



Department for Levelling Up,  
Housing & Communities

Mr Scott Hudson  
Savills UK Ltd  
Finsbury Circus House  
15 Finsbury Circus  
London  
EC2M 7EB

Our ref: APP/L5240/W/22/3296317  
Your ref: 20/03841/FUL

6 April 2023

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY LEOS NORTH LONDON LTD  
103-111a HIGH STREET, CROYDON, CR0 1QG  
APPLICATION REF: 20/03841/FUL**

*This decision was made by the Minister for Housing and Planning, Rachel Maclean MP on behalf of the Secretary of State*

1. I am directed by the Secretary of State to say that consideration has been given to the report of G Rollings BA (Hons) MAUD MRTPI, who held a public local inquiry that opened on 20 September 2022 and sat for six days closing on 28 September 2022 into your client's appeal against the decision of the Council of the London Borough of Croydon to refuse your client's application for planning permission for the demolition of existing buildings and erection of a 29-storey building to provide 121 residential units and flexible commercial floorspace at ground, mezzanine, first and second floors (comprising flexible A1/A2/D1/D2 at ground/mezzanine floors; flexible A1/A2/B1/D1/D2 at ground floor, flexible B1/D1/D2 at first and second floors) together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas and associated works, in accordance with application Ref. 20/03841/FUL, dated 21 August 2020.
2. On 10 August 2022, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Levelling Up, Housing & Communities  
Phil Barber, Decision Officer  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Email: [PCC@levellingup.gov.uk](mailto:PCC@levellingup.gov.uk)

## **Matters arising since the close of the inquiry**

5. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

## **Policy and statutory considerations**

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the London Plan (2021) and the Croydon Local Plan (2018). The Secretary of State considers that relevant development plan policies include those set out at IR17-24.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the documents listed at IR25-26.
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

## *Emerging plan*

10. The emerging plan comprises the Croydon Local Plan Review. The proposed submission draft of the Croydon Local Plan Review was subject to Regulation 19 consultation in early 2022.
11. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging plan has not yet been submitted for independent examination. Given its early stage, the Secretary of State attaches minimal weight to the emerging plan (IR27 and IR169).

## **Main issues**

### ***The effect of the proposal on the living condition of occupiers of Impact House, with particular regard to daylight and outlook***

#### *Daylight effects*

12. For the reasons given at IR104-105, the Secretary of State agrees with the two-stage approach which has been agreed as appropriate by the appellant, the Council and the Inspector. He has taken into account that it has been agreed that 50 windows would have a VSC less than 15% and that affected flats would therefore suffer significant light loss

(IR106). For the reasons given at IR107-111, he agrees that the use of the 27% ideal is inappropriate in this instance.

13. For the reasons given at IR112-122 and IR165, the Secretary of State agrees that there would be a substantial loss of daylight to windows in two of the three groups considered in these paragraphs, and that although this is only a small number of windows in relation to the total number in Impact House, the effects would be severe (IR121). Like the Inspector, the Secretary of State affords the resultant high level of harm to living conditions very significant weight (IR121 and IR165). He further agrees that there would be conflict with Croydon Local Plan Policies DM10.6 and DM38.4, and London Plan Policies D6 and D9 in this respect, as well as the Croydon Opportunity Area Planning Framework (OAPF) (IR122).

#### *Outlook effects*

14. For the reasons given at IR123-124, the Secretary of State agrees with the Inspector that although residents' views would be obstructed, this is a reasonable separation which would be appropriate in this town centre context (IR123) and that, whilst the nine windows closest to the boundary would have their outlook completely obstructed, the residents in the affected flats would maintain outlook from the main LKD rooms in their properties (IR123). He agrees with the Inspector that there would be no loss of outlook resulting in harm to the living conditions of occupiers of Impact House, and no conflict with the development plan in this respect (IR124).

#### ***The effect of the proposal on the character and appearance of the area***

15. For the reasons given at IR125-129 and IR166, the Secretary of State agrees with the Inspector that, in townscape terms, the principle of a tall building on this site is acceptable (IR126). The Secretary of State agrees that the building's plinth would address the street frontages by establishing an appropriate scale for pedestrians and other users, and notes that the tower above has been designed in accordance with the 3:1 slenderness ratio encouraged by the OAPF. He agrees with the Inspector that, although this would appear broad in some views, this would be in accordance with other similarly proportioned buildings in close proximity (IR127). He further agrees with the Inspector that the building would be appropriate at street level, and in the wider view would appear in its place as part of the dynamic Croydon skyline (IR128). Like the Inspector, the Secretary of State agrees that the proposed development would be appropriate in townscape terms, would not harm the character and appearance of the area, and would not conflict with development plan policies or the OAPF in this respect (IR129).

#### ***The effect of the proposal on the historic environment***

16. For the reasons given in IR130 and IR147, the Secretary of State agrees that no other assets outside of the five identified below, designated or otherwise, or their significance, would be harmed by the proposal. He agrees with the approach set out in IR131-132 and IR148, but notes, as per IR10, that the site is not in a conservation area. Section 72(1) of the LCBA Act therefore does not apply.

#### *Wrencote House*

17. For the reasons given at IR133-135, the Secretary of State agrees with the Inspector that the proposed building would be clearly visible in approach views along High Street from the south, in the background views of Wrencote House (Grade II\* listed), and that the

proposed building would appear taller than Impact House and would have the potential to draw the eye in the approach to Wrencote House (IR134). He agrees that this would result in some harm to the setting of the heritage asset, and that the proposed development would fail to preserve this setting (IR134), and also agrees there would be no harm to the significance of Wrencote House (IR135). He further agrees that the harm is minor within the less than substantial categorisation (IR134).

#### *Croydon Minster and Croydon Minster Conservation Area (CMCA)*

18. For the reasons given at IR136-138, the Secretary of State agrees with the Inspector that the proposed tower would be seen amongst the existing cluster in the background of views of the Minster (Grade I) and that it would be a further element of the existing background cluster, rather than a new element that would draw the eye from the Minster view in the foreground (IR138). For the reasons given, he further agrees that there would be no harm to the significance of this asset and that the setting of the listed building would be preserved, together with the significance of the designated heritage asset (IR138).
19. For the reasons given at IR139-140, the Secretary of State agrees with the Inspector that no harm would result to the CMCA, the character and appearance of which would be preserved (IR140).

#### *Croydon Town Hall*

20. For the reasons given at IR141-143, the Secretary of State agrees with the Inspector that although the new building would add to the disturbance of the roofline in views from the proposed civic square, this would not have a harmful impact on the architectural or historic significance of the buildings (IR143). He further agrees that there would be no harm to the significance of this asset and that the setting of the listed building would be preserved, together with the significance of the designated heritage asset (IR143).

#### *Central Croydon Conservation Area (CCCA)*

21. For the reasons given at IR144-146, the Secretary of State agrees with the Inspector that the appeal building would appear directly in the centre of the view along Surrey Street, and due to its proximity and height, would appear as the tallest of these terminating buildings (IR145). He further agrees that although other modern buildings along Surrey Street are similarly appreciable at various points along the market, the proposed building would be a particularly noticeable addition, which would further detract from the street's historic character (IR145). For the reasons given, the Secretary of State agrees that the proposed development would fail to preserve or enhance the character and appearance of the CCCA (IR146) and that the harm to the significance of the area would be at the lower end of the scale within the less than substantial category (IR146).

#### *Historic Environment Conclusion*

22. For the reasons given at IR147-150 and IR167, the Secretary of State agrees with the Inspector that in considering the cumulative impacts resulting on harm of more than one asset that the harm remains less than substantial (IR147) and that in both cases the harm would be minor within the less than substantial categorisation. The Secretary of State agrees with the Inspector at IR148 and IR167 that applying the statutory duty as set out in section 66(1) of the LCBA, this matter carries considerable importance and weight.

23. The Secretary of State has carried out the test at paragraph 202 of the Framework. He agrees with the Inspector, for the reasons given at IR149-150, that the harm would be outweighed by the public benefits of the scheme, as summarised at paragraph 32 below. The paragraph 202 test is therefore favourable to the proposal.

### **Other considerations**

#### *Housing supply*

24. For the reasons given at IR151-152 and IR168, the Secretary of State agrees with the Inspector that the Council is not underdelivering against its housing requirement, but it is significant that the delivery would occur in an important development and regeneration area (IR151). He has taken into account that the appeal scheme would provide 121 new homes, equating to around one-third of a year's expected housing delivery within the Croydon Opportunity Area, which is a major housing delivery zone for the borough (IR152), and agrees that Opportunity Areas are of considerable strategic value in delivering housing within London. Overall the Secretary of State considers that the delivery of new homes carries significant beneficial weight.

#### *Affordable housing*

25. For the reasons given at IR153 and IR168, the Secretary of State agrees with the Inspector that affordable housing delivery is a priority, and like the Inspector, he affords the provision of affordable dwellings significant beneficial weight (IR153).

#### *Other effects on living conditions*

26. For the reasons given at IR154-155, the Secretary of State agrees with the Inspector that although there would be some loss of sunlight, it would not be to a level so great as to fall below the recommended BRE levels (IR154). He further agrees that the separation distance would be sufficient to avoid a harmful impact on privacy (IR155).

#### *Fire safety*

27. For the reasons given at IR156, the Secretary of State agrees with the Inspector that a planning condition would require the development to be carried out in accordance with the approved fire strategy.

