Council's decision notice and the appellant's appeal form.
3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
4. On 23 October 2025, the Government published a Written Ministerial Statement (WMS) and a policy note titled Homes For London – A package of support for housebuilding in the capital (policy note). Both main parties have had the opportunity to comment on the WMS and policy note and I have considered the appeal on this basis.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, daylight and sunlight;

- the effect of the proposal on the living conditions of future occupiers, with particular regard to access to shared amenity space, outlook, noise and cycle parking;
- whether the proposal would make an appropriate affordable housing contribution;
- whether the proposal would provide satisfactory provision for servicing and storage of waste;
- whether the proposal would provide an adequate level of car parking for disabled persons;
- whether the proposal necessitates obligations including contributions towards carbon emission offsetting, air quality management, highway alterations, sustainable modes of transport and promotion, local employment and training strategy, and affordable housing and, if so, whether an appropriate mechanism to secure these has been secured.
- the effect of the proposal on air quality;
- whether the proposal can demonstrate compliance with the London Plan's energy hierarchy;
- the effect of the proposal on drainage;
- whether the proposal can demonstrate compliance with fire safety standards; and
- the effect of the proposal on protected species.

Reasons

Character and appearance

6. The appeal site is a vacant two storey public house in a very poor state of disrepair, positioned in front of a rear courtyard/beer garden area. It is located on a prominent corner plot at the junction of Cherry Orchard Road and Cross Road. To the east of the appeal site on Cherry Orchard Road, the area has a mixed residential and commercial character marked by two storey terraced properties with a range of restaurants, shops and services at ground floor level, often with residential properties on upper floors.
7. East Croydon Station is a short distance further to the south, and the site has excellent public transport access through its proximity to rail, bus and tram connections. Travelling towards the station from the appeal site on Cherry Orchard Road there is a marked change in character, and the street is defined by tall contemporary residential buildings, several of which are circa 20 storeys in height. These are set back from the public carriageway behind wide pavements and within landscaped plots. I understand this stretch of Cherry Orchard Road has undergone significant regeneration over recent years, and the new high-density residential towers, are reflective of their location within the Croydon Metropolitan Centre (CMC) and Croydon Opportunity Area (COA).
8. On the opposite side of Cross Road from the appeal site are a series of mid-rise residential buildings including the locally listed, five storey Georgian Court, and Yardmaster House which is circa six storeys in height, and a modern residential tower which is twelve storeys in height. In contrast, the side of Cross Road which the appeal site is located on has a much finer urban grain, characterised by modest two-storey Victorian terraced houses. This reflects the appeal site's position just outside the CMC and COA, and the clear differentiation in building

heights and urban grain on either side of the street makes Cross Road a clearly defined visual transition point.

9. The proposal's height would mediate from six full storeys at its tallest to a lower element of four storeys adjacent to the boundary with the terraced dwellings on Cross Road. Despite this mediation of heights across the appeal site, the proposal would appear excessively tall, when viewed in the context of the adjoining two storey buildings on both Cherry Orchard Road and Cross Road.
10. The proposal would represent a considerable increase in bulk and mass not only due to the stepping up of heights, but also through a greater site coverage than the existing building and the increased building heights at the site boundaries. As a result, there would be less of a gap between the proposal and the adjacent buildings on both Cross Road and Cherry Orchard Road. This would be at odds to the layout of the taller buildings on the opposite side of Cross Road and Cherry Orchard Road which are positioned within landscaped plots with space between their elevations and site boundaries and are often set back from the road.
11. The six storey element would have a communal roof terrace, plus a lift/stairwell overrun. The roof design involving balustrading and mesh enclosures, whilst adding notable bulk at roof level would create an abrupt end to the building. The roof form and geometry would do little to reflect the prevailing roof forms in the local area, and it would not integrate cohesively with the overall design of the building or surrounding context.
12. As a result of the appeal site's corner location it has two principal elevations onto Cherry Orchard Road and Cross Road. Across these, the fenestration pattern would be repetitive and lacking in depth or hierarchy. Internally, a stair core would be positioned adjacent to the Cherry Orchard Road elevation. Aside from a series of small windows at each storey, the core would present no architectural articulation on this façade. It would result in a pronounced visual interruption within the elevation and conveys the impression of an incomplete architectural composition. Overall, across the principal elevations, the limited presence or absence of changes in material variation, or architectural detailing would result in a flat and utilitarian appearance, offering limited visual interest.
13. The balconies located at the principal corner of the building would be inaccessible. While this is an uncommon design approach and may present future maintenance challenges, their curved design would nonetheless be a positive design feature within the elevations. A series of recessed balconies within the elevations would also be suitably detailed, providing some architectural interest.
14. The proposal incorporates an undercroft at ground-floor level to accommodate a public house amenity area. Although an undercroft is not a characteristic feature within the local street scene, its inclusion, when combined with the proposal's modest setback from the boundary with the Cross Road terraced housing, would provide an element of visual separation from the neighbouring terrace. Concerns were raised during the hearing about the potential for anti-social behaviour in the area surrounding the undercroft. However, I note that the Metropolitan Police Service raised no objection in this regard, and I have no substantive evidence before me to suggest there would be significant harm as a result of its inclusion.
15. During the hearing, the appellant explained that the design of the ground floor public house fenestration was informed by public consultation feedback and a