#### *Employment and design provisions*

28. For the reasons given at IR163, the Secretary of State agrees that the provisions relating to the employment in the planning obligation should carry moderate weight.

### **Planning conditions**

29. The Secretary of State has given consideration to the Inspector's analysis at IR98-100, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

## **Planning obligations**

30. Having had regard to the Inspector's analysis at IR101 and IR162, the planning obligation dated 6 October 2022, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR162 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

## **Planning balance and overall conclusion**

31. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with CLP Policies DM10.6 and DM38.4 and London Plan Policies D6 and D9 of the development plan with respect to the harm to the living conditions of occupiers of Impact House, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

32. Weighing in favour of the proposal is the delivery of new homes and affordable units which are each afforded significant weight; and employment provisions which are afforded moderate weight.

33. Weighing against the proposal is the harm to residents of Impact House through loss of daylight which is afforded very significant weight; and the 'less than substantial' harm to Wrencote House (Grade II\* listed) and Central Croydon Conservation Area which carries considerable importance and weight. The Secretary of State has concluded that the heritage test at paragraph 202 of the Framework is favourable to the proposal.

34. Overall, the Secretary of State considers that the conflict with the development plan and the material considerations in this case indicate that permission should be refused.

35. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

## **Formal decision**

36. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the demolition of existing buildings and erection of a 29-storey building to provide 121 residential units and flexible commercial floorspace at ground, mezzanine, first and second floors (comprising flexible A1/A2/D1/D2 at ground/mezzanine floors; flexible A1/A2/B1/D1/D2 at ground floor, flexible B1/D1/D2 at first and second floors) together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas and associated works, in accordance with application Ref. 20/03841/FUL, dated 21 August 2020.

## **Right to challenge the decision**

37. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for

leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

38. A copy of this letter has been sent to the Council of the London Borough of Croydon, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Phil Barber*

Decision officer

*This decision was made by the Minister for Housing and Planning, Rachel Maclean MP, on behalf of the Secretary of State, and signed on her behalf*

## **Annex A Schedule of representations**

### **General representations**

<b>Party</b>	<b>Date</b>
Chris Pittock on behalf of LEOS North London Ltd	7 December 2022



The Planning Inspectorate

---

# Report to the Secretary of State

by **G Rollings BA (Hons) MAUD MRTPI**

An Inspector appointed by the Secretary of State

Date **1<sup>st</sup> December 2022**

---

## **TOWN AND COUNTRY PLANNING ACT 1990 COUNCIL OF THE LONDON BOROUGH OF CROYDON**

### **APPEAL BY LEOS NORTH LONDON LTD**

Inquiry opened on 20 September 2022

103-111 High Street, Croydon, CR0 1QG

File Ref: APP/L5240/W/22/3296317

---

<https://www.gov.uk/planning-inspectorate>



## List of abbreviations used in this report

BRE	Building Research Establishment
CCCA	Central Croydon Conservation Area
CD	Core document
CIL	Community Infrastructure Levy
CLP	Croydon Local Plan 2018
CMCA	Croydon Minster Conservation Area
Draft CLP	Draft Croydon Local Plan 2019 to 2039
GLA	Greater London Authority
HSE	Health and Safety Executive
HTVIA	Heritage, Townscape and Visual Impact Assessment
LBCA Act	Planning (Listed Buildings and Conservation Areas) Act 1990
LKD	Living room / kitchen / diner (as a combined open-plan room)
NPPF	National Planning Policy Framework
OAPF	(Croydon) Opportunity Area Planning Framework
PPG	(National) Planning Practice Guidance
SoS	Secretary of State
SoCG	Statement of common ground
SPG	Supplementary Planning Guidance
sq.m.	Square metres
VSC	Vertical sky component
WSI	Written scheme of investigation

**File Ref: APP/L5240/W/22/3296317**  
**103-111 High Street, Croydon, CR0 1QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Leos North London Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 20/03841/FUL, dated 21 August 2020, was refused by notice dated 6 October 2021.
- The development proposed is the demolition of existing buildings and erection of a 29-storey building to provide 121 residential units and flexible commercial floorspace at ground, mezzanine, first and second floors (comprising flexible A1/A2/D1/D2 at ground/mezzanine floors; flexible A1/A2/B1/D1/D2 at ground floor, flexible B1/D1/D2 at first and second floors) together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas and associated works.

**Summary of Recommendation:** That the appeal be dismissed.

**CONTENTS**

<b>Section</b>	<b>Page</b>
Procedural matters	5
The site and surroundings	6
Planning history	6
The proposals	7
Planning policy	7
Matters agreed between the Council and the appellant	9
The case for Leos North London Ltd, the appellant	11
The case for the Council of the London Borough of Croydon	16
Other representations	20
a) made in person	
b) made in writing	
Conditions	23
Obligations	23
Inspector’s conclusions	25
Overall conclusions	36
Recommendation	37
<b>Appendices</b>	
A: Recommended Conditions	38
B: Appearances	47
C: Documents submitted during the Inquiry	48
D: Documents submitted after the close of the Inquiry	48
E: Core documents	49



## Procedural matters

1. The Inquiry opened on 20 September 2022 and sat for six days, closing on 28 September 2022. Accompanied site visits were carried out on 21 and 23 September 2022.
2. The appeal was recovered for a decision by the Secretary of State by a direction dated 10 August 2022, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, as it involves proposals that raise important or novel issues of development control and/or legal difficulties.
3. I held a virtual Case Management Conference via the Teams platform on 1 July 2022. The procedure for the Inquiry and the timetable for the submission of documents was discussed at the meeting, which was attended by representatives of the appellant and the Council<sup>1</sup>. Although some of the Inquiry documents refer to the site as 103 to 111 High Street, the correct address of 103 to 111a High Street was confirmed at the event.
4. Changes to the Use Class Order<sup>2</sup> that took effect on 1 September 2020<sup>3</sup> (the 2020 Regulations) revoked classes D1 and D2 and introduced a new class E relating to commercial, business and service uses. I confirmed at the Inquiry that the 2020 Regulations specify that applications made before this date retain their rights based on the use classes that existed at the time of application.
5. I made an unaccompanied site visit prior the opening of the Inquiry to familiarise myself with the site and surrounding area. The first formal site visit was undertaken on 21 September and incorporated visits to two flats within Impact House which face towards the appeal site, as well as the car park of Impact House, which abuts the site boundary. The second formal site visit followed a route around the town centre, agreed in advance with the parties, and included inspection of the site and surrounding area, its townscape, and five heritage assets as described in this report.
6. The appellant submitted a draft section 106 agreement at the Inquiry that was the subject of discussion at a round-table session, in which its obligations and minor changes were agreed between the parties. The appellant was allowed additional time following the close of the Inquiry to submit the final version. This was received following the close of the Inquiry and is dated 6 October 2022<sup>4</sup>. The substance of the signed s106 agreement was in accordance with the changes discussed in the round-table session.
7. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the substance of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. All Inquiry documents were made available [online](#)<sup>5</sup> to parties during the proceedings and remain

---

<sup>1</sup> CD 7.3.

<sup>2</sup> The Town and Country Planning (Use Classes) Order 1987.

<sup>3</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

<sup>4</sup> P/ID 01.

<sup>5</sup> Hubshare website maintained and updated by the Appellant.

available at the time of writing this report, and are listed in the appendices together with the list of recommended conditions.

### **The site and surroundings**

8. The roughly rectangular appeal site is situated within Croydon town centre on the south-eastern corner of High Street and Edridge Road, with The Croydon Flyover immediately to the north of the latter. A 1930s, three-storey brick building is on the site and is occupied by various commercial/retail units at street and first-floor level and four residential flats on the upper floors. The site coverage of the existing building is such that there is minimal vegetation on the 0.08 hectare site.
9. To the immediate east of the appeal site is Impact House, a residential building of up to 18 storeys with a 10-storey projecting wing adjoining the site. Other tall buildings are in the vicinity, including Grosvenor House (11 storeys) and Leon House (22 storeys) to the south, and multiple towers in the main town centre area to the north. The Council has granted permission for other tall buildings close to the site which are yet to be constructed, including two towers between Grosvenor House and Leon House of up to 31 storeys, and at Nos 4-20 Edridge Road to the east of Impact House, of up to 33 storeys<sup>6</sup>. The site has a very high level of public transport accessibility and no existing on-site car parking.
10. The site is not within a conservation area, although the Central Croydon Conservation Area (CCCA) has a boundary just north of the Flyover, with Church Street Conservation Area, Chatsworth Road Conservation Area and Croydon Minster Conservation Area (CMCA) more distant. Listed buildings in the vicinity of the site include Wrencote House just south of the site, the Town Hall and associated buildings to the north of the Flyover, and Croydon Minster to the west of the town centre. Further commentary on each of these buildings is provided within the heritage discussion below.

### **Planning history**

11. The planning history of the site is set out in the planning Statement of Common Ground (SoCG)<sup>7</sup>. There are no extant planning permissions that are relevant to the appeal. The appeal scheme was subject to a lengthy pre-application process, including various meetings between the appellant and the Council and Greater London Authority (GLA), design workshops, panel meetings and public consultation<sup>8</sup>.
12. Impact House was in use as offices before being granted prior approval in 2015 for a change of use to 197 residential flats. Planning permission was subsequently granted in 2017 for infill extensions to two floors and conversion of additional office areas to create 38 flats, with the provision of a communal terrace. The planning history of this site together with other surrounding proposals is also set out in the planning SoCG<sup>9</sup>.

---

<sup>6</sup> CD 6.4 para 2.3.

<sup>7</sup> CD 6.2 p9, table 2.

<sup>8</sup> CD 6.2 paras 3.3-3.21.

<sup>9</sup> CD 6.2 paras 2.17-2.24.

13. Council officers recommended that the appeal proposal should be granted planning permission<sup>10</sup>, but the planning committee resolved to refuse the application<sup>11</sup>. The GLA supported the application in strategic planning terms and the Mayor of London advised that he was content for the Council to determine the case<sup>12</sup>.

### **The proposals**

14. Existing structures on the site would be demolished and replaced with a 29-storey building comprising a podium addressing both street frontages, topped by a tower. The building would comprise 121 flats of between 1 and 4 bedrooms on floors 1 to 29, including 30% affordable housing by habitable room, equating to 26 affordable flats, with 11% wheelchair units. Commercial uses within the podium levels would incorporate flexible town centre uses (equating to the current use class E), with units of around 210 and 50 square metres (sq.m.) at ground and mezzanine levels, and a flexible commercial use on the first and second floors of 921 sq.m. There would be communal amenity areas and play space for future residents on the podium at 3<sup>rd</sup> floor level, together with four wheelchair accessible parking spaces, cycle parking and the widening and landscaping of the adjoining pavement.
15. The proposals are set out on the appeal plans, which form part of the core documents<sup>13</sup>.

### **Planning policy**

16. New versions of the *London Plan* and the *National Planning Policy Framework* (NPPF) were adopted in 2021 during the Council's consideration of the application and supersede previous versions. The Development Plan for the area includes the *London Plan* and the *Croydon Local Plan 2018* (CLP). The policies referred to by the parties which are the most relevant to the appeal are set out below, together with relevant supplementary planning guidance and documents. A wider list of policies and documents is set out in the main planning Statement of Common Ground<sup>14</sup>.

#### *Croydon Local Plan 2018*

17. Policy DM10<sup>15</sup> applies to intensification areas, including Croydon town centre and this site, and is divided into several sub-policies detailing the need for a good standard of design. Policy DM10.6 sets out a number of criteria by which the Council will assess proposals for development. These include the protection of neighbours' amenity, the avoidance of direct overlooking at close range and the avoidance of significant loss of existing sunlight and daylight.
18. Policy DM15<sup>16</sup> seeks to ensure that tall buildings respect and enhance local character, and do not harm the settings of heritage assets, and that they should be situated in suitably identified areas as set out in other policies such as DM38

---

<sup>10</sup> CD 2.1, section 4.0.

<sup>11</sup> CD 3.4, item 59/21.

<sup>12</sup> CDs 3.5-3.7, particularly CD 3.7 p1 (Mayor's recommendation) and para 58 (conclusions).

<sup>13</sup> CDs 1.19 to 1.32.

<sup>14</sup> CD 6.2 section 4.

<sup>15</sup> CD 4.81.

<sup>16</sup> CD 4.85.

(see para 20 below). Other requirements apply, including high public transport accessibility, an exceptional quality of design, ensuring conservation and enhancement of significance of heritage assets, an active ground floor and an inclusive public realm.

19. Policy DM18<sup>17</sup> requires all development to preserve or enhance the settings of heritage assets. Proposals should demonstrate an appreciation of assets' significance, with particular attention to a range of heritage considerations including an avoidance of substantial harm to listed buildings and regard to conservation area guidance. Sites of archaeological significance should be appropriately investigated and treated.
20. Policy DM38<sup>18</sup> applies to the Croydon Opportunity Area (see para 26 below), which includes the appeal site, and requires development opportunities to be taken in a cohesive and coordinated manner and to positively transform local character. The policy refers to sites allocated for development within table 11.6. However, the appeal site is not identified within the table. Instead, it falls within the 'edge area' categorisation of the policy (and the Opportunity Area Planning Framework) where sub-policy 38.4 applies. This states that tall buildings may be acceptable where it can be demonstrated that there would be limited negative impact on sensitive locations and that the form, height, design and treatment of a building are high quality.

#### *The London Plan 2021*

21. Policy SD1<sup>19</sup> supports the growth and regeneration potential of designated Opportunity Areas through the development of frameworks with measures for assisting in infrastructure delivery, affordable housing and jobs, together with measures for promoting investment in such areas. It states that boroughs' Development Plans and decisions should set out how they would achieve these considerations.
22. Policy HC1<sup>20</sup> states that boroughs should develop evidence that demonstrates a clear understanding of London's historic environment, to be used to inform its integration in regenerative change. Development should conserve the significance of heritage assets through sympathy with their significance and appreciation of their surroundings, whilst avoiding harm and identifying enhancement opportunities.
23. Policy D6<sup>21</sup> requires housing development to be of high design quality, setting out various benchmarks by which this would be achieved, including in relation to consideration of sunlight and daylight.
24. Policy D9<sup>22</sup> allows boroughs to determine locations in which tall buildings may be appropriate. Such proposals should address the views of buildings from different distances, with appropriate legibility and an exemplary architectural

---

<sup>17</sup> CD 4.88.

<sup>18</sup> CD 4.96.

<sup>19</sup> CD 4.20.

<sup>20</sup> CD 4.21.

<sup>21</sup> CD 4.22.

<sup>22</sup> CD 4.23.

standard and materials, and an avoidance of harm to heritage assets and their settings.

#### *Croydon other guidance*

25. The Council's section 106 planning obligations guidance document<sup>23</sup> (adopted in November 2019) sets out the Council's approach to securing planning obligations together with the procedures used to calculate and collect financial contributions where new development generates a need for infrastructure.

#### *GLA other guidance*

26. The Croydon Opportunity Area Planning Framework (OAPF)<sup>24</sup> was adopted in 2013. It is referred to in both the CLP (including Policy DM38) and the London Plan (Policy SD1). It is supplementary planning guidance (SPG) to the London Plan and recognises the opportunity area status of much of Croydon Town Centre, including the appeal site. Its primary aims are to support the development of 7,300 homes and regenerate the town centre with the delivery of high-quality development and enhanced supporting uses and infrastructure.

#### *The draft Croydon Local Plan*

27. The CLP Review's proposed submission draft was subject to Regulation 19 consultation in early 2022. It has not yet been submitted for examination. It is intended to supersede the current CLP and will set out the planning strategy for the borough for the period 2019-2039. A draft site allocation identifies the appeal site as being located within a highly sustainable location with the potential for mixed-use development. An indicative figure of 121 homes is suggested. I have attached minimal weight to the CLP Review, for reasons that are set out later in this report.

### **Matters agreed between the Council and the appellant**

28. A main statement of common ground (SoCG) was agreed between the appellant and the Council, together with accompanying topic specific SoCGs for daylight and sunlight, townscape and visual impact, and heritage.
29. The following matters were agreed in the main SoCG<sup>25</sup>:
- A description of the site and its surroundings, together with the planning history of the appeal site and surrounding sites;
  - Planning policies and guidance;
  - The principle of the proposed land use and the development of a tall building, subject to further considerations;
  - The housing mix and the quality of the proposed residential accommodation;
  - That the policies stated on the Council's refusal notice do not specifically refer to outlook, although the term is used within the text accompanying a CLP policy;

---

<sup>23</sup> ID 16.

<sup>24</sup> CD 4.97.

<sup>25</sup> CD 6.2.



- The separation distances between the proposed development and the various components of Impact House and its site; and
  - That no issues were raised by the Council with regard to wind, land contamination, air quality, flooding, light pollution, sustainable design, biodiversity, the development's car-free status, cycle parking, deliveries and servicing, or waste and recycling, and that any impacts relating to these matters could be controlled satisfactorily by planning conditions.
  - That fire safety measures are appropriate, taking account of relevant HSE and building control advice.
30. The following additional matters were agreed in the daylight and sunlight SoCG<sup>26</sup>:
- The technical analysis and modelling of the proposals together with the resultant data;
  - That daylight and sunlight levels within the proposed building would be acceptable;
  - That overshadowing impacts to neighbouring outdoor spaces would be acceptable;
  - The relevance for assessment of nearby properties, with assessed sites identified as Impact House and various High Street properties;
  - That the daylight effect on Impact House is the main focus for the Inquiry;
  - The proposed separation distances between the proposed building and the various components of Impact House;
  - The application of Building Research Establishment (BRE) guidelines to assessing daylight, including the 'two-stage' approach and use of the vertical sky component (VSC) and other guidance; and
  - That the potential impacts of consented developments on nearby sites are material considerations.
31. The following additional matters were agreed in the townscape and visual impact SoCG<sup>27</sup>:
- The design-led process of the appeal scheme's development;
  - The architectural design quality of the proposed development, including references to local architecture, the podium and setback tower arrangement, public realm, active frontages, communal amenity space, façade treatment and balcony arrangement; and
  - The methodology used to inform the townscape and visual impact assessments.
32. The following additional matters were agreed in the heritage SoCG<sup>28</sup>:
- 

<sup>26</sup> CD 6.5 as originally submitted, and updated during the Inquiry and agreed between the main parties as ID 13.

<sup>27</sup> CD 6.4.

- The identification and location of heritage assets in the vicinity of the appeal site;
- Identification of heritage assets which would not have their setting and significance harmed by the appeal scheme;
- Identification of three listed buildings and two conservation areas for further consideration by the Inquiry; and
- That if there is any identified harm to a designated asset, that this would not exceed less than substantial harm, and that the relevant policy approach is set out at paragraph 202 of the NPPF.