desire to retain certain characteristics of a traditional public house. Although the ground floor glazing would not be expansive, the unit would still maintain an active frontage. In my view, features such as appropriate lighting could help to emphasise the presence of the public house within the streetscene. Furthermore, while the elevations currently lack traditional public house signage, it seems to me that suitable signage could be secured through a future advertisement consent application.

16. The appeal site's corner location offers the opportunity for additional height. However, I consider that the proposal's bulk, mass and scale would be poorly related to the prevailing scale of development on this part of Cherry Orchard Road and Cross Road. Given my findings on its overall architectural composition I agree with the Council that it would create an incongruous form of development that fails to adequately reflect its location, contrasting abruptly with its surroundings and failing to successfully manage the transition between the higher density development to the south and its surroundings. In coming to this view, I have taken into account that from several viewpoints the proposal would be viewed against a backdrop of taller buildings which are within the CMC and COA.
17. For the above reasons, the proposal would have a harmful effect on the character and appearance of the local area. It would conflict with Policies D3 and D4 of the London Plan (2021) (LP) and Policy DM10 of the Croydon Local Plan (2018) (CLP). Taken together the policies require that proposals are well-designed and respond to local context.
18. The Council also alleges a conflict with Policy D6 of the LP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Living conditions of neighbouring occupiers

19. 4 Cross Road is a two storey dwelling which shares a boundary with the appeal site, which is currently marked by an approximately 1.8 metre brick wall. It has side facing windows directed towards the appeal site with minimal set back from the shared boundary. During the hearing, the occupier of 4 Cross Road, confirmed that two of the ground floor windows facing the appeal site serve a kitchen and dining room. Neither room has secondary windows.
20. The proposal would introduce four storeys of built form into an area where currently there is none. Whilst this part of the proposal would be set back from the shared boundary, the distance would not be significant. Consequently, views from the kitchen and dining room windows would look directly onto the proposal's side elevation with minimal separation distance. As a result, the proposal would have a looming presence over the neighbouring property. Its combined height, depth and proximity to the windows means that the proposal would be a harmfully dominant and oppressive feature for the neighbouring occupiers.
21. 6, 8 and 10 Cross Road appear to primarily have rear facing windows, rather than windows which look directly towards the appeal site. The proposal would be visible in views from windows within these properties. Whilst it would have a greater visual impact than the public house, as a result of the separation distance and orientation of the windows, the proposal would not be overly oppressive to the

extent that it would significantly harm the level of outlook for occupiers of these properties.

22. The submitted Daylight and Sunlight Report (DSR) relates to a previous larger, taller iteration of the proposal. It has been put to me that the reduction in height and bulk within the current proposal would reduce the impact on neighbours. Even if I were to accept this, the DSR does not include detailed results of the sunlight and daylight impacts on neighbouring properties. I therefore consider that insufficient information has been provided to determine whether or not the proposal would have a harmful effect on neighbouring residential occupiers in this regard.
23. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers of 4 Cross Road, with particular reference to outlook. In the absence of clear evidence, it cannot be established with certainty that the proposal would not be harmful in relation to the daylight and sunlight effects on the occupiers of neighbouring properties. Therefore, the proposal would conflict with Policy D6 of the LP and Policy DM10.6 of the CLP, insofar as they seek to protect the living conditions of occupiers of neighbouring properties.

Living conditions of future occupiers

24. Policy D6 of the LP requires that developments maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
25. Flats 3, 4, 8, 9, 13 and 14 would be located close to the shared boundary with 4 Cross Road. Each would have at least one room which would be served by a single window providing close proximity views towards the neighbouring property. In the absence of substantive evidence demonstrating how the privacy of the neighbouring occupiers of 4 Cross Road would be protected, it seems likely that some form of obscure glazing would be required within a number of these windows. As a result, the proposal would not provide dual aspect accommodation within the units outlined above, and therefore I find that these units would not provide a good standard of living conditions for future occupiers.
26. Policy T5 of the LP states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (the LCDS). The proposal would provide a sufficient quantum of secure residential cycle parking spaces within a basement level store. However, the Council indicate that the LCDS outlines that cyclists should not pass through more than two doors to reach storage facilities. The proposed floor plans confirm that future occupiers would be required to pass through at least four doors to access the storage.
27. There are additional concerns that some doors may be less than 1.2m in width, making them non-compliant for larger or adapted bikes. Regardless of the actual size of the doors, I find that the number of doors throughout the route would significantly constrain the manoeuvrability of bicycles and reduce the convenience of access. As such it may discourage residents from owning a cycle and represent a harmful barrier to cycling and its associated sustainability and environmental benefits.
28. During the hearing, it was suggested that the number of doors could be reduced within amended drawings. However, as I do not have such drawings before me, I

do not know the overall design of the amended internal layout, and therefore I cannot be certain that a satisfactory layout could be provided.

29. Policy D6 of the LP outlines the minimum internal space standards for dwellings. The main parties agree that the proposed residential units would each achieve the minimum gross internal floor area requirements. However, the built-in storage space within Flats 1, 6 and 11 would not meet the 2.5 square metre requirement for three bed, four person flats as outlined within the policy.
30. The Council indicate that, in each of these flats, the shortfall in built-in storage is just under 1 square metre. As the gross internal floor areas of each of the units exceed the minimum space standards by more than 1 square metre, it appears to me that there would be adequate scope within the floorplans to accommodate the 1 square metre of additional storage. I am therefore not persuaded that future occupiers of Flats 1, 6 and 11 would find the homes unduly cramped or that the layouts would feel impractical.
31. Communal amenity space is provided at ground floor level. It would be accessible from an access controlled entrance on Cherry Orchard Road and from a separate access directly from the building's internal core. I am satisfied that this would provide future occupiers with satisfactory access to the communal space. I understand that the access between the public house amenity space and the residential amenity space would be a secondary means of access, and that controls could be installed to ensure that it provides access between the two areas only in the case of an emergency. In my view, this would provide sufficient separation between the amenity spaces.
32. During the hearing, it was agreed by the main parties that an Acoustic Assessment (2023) had been submitted with the planning application. Accordingly, I consider that, had I been minded to allow the appeal, the noise impacts on the proposed development including the need to ensure an appropriate standard of accommodation could have been satisfactorily addressed through a suitably worded planning condition.
33. I have found that the proposal would provide adequate internal storage space and that noise impacts for future occupiers could be acceptably mitigated. However, due to the absence of a secondary aspect for a number of residential units, and shortcomings in the access arrangements for the residential cycle parking, the scheme would result in poor quality living conditions for future occupiers. As a consequence, the proposal would fail to comply with Policies T5 and D6 of the LP and Policies DM10 and DM30 of the CLP, which, among other things, require cycle storage to be functional and designed in accordance with relevant standards, and seek to maximise the provision of dual-aspect accommodation.
34. As the proposal would have sufficient access to shared residential amenity space, there would be no conflict with Policy D7 of the LP which relates to the accessibility of housing for London's diverse population.