### **The case for Leos North London Ltd, the appellant**

33. This summary of the case for the Appellant is based on the closing submissions<sup>29</sup>, the proofs of evidence and other submissions to the Inquiry.

#### *Daylight, sunlight and outlook*

34. In common with many appeal cases, the choice for the decision maker at the heart of this appeal is a weighing exercise between an unwelcome impact on a small number of people and substantial benefits to the wider community. The appeal site is within an area in which regeneration is occurring and tall buildings have been consented. The only matter of concern for the Inquiry on this issue is the effect on daylight for Impact House flats with a western outlook.
35. The BRE methodology and the 'two-stage' approach to VSC has been used to calculate daylight impacts. Using the NPPF<sup>30</sup> and PPG<sup>31</sup> approach of a flexible application of standards in response to the built context of the site and its surrounding area, there is justification in setting an alternative standard to the BRE's ideal 27% VSC target. As a brownfield site, a 'mid-teens' figure is appropriate, as used in previous appeals<sup>32</sup>, and therefore 15% VSC is suitable.
36. The first stage of the two-stage VSC assessment is a quantitative assessment. Around 57% of the approximately 700 windows serving the 235 flats in Impact House face away from the appeal site. The remaining windows have been tested using BRE methodology, specifically the VSC assessment, concluding that 146 of the 302 potentially affected windows would receive above 27% VSC, a level appropriate for a suburban home, or would not have a reduction of more than 20% on the existing value. Of the remaining 156 windows, 106 would receive over 15% VSC, with 50 below. In these 50, 29 are directly affected by the projecting wing of Impact House, 12 are affected by the lift overrun, balconies or parapet features and nine are located next to the boundary with the appeal site, effectively "borrowing" light from the site<sup>33</sup>.
37. There is a low existing level of daylight to many flats, demonstrating that the existing units have not been well-designed, as a result of such permitted

---

<sup>28</sup> CD 6.3.

<sup>29</sup> ID 19.

<sup>30</sup> NPPF para 125.

<sup>31</sup> PPG Reference ID: 66-0177-20190722.

<sup>32</sup> CD 5.4 para 35; CD 5.6 para 445.

<sup>33</sup> ID 04 pp52-56.

development conversions not being subject to light requirements at the time. The original building, as designed, does not optimise daylight levels<sup>34</sup>.

38. The second stage of the two-stage assessment takes contextual factors into account. The BRE guidelines recognise the burden arising from features such as overhangs, balconies and projecting wings and provides an alternative method of calculating impact in such cases<sup>35</sup>. As such, using the above figures, only the nine windows (affecting nine flats) next to the boundary would receive less than the benchmark VSC. Of these, five are bedroom windows and four are living/kitchen/diner windows serving rooms that have alternative primary windows that face south. Bedrooms are less sensitive to reductions in light<sup>36</sup>. Overall, the number of windows with significant loss of daylight – nine out of 700 – is small.
39. Further issues have been identified by the Council, including the fact that a reduction in light may be unavoidable if one site is not to be prejudiced by the development of another, the presence of building features such as projecting wings and balconies and policies promoting denser development in an area. All of these considerations apply to the appeal site<sup>37</sup>. In contrast with the appellant, it is unclear whether the Council carried out the two-stage approach in order to reach its conclusions.
40. The policy framework allows for change, with the aforementioned PPG paragraph and London Plan Policy D6 seeking sufficient daylight for the context of a site and CMP Policy DM10.6 seeking to avoid significant loss of existing sunlight and daylight levels of adjoining occupiers<sup>38</sup>. Growth is sought within the Opportunity Area, through London Plan Policy SD1<sup>39</sup>, and change and growth both contribute to the context of the area. Tall buildings are an established feature, with others consented on nearby sites at a similar height to the appeal proposal. Two such schemes have greater impacts on nearby buildings than the appeal proposal would have on Impact House<sup>40</sup>. There is a lack of consistency by the Council in its considerations of what is an acceptable impact on daylight.
41. Overshadowing (in terms of the appeal proposal's impact on direct sunlight) is not a reason for refusal, although residents of Impact House have raised concerns over potential loss of sunlight on the shared outdoor amenity area above the projecting wing. The BRE guidelines indicate that, for an area to be considered adequately sunlit through the year, at least half of it should receive at least two hours of direct sunlight on 21 March. This criterion would be exceeded following construction of the appeal proposal<sup>41</sup>.
42. There is no definition of outlook within the Council's policies. Although impacts on outlook are mentioned within the CLP, when referring to the Mayor's Housing SPG, this is only in the context of looking out from a new development<sup>42</sup>. In the

---

<sup>34</sup> CD 10.1 para 5.59.

<sup>35</sup> CD 10.1 paras 4.51-4.53.

<sup>36</sup> CD 10.1 paras 6.1.1-6.1.6.

<sup>37</sup> CD 11.3.2 para 4.9.

<sup>38</sup> CDs 4.22 and 4.81.

<sup>39</sup> CD 4.20.

<sup>40</sup> CD 10.1 para 5.30.

<sup>41</sup> CD 10.1 paras 7.3-7.6.

<sup>42</sup> CD 10.4 paras 5.8-5.10.

absence of a definition, any impact is therefore a matter of planning judgement. Furthermore, to be a material consideration, there must be a level of harm such that it would be a public issue and therefore a planning matter. The assessment of outlook is often subjective in nature, with expectations that vary according to context<sup>43</sup>. It is a well-established planning principle that private views are not protected.

43. Previous appeal decisions have established that there may be different expectations about retained levels of outlook in built-up town centres<sup>44</sup>. In this instance, it is inevitable that there would be some loss of outlook but this should be viewed in a similar context. In any event, there would still be a separation distance of at least 24 metres between facing windows in the main wing of Impact House and the new building. This would be greater than that which has been allowed in surrounding development. It would be a sufficient distance to ensure that the resultant outlook for these occupiers would remain acceptable and proportionate, having regard to the context<sup>45</sup>.

#### *Character and appearance (townscape)*

44. The existing and emerging townscape around the site is varied, including towers of contrasting scales and heights. It is not dominated by low-rise development and the proposal would be in keeping with the high-density character of the area. Its design would optimise the use of the site and the resultant building would have a high quality and appropriately slender design in accordance with the OAPF's guidance<sup>46</sup>. This approach was endorsed by the GLA and Mayor of London their comments on the proposal as well as by Council officers in their presentation of the proposal to the planning committee<sup>47</sup>.
45. There is no meaningful townscape objection from the Council. The Council's witness admitted in cross-examination that there was a difference in the character of the areas on either side of the flyover, that the appeal site is within an area already characterised by tall buildings (with others consented) and that the site is suitable for a tall building. The plinth and tower design approach was agreed to be the correct one. There was no objection to the street-level design, despite the witness' opinion that a building around one-third shorter than the appeal proposal would be appropriate for this site.
46. Overall, the evidence suggests that the design would have a beneficial impact on the surrounding townscape and should be weighted as such in the overall planning balance.

#### *Impact on heritage assets*

47. Intervisibility between a development and a heritage asset does not necessarily result in harm or alter its setting. The setting of an asset is not an asset in itself. Rather, its importance lies in what it contributes to the significance of the heritage asset<sup>48</sup>. Although all assets have a setting, it follows that not all

---

<sup>43</sup> CD 10.4 para 5.12-5.14 and expanded by appellant's planning witness in re-examination.

<sup>44</sup> CD 5.5 paras 25-27.

<sup>45</sup> CD 10.4 paras 5.19 and 5.26.

<sup>46</sup> CD 10.2 para 5.22 and fig 5.7.

<sup>47</sup> CD 3.5 para 33 and CD 3.2.1 paras 9.58-9.63.

<sup>48</sup> CD 9.5 p4 para 9.

settings will contribute to significance and, likewise, changes to the former may not affect the latter.

48. To determine whether there would be any harm to heritage assets it is necessary to carry out an assessment of significance and the contribution of a setting to this significance. It is unclear whether the Council assessed the significance of the five affected heritage assets, using the standard method set out by Historic England<sup>49</sup>.
49. Wrencote House: This building's significance derives from archaeological, historical and architectural interest, especially the High Street façade. It retains many of its late 17<sup>th</sup> century features and much of its detailing but, outside of the building, the setting has changed substantially over the years<sup>50</sup>. It has lost its garden and the surrounding area has been rebuilt. As such, the original setting has been lost and there is nothing in the current setting that contributes to the building's significance. Even changes to the background view of an asset may not affect its significance. In this case, the architectural details contributing to the significance of Wrencote House cannot be properly appreciated other than at close range. Changes to the background view may affect its setting, but as the significance can only be appreciated in views where the proposed building would not draw the eye, significance would not be affected<sup>51</sup>. There would be no effect on the significance of the asset.
50. Croydon Minster: Rectory Grove (formerly St John's Grove) may lead to the Minster but, as past maps show, this was not historically a street designed as a visual or processional route towards the asset<sup>52</sup>. The area changed with the coming of the railways and then the tram line, with the footbridge formerly at the end of the Grove possibly allowing views, but there is no trace of a designed view. The most appropriate views to assess are therefore those of a walker or motorist travelling towards the Minster along the Grove, in which the appeal proposal would be barely visible, primarily behind the Minster Tower, and perceived as far away. Other buildings, such as Ryland House, are far more visible and distracting in the background view. Even through the appeal building becomes visible in the journey, it would not compound the distracting effect but would be part of a cluster of background modern buildings<sup>53</sup>. There would be no effect on the significance of Croydon Minster.
51. Croydon Minster Conservation Area (CMCA): The roofs of Victorian terraces visible from Minster Garden are a positive contributor to the CMCA despite the background presence of existing tall buildings. These are at a distance and do not distract from, nor are conjunctive with, the historic buildings in the foreground. As such, they are seen as another layer of development elsewhere in the town centre. In common with other recently built and consented towers, the appeal proposal would appear as part of this layer<sup>54</sup>.
52. Croydon Town Hall: The Town Hall complex has archaeological, architectural and historic value, none of which would be harmed by the appeal scheme. When

---

<sup>49</sup> CD 9.5 p8 and referred to in cross-examination of the Council's heritage witness.

<sup>50</sup> As can be derived from the 1870 Ordnance Survey Map at CD 10.3.1 p7, fig 2.

<sup>51</sup> CD 1.47.6 view 11 used as an example.

<sup>52</sup> ID 05 and ID 06.

<sup>53</sup> CD 1.47.4 views 1 and 2.

<sup>54</sup> CD 1.47.4 views 3a and 3b.

viewed from the street frontage or the proposed town square, the appeal building would be barely perceptible and, in any case, the Town Hall would continue to dominate. Much of its visibility is blocked by a modern addition to the Town Hall and the Queen's Garden development has the potential to be a greater distraction<sup>55</sup>. There would be no harm to Town Hall's significance.

53. Central Croydon Conservation Area (CCCA): The NPPF requires any conservation area impact to be considered on the area as a whole<sup>56</sup>. Although the view along Surrey Street has been considered, this is one part of the CCCA and any impacts do not affect the significance of the CCCA as a whole. The view in question is from a market which is an important part of the CCCA. There are various modern buildings of differing heights visible which detract from the experience of the area. In providing a new focal point, terminating the view, the appeal building would be beneficial in townscape terms and neutral in heritage terms<sup>57</sup>. The significance of the market and the eclectic mix of buildings would not be changed.
54. Although the GLA and Council officers found that less than substantial harm would result from the proposal<sup>58</sup>, the appellant considers that there would be no harm to the significance of any heritage asset.

*Other considerations and planning balance*

55. The development is necessary to assist the growth of the town centre, which is a strategic objective of the development plan for the area. Although in an edge area, the main parties agree that the site is suitable for a tall building<sup>59</sup>. The town has lost its former economic strength, which can be remedied by housing and economic growth<sup>60</sup>. Tall buildings are therefore required. The development is planned to offer the optimum scale of development for the site and location, having regard to NPPF advice<sup>61</sup>, as recognised by Council officers in their recommendation to approve the scheme. Likewise, the scheme offers multiple benefits including the delivery of affordable housing, to which the main parties agree substantial weight must be granted<sup>62</sup>. This is particularly important, given that only 11% of recent housing completions were for affordable homes, against a target of 30% delivery<sup>63</sup>, which is significantly lower than the delivery rate for London as a whole<sup>64</sup>. To reduce the weight of these benefits in the planning balance, on the basis that they are provided solely to comply with policy, is incorrect.
56. The proposal would contribute to the London Plan's ambitious housing supply targets for Croydon<sup>65</sup>. The development would supply 6% of the borough's

---

<sup>55</sup> CD 1.47.5 view 6 and CD 1.47.7 views 17 and 18.

<sup>56</sup> NPPF para 207.

<sup>57</sup> CD 1.47.5 view 7.

<sup>58</sup> CD 3.5 paras 48-52 and CD 3.2.1 para 9.39.

<sup>59</sup> CD 6.2 para 5.4.

<sup>60</sup> CD 4.2 CLP Policy SP1.

<sup>61</sup> NPPF para 125.

<sup>62</sup> CD 6.2 para 5.5.

<sup>63</sup> Completions 2016-2018 as set out in the Council's June 2019 Monitoring Report, CD 10.11, p10.

<sup>64</sup> CD 10.4 para 5.81 (figure 5.4).

<sup>65</sup> CD 4.45 London Plan Policy H1 and table 4.1 (p163). Croydon's ten-year net housing completions target for the 10-year period 2019/20-2028/29 is 20,790 new homes, equating to 2,079 homes per annum.

annual requirement and one third of a year's expected delivery within the Opportunity Area<sup>66</sup>. The proposal has the support of the GLA<sup>67</sup>, to which substantial weight should be attached, particularly in light of its statement that a dismissal of the appeal scheme would "have a significant impact on the implementation of the London Plan"<sup>68</sup>. Given the national aim of significantly boosting the supply of housing, as well as the local context, substantial weight should be attached to the delivery of housing.

57. Further benefits would arise from public realm improvements incorporating street tree planting and pavement widening, together with public art improvements, the promotion of sustainable transport, ecological and biodiversity enhancements, sustainability and energy benefits, economic benefits including new jobs, high quality design, sustainable drainage benefits, and infrastructure contributions. All of these should be afforded appropriate weight in the planning balance.
58. No harm would result with regard to daylight impact on Impact House, townscape, or heritage assets. Even if harm is found with regard to the latter, the NPPF heritage test<sup>69</sup> is passed due to the numerous and weighty benefits of the scheme, thus outweighing the claimed moderate level of less than substantial harm.
59. As well as the aforementioned Council officer and GLA support for a tall building, the CLP review proposes an allocation of 121 homes for the site<sup>70</sup>. This allocation remains current despite the refusal of the appeal proposal for an identical number of homes. If daylight were found to be a matter requiring a material change to the proposed development, the site would deliver substantially fewer than 121 homes.
60. Other matters raised by objectors to the appeal proposal can be addressed through planning conditions and obligations.

### **The case for the Council of the London Borough of Croydon**

61. This summary of the case for the Appellant is based on the Closing Submissions<sup>71</sup>, the Proofs of Evidence and other submissions to the Inquiry.

#### *Daylight, sunlight and outlook*

62. The appellant's extensive daylight evidence cannot distract from the fact that there would be a significant impact on living conditions for occupiers of Impact House. In carrying out the agreed VSC two-stage approach with regard to daylight, stage 1 indicates that only 146 (48%) of the 302 tested windows would satisfy the BRE's VSC guidelines<sup>72</sup>, with 62 windows having a moderate reduction and 91 a major reduction greater than 40%. 50 windows (about 40% living room / kitchen / diner (LKD) rooms and 60% bedrooms) in 28 flats would

---

<sup>66</sup> CD 10.4.

<sup>67</sup> CD 3.6 and commented in para 13 above.

<sup>68</sup> CD 3.6 para 14.

<sup>69</sup> NPPF para 202.

<sup>70</sup> CD 4.96 p729 (site 952).

<sup>71</sup> ID 18.

<sup>72</sup> CD 11.3.1 paras 6.6-6.8.

have less than an alternative target value of 15% VSC<sup>73</sup>, with others only just above this target. The nine windows on the flank wall close to the boundary would have 0% VSC<sup>74</sup>.

63. It is acknowledged that approved surrounding development such as Leon House and Nos 4-20 Edridge Road would have greater impact levels than those of the appeal development, but these have their own particular circumstances and neither would have windows with 0% VSC. The contextual factors considered at the second stage of the two-stage approach do not make the stage 1 considerations any less significant for neighbouring residents.
64. NPPF paragraph 130e suggests that decision-makers should optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development, but not at the cost of the high standard of amenity set out in paragraph 130f, even in areas with high-density development (as set out in previous decisions including at Albert Embankment)<sup>75</sup>. The PPG has similar aims<sup>76</sup>. Furthermore, as set out in the Albert Embankment decision, although the BRE guidelines are not mandatory, a cautious approach must nonetheless be taken to contextual assessment which must not result in unacceptable living conditions.
65. 29 of the 50 affected windows are close to the projecting wing of Impact House, and 12 of the 50 are near the lift overrun, parapets or balconies. These are affected by the BRE methodology used in cases where such features are present. In the case of the former, even if the wing was absent there would still be a high reduction in VSC to these windows as a result of the appeal scheme. With the latter, if all obstructions were removed then several windows would still experience a high loss of VSC, in excess of 40%<sup>77</sup>. Although Impact House was converted to residential use through permitted to development and was not subject to a daylight assessment, this does not alter the significant impact of the appeal scheme.
66. The BRE also categorises the magnitude of daylight reduction, stating that a more than 40% reduction in VSE compared with the former value would lead to a major adverse impact<sup>78</sup>. This would occur to 93 windows, located on all floors of Impact House<sup>79</sup>.
67. Turning to outlook, the appellant's assessment understates the effects of the proposals and the real-life implications for residents of Impact House, particularly so when the combined effect of daylight loss is considered. Despite the lack of a development plan definition of outlook, it is a relevant consideration and is often taken into account by local planning authorities with terms such as "visually dominant", a "feeling of enclosure" or "physically

---

<sup>73</sup> As used by the Council's daylight witness for the assessment of VSC (CD 11.3.2 paras 6.10-6.14) and during the Inquiry by both parties as an alternative VSC target value.

<sup>74</sup> CD 3.2.1 para 9.73.

<sup>75</sup> CD 5.16 paras 46 and 56; CD 5.15 para 28 of SoS decision and para 837 of Inspector's report.

<sup>76</sup> PPG Reference ID: 66-0177-20190722.

<sup>77</sup> CD 10.1 appendices section 4.2, pp50-51.

<sup>78</sup> CD 11.3.2 para 5.14 (table 1).