Affordable housing

35. Policy SP2 of the CLP outlines the need for, delivery of, and minimum levels of affordable housing within the borough. On sites of ten or more dwellings, Policy SP2.4 states, amongst other things, that affordable housing of up to 50% will be sought, subject to viability.

36. Furthermore, Policy SP2.5 of the CLP requires a minimum provision of affordable housing of 30% on site, or if this is not viable, a minimum level of 15% on site together with a Review Mechanism entered into for the remaining affordable housing.
37. It has been put to me that given market conditions, the proposal is now significantly less viable than previous iterations of the development which proposed more residential units. The submitted evidence refers to a “perfect storm” of high construction costs, finance costs and subdued demand that is suppressing housebuilding. Whilst I am sympathetic to the appellant’s concerns in relation to these factors, the submitted evidence does not include quantitative evidence which is specific to the appeal proposal before me.
38. The appellant indicates that the Government and Mayor of London are considering a package of emergency measures to unlock housebuilding in London. Discussions during the hearing covered the WMS and policy note and the potential implications of these. Broad changes to affordable housing provision including by reducing affordable housing quotas from 35% to 20% for major developments within London are proposed as part of this consultation. However, I note that the consultation closed recently on 22 January 2026. As a result, the proposals could be subject to further change and can only be given very limited weight at this stage.
39. During the appeal the appellant confirmed that the viability of the proposal had been re-considered and it was not viable to provide more than 20% affordable housing. Policy H4 of the LP requires major developments of 10 or more dwellings to provide affordable housing through the threshold approach set out in Policy H5. This requires a minimum of 35% affordable housing. In circumstances where a proposal for major development of 10 or more units does not provide the threshold level of affordable housing at 35%, the Viability Tested Route (VTR) must be followed. The submitted Affordable Housing Statement (November 2023) does not relate to the current iteration of the proposal, and therefore the VTR route has not been followed in this instance. Furthermore, the appellant’s suggested 20% affordable housing provision would fall short of the 35% minimum required by Policy H5.
40. In addition, even if the VTR route had been followed and the extent of the affordable housing provision had been agreed, a legal agreement has not been completed to secure it. In the absence of a completed agreement the appellant suggests the affordable housing provision can be secured by planning condition or that a planning condition could be imposed to secure the agreement at a later date if planning permission were granted.
41. Planning Practice Guidance (PPG) clearly sets out that such conditions are unlikely to be appropriate in the majority of cases. It nonetheless sets out that it may be appropriate in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk. There is no such evidence of exceptional circumstances, nor suggested risk of delivery here. I also have significant concerns surrounding the enforceability, precision of such a condition and its ability to secure the required affordable housing contribution even if it were agreed.

42. In the absence of clear evidence, it cannot be established with certainty that the proposal would deliver an appropriate contribution towards affordable housing. The proposal would not comply with Policies H5 and H6 of the LP and Policy SP2 of the CLP insofar as they require the proposal to provide the maximum reasonable amount of affordable housing.