<sup>79</sup> CD 11.3.2 paras 6.6-6.7.



overbearing” used to quantify its effects. It is an important aspect of living conditions and needs to be assessed in the public interest<sup>80</sup>.

68. The CLP requires protection of neighbours’ amenity and, although not mentioned in the policy<sup>81</sup>, paragraph 6.71 of the accompanying text states that the Council will consider a development’s impact on outlook, amongst other factors. It is clear that Impact House adjoins the development site and thus the policy applies in this instance. Although there may be views around the appeal scheme from affected Impact House properties, the proposed 29-storey tower is taller than the 18 storeys of Impact House, which would result in significant impacts on outlook. Additionally, the outlook of 9 windows in the elevation closest to the appeal scheme would be totally obliterated and, although some would be bedrooms, with increased home working the way in which such rooms are being used is changing.
69. It is concluded that, by reason of both the daylight and outlook impacts, the proposal would conflict with CLP policies DM10.6 and DM38.4 and London Plan Policies D6 and D9, together with the relevant parts of the NPPF and PPG.

*Character and appearance (townscape)*

70. The site is not within the central area of the OAPF but within the edge area, where for a tall building to be appropriate, its impact must be acceptable<sup>82</sup>. The OAPF recognises the cluster of tall buildings south of the flyover and characterises the surroundings of the appeal site as generally low-rise, high street and civic buildings, but the appellant’s townscape assessment does not properly reflect this context<sup>83</sup>. The OAPF’s principles set out strategic development objectives for a period of 20 years from its 2013 adoption and thus remain relevant.
71. Although it is agreed that the principle of a tall building on this site is not in dispute, it is not within the identified area of existing tall buildings in the edge area<sup>84</sup>. Additionally, many of the consented and existing buildings within this area are significantly below the 29 storeys of the appeal scheme. In any case, the presence of other tall buildings does not negate the need for a sensitive approach to the redevelopment of the site, which does not have an unduly negative impact on this sensitive location, which includes heritage assets, amenity spaces and residential areas.
72. The tower has the slender proportions encouraged by the OAPF, but this also makes clear that the suggested 1:3 ratio is a starting point for guidance purposes<sup>85</sup>. It does not take away from the fact that factors such as height, mass and scale should be considered as a whole. Although the site may be able to accommodate a tall building, it should be one that is substantially shorter and less bulky than the proposed scheme and more appropriate to the edge context. Unlike the appeal proposal, it should not appear overbearing and dominant

---

<sup>80</sup> CD 5.12 p16 and CD 5.16 para 53.

<sup>81</sup> CD 4.81 policy 10.6a.

<sup>82</sup> CD 11.1.2 para 8.3 and 4.96.

<sup>83</sup> CD 4.97 paras 6.33-6.35 and CD 10.2.

<sup>84</sup> CD 4.97 p61 fig 6.1 as the buildings shaded in blue.

<sup>85</sup> CD 4.97 paras 6.44-6.46.

within the street scene<sup>86</sup>. Although this may not achieve the 121 dwellings earmarked for this site as part of the emerging Local Plan's site allocation, this is at an early stage of the adoption process and should have only limited weight in the appeal<sup>87</sup>.

73. There is no clear evidence to suggest that dismissal of this appeal would render the site undevelopable, as suggested by the appellant<sup>88</sup>. Following refusal of a development proposal, an alternative solution is often agreed between the parties and such an agreement could be possible in this case.

#### *Impact on heritage assets*

74. The appellant's view that there would be no harm to the significance of the five heritage assets contrasts with that of the Council and the GLA. Given the high level of significance of some of the assets, and their importance to the historic character and townscape of the town centre, the correct approach to assessing effect and harm is to follow the 'five-step' process<sup>89</sup>. Where there is less than substantial harm, the weighing test set out in the NPPF should be applied<sup>90</sup>. The appellant's criticism of the Council's assessment and use of views<sup>91</sup> does not deflect from the clear impact of the proposal on the significance of the heritage assets.
75. Wrencote House: The Grade-II\* listed building is primarily experienced from the High Street with reasons for listing being its architectural interest, survival and retained features<sup>92</sup>. It retains a relationship to the High Street, which is an important part of its setting that contributes to its significance. Immediately surrounding High Street buildings are of a similar height. In contrast, the appeal building would be visible in views along the street, resulting in an uncomfortable collision of scale. While there are other large, modern buildings in the area, they do not dominate in the same way. The harm would derive from the building's height and would be at a moderate level in the less than substantial scale<sup>93</sup>.
76. Croydon Minster: This Grade-I listed building is prominent in its surroundings and in clear views such as those from Rectory Grove, in which the full height of the tower can be appreciated. The appeal development would disrupt the tower's silhouette, compounding the distraction of the existing background modern elements<sup>94</sup>. The listed building has high architectural and historic interest and considerable weight should be given to this harm, which would be at a moderate level in the less than substantial scale<sup>95</sup>.
77. Croydon Minster Conservation Area (CMCA): This is the heart of Croydon's old town, encompassing the Minster and the former Archbishop's Palace. The new tower in the backdrop to the view, seen over two-storey Victorian housing, would be highly intrusive. It would harm the's setting of the CMCA, due in part

---

<sup>86</sup> CD 6.4 paras 5.3 and 6.2

<sup>87</sup> CD 6.2 para 4.12.

<sup>88</sup> ID 01 para 20.

<sup>89</sup> CD 9.5 para 19.

<sup>90</sup> NPPF para 202.

<sup>91</sup> CD 9.5 para 5.

<sup>92</sup> CD 11.2.2 para 5.2.

<sup>93</sup> CD 11.2.2 paras 5.6-5.7.

<sup>94</sup> CD 1.47.4 view 2.

<sup>95</sup> CD 11.2.2 para 5.14.

to the stark contrast between the height of the proposed building and the prevailing roofscape. This harm would be at a moderate level in the less than substantial scale<sup>96</sup>.

78. Croydon Town Hall: Together with the surrounding buildings, this is a key town centre landmark. Its significance lies in its rich architectural detailing and historic significance to Croydon<sup>97</sup>. The Queen's Square development, currently under construction opposite the town hall across Katherine Street, will allow new views of the building<sup>98</sup>. However, despite a modern extension on the roof of the town hall<sup>99</sup>, the appeal proposal would break the silhouette of the town hall's roofscape and visually compete with its clock tower. It would be prominent and distracting and would adversely affect the ability to experience the significance of these important buildings. The harm caused to the setting of the town hall and associated buildings would be at the moderate level within the scale of less than substantial harm. Although there is other recent development detracting from the silhouette, this pre-existing harm does not justify further cumulative harm<sup>100</sup>.
79. Central Croydon Conservation Area (CCCA): The important view along Surrey Street<sup>101</sup> is part of the historic north-south route through the town centre and is lined with high-quality Victorian buildings. The market gives the street a bustling character. The proposed building would be prominent and conspicuous in both this view and, more generally, in the setting of the CCCA. It would be visually dominating in a way that would be jarring to the street's human scale and character, resulting in moderate harm within the less than substantial scale<sup>102</sup>.

#### *Other considerations and planning balance*

80. There are no material considerations that outweigh the appeal proposal's conflict with the development plan, in terms of applying either the planning balance or heritage weighting test<sup>103</sup>. The public benefits relied upon by the appellant are overstated. Given that many of these have been provided to ensure policy compliance, the apportioning of planning balance weight to these considerations should be approached with caution. Nonetheless, the benefits of the contribution of affordable and market housing to the local supply, together with the other beneficial aspects of the development, are acknowledged. However, given that the current overall housing supply situation is positive, the proposal would make only a moderate contribution to the Borough's housing target<sup>104</sup>.
81. Other claimed benefits (such as the provision of street trees) would be modest, given the scale of the development proposed, or would be provided solely as

---

<sup>96</sup> CD 1.47.4 view 3a and CD 11.2.2 paras 5.19-5.21.

<sup>97</sup> CD 11.2.2 para 5.16.

<sup>98</sup> CD 1.47.7 view 18

<sup>99</sup> As seen in CD 1.47.5 view 6.

<sup>100</sup> CD 11.2.2 para 5.18.

<sup>101</sup> CD 1.47.5 view 7.

<sup>102</sup> CD 11.2.2 paras 5.24-5.29.

<sup>103</sup> NPPF paras 12 and 202.

<sup>104</sup> CD 11.1.2 para 8.7.

mitigation for the impacts of the development (such as wind mitigation and pavement widening) <sup>105</sup>.

82. Nonetheless, the proposal would result in clear and significant harm. The planning balance should not be artificially weighted by relying on clauses in the NPPF which promote the optimisation of land<sup>106</sup>, as opposed to reading the document as a whole.
83. The appellant is relying heavily on the acceptance of the principle of a tall building on this site, but such acceptability depends on the detail of any proposal together with its impacts. Given the significant impacts that would arise in this instance, particularly in respect of existing residential amenity, the redevelopment of the site requires review. Nothing has been provided to suggest that an alternative, improved proposal could not be achieved with a better balance of harm and benefits, even if this would result in lesser housing provision.

### **Other representations**

#### *Representations made in person*

84. Councillor Chris Clark: Chair of the planning committee at the time of the decision although not the meeting at which the appeal proposal was considered in order to represent ward constituents. This was not a decision that was taken lightly by members, with a feeling that the decision was correct on the basis of its impact on residents of Impact House and heritage. It is possible that the appeal site could sustain a development with lesser impacts.
85. Councillor Leila Ben-Hassel: Speaking on behalf of planning committee members. Current vice-chair of the local planning committee and was chair at the meeting when the appeal decision was considered. There is recognition that the application is nuanced. The committee appreciated the benefits of the appeal proposal, particularly with regard to its contribution to the economic regeneration of the town centre and social housing provision. The issue in reaching a decision was finding a balance between these benefits and the harm in terms of loss of light for residents of Impact House. In exercising this balance, members recognised that the harm was not acceptable, and this was reflected in their decision. The Council would welcome discussion with the appellant on a revised scheme that lessened its impacts on the surrounding area.
86. Elaine Winter: A resident of Impact House living in one of the flats that would be most affected by the loss of daylight. As with many fellow residents, there was a fear and anxiousness about the proposal, given their worries that basic human needs such as access to light and outlook are at risk. Concerns were expressed that the "human impact" of the proposal was being ignored amongst the more technical considerations of the proposal. It is recognised that Croydon is a development zone with much construction in this high-density area, but this must not be an excuse for the creation of substandard conditions for residents.

---

<sup>105</sup> CD 11.1.2 paras 8.9-8.10.

<sup>106</sup> NPPF paras 120 and 125.

87. Jack Christou: A resident of Impact House living in one of the flats that would be most affected by the loss of daylight. A first-time homeowner with concerns that residents have worked hard to be able to afford their properties within the building. They are generally not well-off people who could afford to relocate as a result of worsened living conditions. The decision-makers must detach themselves from the jargon and technical details being used in the evidence and remember that real people will be affected by the appeal proposal, who require human, not animal, conditions. This is a shocking and upsetting proposal that, if allowed, will profoundly affect many people for many years to come.
88. Dr Abeer Paul: A local resident, Dr Paul expressed concerns that statements made in the evidence and inquiry about Impact House having been converted from office space to residential space through prior approval and permitted development, rather than planning permission, gave the impression that Impact House residents perhaps had less rights to live where they do. There was a concern that residents on lower floors of Impact House would be disproportionately affected through a loss of living conditions (light and outlook) resulting from the appeal proposal.
89. Norman Coomber: A local resident who raised concerns about the impact of the appeal development on living conditions for residents of Impact House. He requested that the development team ensure that the affordable housing within the proposed building is treated in the same way as market housing, in terms of entry into the building and access to other spaces around the development.
90. Katy Surr: A resident of Impact House in a flat that would face the proposed development, which would result in her losing a substantial amount of light. As a home-worker, the proposal would have a massive effect on both living conditions and mental health. Concerns were expressed that privacy would be affected as a result on many new flats overlooking Impact House.
91. Rebecca Hamilton: A first-time buyer of a small flat in Impact House, heavily reliant on daylight and sunlight but would lose much of this during the day, particularly after 2pm. As a recent buyer of the flat, this should have been an exciting time but instead has been marred by stress and uncertainty as a result of the appeal proposal, the siting of which would be barbaric given its effects on living conditions and mental health. There is recognition of the benefits of living in a vibrant town centre and support for the provision of affordable housing, but not at the cost of Impact House's residents.
92. Abdihakim Mohamed: A resident of Impact House, who expressed concerns that the appeal building would be twice as high as Impact House, with many residents to be affected by overlooking from new flats. Users of Impact House's tenth-floor rooftop terrace would be particularly affected, including in the summertime when many children use this as a play and bathing area, with a resultant loss of privacy.
93. Olivia Mai Barrett: A first-time buyer with a flat in Impact House and a lifetime resident of Croydon. A supporter of new development in the town centre, but objects to the extreme scale and overbearing nature of the appeal proposal. Sunlight and daylight would be greatly affected, and residents would also experience a loss of privacy, including users of the rooftop terrace. Just because the appeal proposal achieves compliance with the relevant guidance does not

mean that it should be built, when the wellbeing of Impact House residents is in question.

### *Representations made in writing*

94. The material points of the cases for those interested parties who submitted written representations follow.
95. Health and Safety Executive (HSE): During the appeal, the Council sought advice from the HSE on the matter of fire safety<sup>107</sup>. In its response<sup>108</sup> the HSE objected to the proposal due to the fact that areas of the building, including the lowest and mezzanine levels, would be accessed by a single stairway, with regard to potential conflict between the fire risk posed by non-residential uses and emergency routes from flats.
96. Statutory consultee responses: Of those notified by the Council at the application stage, the Mayor of London (GLA) sought further information but did not 'call in' the application<sup>109</sup>. Transport for London, Thames Water, the Secured by Design service and the Greater London Archaeology Advisory Service sought planning conditions. No statutory consultees raised in-principle objections to the proposal<sup>110</sup>.
97. Other representations: In addition, about 30 representations were submitted from the local community in response to the appeal notification. The Council previously received a similar number of written objections to the application, with one letter of support<sup>111</sup>. In addition to objections set out in the preceding section, matters raised included whether additional homes were needed, the suitability of the site for residential development, the level and nature of housing to be provided, the impact on surrounding business including those contributing to the night-time economy, the loss of retail uses, potential noise and light pollution and anti-social behaviour.

### **Conditions**

98. During the course of the Inquiry the Council and the appellant jointly submitted a schedule of conditions. At the Inquiry round-table session on conditions there was also further discussion and agreement between the main parties, which led to a final schedule of 30 suggested conditions<sup>112</sup>.
99. I have assessed the list of conditions proposed by the parties against the tests set out in the Planning Practice Guidance (PPG)<sup>113</sup>. These were discussed at the Inquiry and subsequently refined. I have made minor changes for clarity. The conditions that I consider would be necessary if planning permission were granted are listed in Appendix 1 of this report, together with the reasons for their inclusion. In accordance with section 100ZA(5) of the Town & Country

---

<sup>107</sup> Background set out in CD 11.1.1 paras 10.1-10.2.

<sup>108</sup> ID 11.

<sup>109</sup> See paragraph 13.

<sup>110</sup> Summarised in CD 3.2.1 section 7.0.

<sup>111</sup> Summarised in CD 3.2.1, section 6.0.

<sup>112</sup> ID 17.

<sup>113</sup> PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

Planning Act 1990, the Appellant has agreed to those conditions which would be pre-commencement conditions<sup>114</sup>.

100. Conditions have been included to preserve residents' living conditions and ensure the satisfactory inclusion or control of various environmental, economic and social matters. Various draft conditions were changed as a result of the Inquiry discussion, including the alteration of a condition requiring Secured by Design accreditation reflecting the detailed design process of the scheme and minor additions for preciseness. One condition limiting the use of the non-residential uses within the development was removed as it would not have met the test of necessity, and new condition no. 30 added to reflect the requirement for fire safety within the appeal scheme. Tailpiece conditions have been used only where the potential for change to the scheme would be minor.

### **Obligations**

101. In summary, the s106 Agreement<sup>115</sup> contains planning obligations for:

- The provision of on-site affordable housing at a rate of 21% of all residential units and not less than 30% of all habitable rooms within the scheme, with the arrangements for reviews during the implementation of the scheme to determine whether any further affordable housing could be provided;
- Measures to ensure that parking permits are not issued to any resident of the proposed development;
- A travel plan for future occupiers of the scheme;
- Membership of a local car club for each flat for three years from its first occupation;
- The provision of highways works to widen the footway at the road intersection at the corner of the appeal site, a realigned pedestrian crossing, utility diversionary works, a new crossover and dropped kerbs, reconstruction of the footways fronting the site, associated changes to road markings, resurfacing of the road adjacent to the site, and any other necessary order or authorisation;
- An employment and training strategy for local residents to access opportunities in the construction and operational phases of the development;
- Planting and maintenance of three street trees;
- Television signal mitigation;
- Retention of the scheme architect until completion of the development;
- Financial contributions for air quality improvements, carbon offsetting, public art, and monitoring of the agreement.

---

<sup>114</sup> ID 17 "Introduction".

<sup>115</sup> P/ID 01.

## **INSPECTOR'S CONCLUSIONS**

102. Numbers in square brackets denote source paragraphs elsewhere in this report.

### *Main considerations*

103. Taking into account the oral and written representations, the Secretary of State's reasons for recovering the appeal and my observations on site, I have identified the following main considerations in this case:

- The effect of the proposal on the living conditions of occupiers of Impact House, with particular regard to daylight and outlook;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the historic environment.

### **Consideration 1: The effect of the proposal on the living conditions of occupiers of Impact House, with particular regard to daylight and outlook**

#### *Daylight effects*

104. Impact House was a permitted development conversion from office accommodation [12], which at the time of its prior approval by the Council, was not subject to any assessment of daylight levels for the proposed accommodation. The Council subsequently granted permission for additional storeys to be added to both the main and projecting wings of the building. The existence of habitable room windows within the projecting wing, very close to the boundary with the appeal site, along with main wing windows facing the site, means that the living conditions of residents of the relevant flats would be affected by the proposal [36, 37].

105. The Building Research Establishment (BRE) guidelines are the main source of guidance on the issue of daylight and have long been considered as 'best practice' within the development industry. In this instance they have been used by both the appellant and the Council, with a two-stage approach agreed as appropriate [32]. This broadly consists of analysing the amount of light loss to adjoining properties, measured in vertical sky component (VSC), as the first stage. The second stage looks at contextual factors to assist in determining whether the loss is acceptable in planning terms.