Servicing and storage of waste

43. A large storage area for household refuse with capacity for six 1110 litre bins and two 240 litre bins would be provided at basement level. The appellant indicates that a private management company would be appointed and would be responsible for moving the refuse bins to the public highway on the day of collection.
44. Policy DM13 of the CLP requires that proposals sensitively integrate refuse and recycling facilities within the building envelope, and provide adequate space for the temporary storage of waste materials generated by the development. The supporting text indicates that this is to ensure that problems associated with refuse being left on the highway are minimised.
45. The proposal does not identify space for the temporary storage of the residential refuse bins. Once moved from the basement level refuse store, it seems to me that the large number of bins would be left on the public highway outside the site's red line boundary. This stretch of the highway is busy given its proximity to a primary school, the numerous shops and services on Cherry Orchard Road and East Croydon Station. The pavement adjacent to the appeal site on both Cross Road and Cherry Orchard Road is not particularly generous in width. As a result, storage of a large number of refuse bins on the public highway is likely to cause significant disruption to pedestrian flows.
46. The evidence indicates that servicing of the proposal will take place from Cross Road, but no swept path analysis has been provided to confirm whether refuse vehicles can access the property safely. Cross Road is narrow and during my site visits there was a high level of on-street car parking. Limited details have been provided to confirm the size of the waste collection vehicle or other vehicles which would service the property. In the absence of a swept path analysis in relation to larger vehicles, or substantive evidence in relation to the servicing of the proposal, I am unable to conclude that vehicles would be able to safely access and service the property.
47. The appellant suggests that removing the on-site disabled parking space would create an area that could instead be used for storage and servicing. While this may be so, it seems to me, the accessible parking space is necessary to ensure compliance with other development plan policies. In any case, I have not been provided with amended drawings to demonstrate this alternative arrangement.
48. It has been put to me that the proposed refuse storage layout would not provide the required 2 metre-wide access routes. The basement to ground floor bin lift would deliver step-free access. Had I been minded to allow the appeal, I am satisfied that the width of the access route could have been addressed through a suitably worded planning condition.
49. For the reasons outlined above the proposal would not comply with Policy SI7 of the LP and Policy DM13 of the CLP, insofar as they require that the design of

refuse and recycling facilities are treated as an integral element of the overall design and that layouts ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles.

Parking for disabled persons

50. Policy T6.1 of the LP requires that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. All disabled persons parking bays associated with residential development must be designed in accordance with the design guidance in BS8300vol.1
51. The proposal provides a single off-street car parking space. However, as insufficient spacing is provided around the car parking space it would not accord with the design guidance in BS8300vol.1.
52. Policy T6.1 also requires development proposals delivering ten or more residential units to demonstrate, as part of a Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request. The policy outlines that this should be secured at planning stage. No evidence has been provided to demonstrate that any additional off-street parking spaces could be provided upon request.
53. For the reasons outlined above the proposal would not comply with Policy T6 of the LP and Policy DM30 of the CLP insofar as they require the provision of satisfactory car parking for disabled persons, and that proposals have a positive impact on highway safety.
54. The Council also alleges a conflict with Policy DM29 of the CLP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Appropriate mechanism to secure obligations

55. Policies in the LP and CLP require mitigation of the impact of the development on certain services and the environment. These include air quality; carbon emission offset; energy requirements; highway alterations; promotion of sustainable modes of transport; and local employment opportunities. In addition, obligations related to the affordable housing, including in relation to viability reviews, and also restricting future occupiers from applying for car parking permits are also sought.
56. I am satisfied that these requirements are necessary to make the development acceptable in planning terms, are related to the proposal and are proportionate in scale and kind. They therefore meet the relevant tests within the National Planning Policy Framework, Planning Practice Guidance and Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
57. During the hearing it was confirmed that the appellant has no objection in principle to these requirements. However, the appellant contends that the obligations can be secured by planning condition or that planning conditions could be imposed requiring that a legal agreement be entered into to secure the relevant mitigations.

58. However, the Planning Practice Guidance¹ (PPG) is clear that a condition requiring an applicant to enter into a planning obligation is unlikely to be appropriate in the majority of cases. A negatively worded condition limiting the development that can take place until a planning obligation has been entered into is also unlikely to be appropriate unless there are exceptional circumstances. I do not consider there to be any exceptional circumstances here, and so such a course of action would not be appropriate. The PPG also states that no payment of money or other consideration can be positively required when granting planning permission². I therefore do not consider the use of conditions to require the payment of obligations to be acceptable in this instance.
59. The appeals Procedural Guide: Planning appeals – England (2026) requires an executed and certified copy of the planning obligation to be provided at the time of making the appeal. In the absence of a completed legal agreement the provision of the necessary contributions cannot be secured.
60. The proposal would therefore conflict with the policy requirements of Policy DF1 of the LP and Policy SP2 of the CLP which amongst other things seek to secure affordable housing and require the mitigations set out above.

Air Quality

61. During the hearing the Council confirmed that their concerns in relation to this main issue related to both the air quality for future occupiers, as well as the effect that the proposal would have on local air quality. The site lies within a borough wide Air Quality Management Area.
62. An Air Quality Assessment (2022) (AQA) was submitted with the planning application. However, it relates to a previous iteration of the proposal. Consequently, whilst I have noted the AQA's conclusions, in the absence of an AQA which is predicated on the iteration of the proposal before me, I do not have substantive evidence to demonstrate, for instance, the effect of the proposal on local air quality. Therefore, I cannot rule out the need for additional measures to address air quality issues beyond those that could be incorporated as part of the development. As such, I am unconvinced that the imposition of planning conditions would fully address the potential air quality issues.
63. For these reasons the proposal would not comply with Policy SI1 of the LP and Policy DM23 of the CLP insofar as they require development proposals to be at least Air Quality Neutral and to use design solutions to prevent or minimise increased exposure to existing air pollution.

London Plan energy hierarchy

64. The appellant has indicated that they are committed to meeting and exceeding carbon dioxide reduction standards. While I have no doubt that is the case, meeting such standards on site is in practice very difficult and the appellant's Energy and Sustainability Assessment (2021) outlines that this is to be met through offset payments.
65. The appellant suggests that such a contribution could be secured by planning condition or that planning conditions could be imposed requiring that a legal

¹ Paragraph: 010 Reference ID: 21a-010-20190723

² Paragraph 005 Reference ID: 21a-005-2019072

agreement be entered into to secure the contribution. However, for the reasons set out in more detail in the section on mitigation of services and the environment, in the absence of a legal undertaking I am unable to place any weight on it.

66. In the absence of evidence to demonstrate that the scheme would be zero-carbon or that there is an enforceable undertaking to secure suitable carbon off-set, I conclude that the development would conflict with Policy SI2 of the LP and Policies SP6 and DM23 of the CLP, which set minimum requirements for achieving carbon neutral development.

Drainage

67. A Drainage Strategy (2022) was submitted with the planning application. This appears to relate to a previous larger iteration of the proposal. It has been put to me that the decrease in the scale of the proposal is likely to reduce the impact on drainage rather than raising new concerns.
68. However, I note that the Lead Local Flood Authority (LLFA) has raised a number of concerns in relation to the Drainage Strategy. These include concerns that the impermeable area calculations are inconsistent and that there is no plan for managing exceedance flows during extreme storm events (greater than 1-in-100-year plus climate change). There was also concern that the proposal relies on discharge to the Thames Water sewer network. However, no written confirmation has been provided from Thames Water confirming acceptance of the connection point or discharge rates.
69. The appellant has indicated that planning conditions could be imposed to require the submission of further details in relation to drainage. However, in the absence of substantive evidence to respond to the LLFA's concerns I cannot be certain that there will not be an adverse effect on local drainage. Given what would need to be known prior to determination of this appeal, it would not be possible to deal with this matter through the use of planning conditions.
70. Therefore the proposal would conflict with Policies SI12 and SI13 of the LP and Policy DM25 of the CLP, insofar as they require development proposals to aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Fire safety

71. Policy D12 of the LP requires major developments to be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. A Fire Statement has not been submitted.
72. The appellant indicates that the proposal's core would be designed to ensure that there is a safe means of escape for future users and multiple fire exit points are provided. The scheme architect also specialises in delivering technical drawings for development and ensuring compliance with building regulations with regards to fire. I also note that as the site addresses two streets, it would be accessible to fire tender trucks. However, in the absence of a specific Fire Statement produced by a suitably qualified assessor, I am unable to conclude that it would address the Council's concerns, or that the proposal would meet the fire safety standards set out in Policy D12 of the LP, the aims of which are outlined above.

Protected species

73. The proposal includes the demolition of the largely vacant public house. The appellant contends that the site is within a highly urbanised area, considered to have very low ecological value and that no evidence of roosting bats has been observed. Alternatively, the Council consider that, given the dilapidated condition of the building, the site may have become suitable for species such as bats, which could be using the eaves or roof area for roosting.
74. The Council point to paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 to justify a requirement for an ecological survey. However, the paragraph includes advice that, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
75. It is suggested that there is a potential for ecological impacts, but the nature and impacts are not specifically identified. I have no evidence of historical sightings at or near to the site that may suggest that there are protected species. Overall, the Council has provided no substantive evidence that leads to a reasonable conclusion that there may be protected species on the site or that it forms part of the habitat of a protected species.
76. On the basis of the above I conclude that the proposal would not result in material harm to the ecology of the area and consequently would not conflict with Policy G6 of the LP and Policy DM27 of the CLP which seek to conserve and enhance biodiversity.

Other Matters

77. The public house was listed as an Asset of Community Value between 2018 and 2023. However, I understand that no community group came forward with a bid to purchase it during that period. The submitted evidence indicates that its removal from the register after five years reflected the absence of active community interest or realistic potential for reuse in its current condition.
78. A large number of interested parties have raised wide ranging concerns in relation to the development. Many of these focussed on the loss of the existing public house building. During the hearing, Councillor Fitzsimons also spoke in detail about matters including local demand for a traditional public house and associated harm from the loss of this public house, the condition of the current property, and the importance that the replacement public house be well designed to ensure viable trading space. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.
79. The Framework seeks to significantly boost housing supply and indicates that substantial weight should be given to the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land, whilst the appellant indicates the site has been largely vacant for eight years. The redevelopment of a small previously developed site to provide a mix of housing is consistent with national objectives relating to urban regeneration. The proposal would also contribute to the local housing supply and would represent a more efficient use of land in an existing urban area with access to public transport and services. It would also provide a policy compliant mix of family size residential units. Collectively, these matters weigh in favour of the proposal.

80. The appellant states that despite challenging economic conditions facing public houses, the proposal would nonetheless retain such a use on the site, notwithstanding the appellant's assertion that it would be financially unviable. The re-provision of the public house, which has a flexible layout, would have social and economic benefits that attract weight in support of the scheme. However, its re-provision is a requirement of Policy DM21 of the CLP, and this therefore tempers the weight afforded to the matter.
81. The appellant indicates that the proposal would provide affordable housing and that a policy compliant tenure split would be achieved. However, in the absence of financial viability testing, I cannot be certain that the proposal would provide the maximum level of affordable housing deliverable on the scheme. Therefore, I afford limited weight to the provision of affordable housing.
82. The construction phase would generate temporary employment and economic activity, and future occupants would support local shops, services and businesses within the area. These are credible economic benefits that attract further limited weight in favour of the proposal, both during the build period and thereafter through increased local expenditure.
83. The appellant has expressed dissatisfaction with the Council's handling of previous planning applications, previous planning advice and the length of their overall planning journey. However, this is a matter between those parties, and it cannot have any bearing on my determination of this appeal.

Planning Balance and Conclusion

84. I have determined that the development would have a harmful effect on the character and appearance of the area, and would have a harmful effect on the living conditions of existing neighbouring occupiers and future occupiers of the proposal. There would be a shortfall in accessible car parking and an unsatisfactory approach to residential refuse storage and servicing of the proposal. The proposal would also conflict with the policies of the development plan which seek to ensure that affordable housing provision is maximised. It has not been demonstrated that the proposal would not have adverse effects in relation to air quality, drainage, and fire safety. These matters weigh heavily against the proposal.
85. Due to the lack of an enforceable legal agreement, the proposal would fail to provide affordable housing, mitigate impacts on services and the environment, including meeting the target for reducing carbon emissions. These matters weigh heavily against the proposal.
86. I acknowledge that residential development in this location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan. It would also have economic benefits, both short and long term, including bringing a vacant site back into use. Taken together, these benefits attract moderate weight in favour of the appeal proposal. However, even taking the benefits into account cumulatively, they would not outweigh the harm I have identified.
87. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that

the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Conroy Planning Consultant

Amar Mehli Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Joe Sales Senior Planning Officer

Laura Field Deputy Team Leader

Mary Toffi Principal Transport Planner

Sulaiman Quereshi Senior Project Officer, Placemaking

INTERESTED PARTIES:

Mr Thomas Boeke Local resident

Councillor Sean Fitzsimons