106. The figures provided in the quantitative assessment of the first stage were agreed by the Council and the appellant. These show that 50 windows would have a VSC less than 15% and that the affected flats would therefore suffer significant light loss [36, 62]. The disagreement between the parties stems from the impact of this loss and its acceptability when taking both stages of the assessment into account.

107. The BRE guidelines suggest that 27% VSC is an ideal target, but I heard at the Inquiry that this is a 'one-size fits all' target that can be applied across suburban and highly urban areas alike. This is a town centre site amongst other tall buildings, both existing and consented. Previous appeal decisions have discussed the challenge of assessing the appropriateness of daylight loss in areas around tall buildings against the BRE guidance and concluded that a mid-teens VSC percentage is appropriate for use in dense urban areas of tall



buildings [35], an example being The Whitechapel Estate decision which also cited other major developments across London adopting this range<sup>116</sup>.

108. The subsequent Burgess Business Park appeal also raised issue of whether the BRE's 27% VSC was appropriate in a central London context, although with surrounding development of a predominantly domestic scale. The Inspector of this appeal cited the *Rainbird* High Court Judgement<sup>117</sup> that confirmed the appropriateness of the two-stage approach to considering effects of daylight and sunlight, but also that the mid-teen targets adopted by other developments preceded the *Rainbird* judgement and that it would not be appropriate for use in that appeal<sup>118</sup>. The Secretary of State accepted the Inspector's findings in that case.
109. Subsequent to those appeals and the *Rainbird* judgement, the Inspector of the Albert Embankment inquiry acknowledged that mid-teen VSC values had been found to be appropriate elsewhere in London, and that retained levels would be around the mid-teen level in that appeal. However, there were some reductions of 40% or more on current levels, which he considered would result in unacceptable living conditions<sup>119</sup>. The Secretary of State accepted these findings.
110. The mid-teens alternative approach has been used in other London development assessed by the GLA<sup>120</sup> and was also accepted by Council officers in their assessment of the appeal proposal<sup>121</sup>. The appellant applied the mid-teen alternative target in its approach, interpreting this as 15% [35], which was used at the Inquiry by both the appellant and the Council [62] as an alternative VSC target.
111. I agree that the use of the 27% ideal is inappropriate in this instance, given the high-rise context of both the proposed building and the building that would be affected and acknowledged that there has been a degree of agreement between the Council on the use of the lower figure as the alternative target. Whilst I have some reservations on using this as an absolute target figure, I recognise its value in assessing tall buildings in a dense context. However, just as in the previous appeal cases, the second part of the two-stage process is important in determining whether the reduction in daylight levels is appropriate.
112. I will therefore now assess the contextual or qualitative factors, the consideration of which forms the second part of the two-stage process. Firstly, I acknowledge that the area is one in transition and that there are tall buildings already present or consented, and that the Council has accepted levels of daylight loss to neighbouring buildings similar to that of the appeal scheme. I return to this matter below.
113. Secondly, the appellant has applied a reductive exercise to the 50 windows falling below 15% VSC, discounting them for various reasons. The BRE guidance suggests an alternative consideration of VSC could be appropriate where figures

---

<sup>116</sup> CD 5.7 para 112.

<sup>117</sup> CD 5.10.

<sup>118</sup> CD 5.6 paras 443-445.

<sup>119</sup> CD 5.15 para 753.

<sup>120</sup> CD 11.3.2 para 6.10.

<sup>121</sup> CD 3.2.1 para 9.75.

could be affected by features such as projecting wings and obstructions such as parapets and balconies [36]. The layout of Impact House is such that there are multiple flats with windows directly on the inside corner of the projecting wing and close to its parapets.

114. The appellant has applied the BRE guidance's suggestion of performing an alternative assessment to take account of those flats which have lower existing levels of daylight as a result of their position, which represents the first group of windows that I consider in this section. There are 29 windows that are affected by the projecting wing of Impact House and 12 that are affected by the lift overrun and parapet features. These have been discounted in the reductive exercise, leading the appellant to conclude that only the nine windows closest to the appeal site boundary would fail to retain sufficient levels of daylight [36].
115. However, of these discounted windows, many serve flats within Impact House that already have relatively low levels of daylight [37] and these would lose further daylight to a significant degree, with VSC values lower than the 15% alternative. Some 93 windows within Impact House flats would also have VSC reductions of more than 40%, representing a 'major adverse impact' as defined by the BRE guidance [66].
116. I saw during my first site visit that these flats have a single aspect with their main habitable rooms all facing in the direction of the appeal scheme. The loss of daylight, expressed through both a VSC lower than 15%, and VSC reductions of more than 40%. These are conditions that are not dissimilar to those that led to the Secretary of State's negative finding on the Albert Embankment case. Such a reduction in daylight would result in gloomy conditions for these residents. I therefore find that there would be significant harm to living conditions for the residents of these flats.
117. I turn now to the nine flats most affected by the appeal development, one per storey on the projecting wing, which each have one window adjacent to the boundary of the appeal site. These also fall below the 15% alternative value and would achieve values as low as 0% VSC, or a near-total loss of daylight as a result of the proximity and height of the proposed building. The second group of windows considered in this section comprise the upper three windows of these, which are secondary windows serving open-plan living room / kitchen / dining room areas (LKDs), and which have their primary windows on the southern façade of the projecting wing [38]. Nonetheless, these rooms would retain reasonable levels of light due to their primary windows remaining relatively unobstructed and in this respect I find that only minimal harm would result.
118. The third group of windows for consideration are the lower six windows on the projecting wing facing the site boundary, and are the sole windows serving bedrooms. I heard that the role of bedrooms as a simple room for sleeping is changing as a result of increased homeworking, leading these rooms to be used more during the day [68]. Whilst I acknowledge that the loss of light to a bedroom may not have the same impact as that of a LKD [38], there would nonetheless be an almost total loss of light to these rooms. This would significantly harm living conditions for the occupiers of these flats.
119. In the surrounding area, the proposed towers at Nos 4-20 Edridge Road and Block A at Leon House would also affect their existing residential neighbours in

terms of daylight loss, with assessments suggesting that their impacts would be more significant than those of the appeal building in relation to Impact House [63]. This indicates that the Council has previously accepted the loss of daylight at similar levels comparable with the appeal scheme. However, these examples were not tested at appeal. In any case, each proposal must be assessed against the specific conditions applying to it and its neighbours. For similar reasons, comparisons with buildings to other appeal schemes were found to be unsuitable in the Albert Embankment decision<sup>122</sup>.

120. The Albert Embankment decision also noted the potential for loss of daylight to affect with human health<sup>123</sup>. These considerations are similar to the representations of residents of Impact House, who asked me to consider the 'human element' of the proposals as part of the contextual analysis [38].
121. I have found that there would be a substantial loss of daylight to windows in two of the three groups considered above. Although a small number of windows in relation to the total number in Impact House, the effects would be severe. The resultant high level of harm to living conditions leads me to attach very significant weight to this consideration.
122. I find that the proposal would result in substantial harm to the living conditions of occupiers of Impact House and would conflict with CLP Policies DM10.6 and DM38.4, the OAPF, and London Plan Policies D6 and D9.

#### *Outlook effects*

123. The appellant mentions that there is no definition of outlook in the CLP or elsewhere, but it is referred to within the local plan and is a consideration in the assessment of effects to living conditions of the occupiers of Impact House [42, 67, 68]. I was able to assess the likely impacts from views within flats and whilst there would be a high level of enclosure from those in the main wing, the separation distance to the new building would be about 24 metres [43]. Although residents' views would be obstructed, this is a reasonable separation distance that would be appropriate in this town centre context. The nine windows closest to the boundary would have their outlook completely obstructed [69] for similar reasons to those set out in the daylight commentary above. However, residents in the affected flats would maintain outlook from the main LKD rooms in their properties.
124. As such, I find that there would be no loss of outlook resulting in harm to the living conditions of occupiers of Impact House, and no conflict with the development plan for the area.

#### **Consideration 2: The effect of the proposal on the character and appearance of the area**

125. The OAPF is adopted guidance for the planning of tall buildings within Croydon Town Centre. It proposes three main tall building clusters. The southernmost of these is within the 'edge' classification of the town centre, and it is within this area that the appeal site is located [70]. Although the site is not within the exact limits of the cluster of existing tall buildings within this southern area as

---

<sup>122</sup> CD 5.15 paras 752-757.

<sup>123</sup> CD 5.15 paras 752 and 757.

shown within the fig. 6.1 of the OAPF [71], it is nonetheless in close proximity to existing and consented towers.

126. The area around the site has a varied character, with rows of two-storey suburban housing, three- and four-storey town centre commercial buildings, and taller buildings up to around 30 storeys [9]. The grain is also varied, with areas of older, smaller buildings contrasting with large-footprint towers. The towers are clearly noticeable in street views and, whilst they draw the eye, there remains enough interest through these varied patterns at street level to provide an inclusive pedestrian environment. Tall buildings already about the high street and I consider that, in townscape terms, the principle of a tall building on this site is acceptable.
127. The building's plinth would address the street frontages by establishing an appropriate scale for pedestrians and other users [45]. The tower above has been designed in accordance with the 3:1 slenderness ratio encouraged by the OAPF [44] [72]. Although this would appear broad in some views, this would be in accordance with other similarly proportioned buildings in close proximity, such as Leon House.
128. I agree with the Council's view that a sensitive approach to the design and assessment of tall buildings is needed [71], given that their visibility means that they have a wide range of impacts, from street level to long distance views. In this instance, the building would be appropriate at street level, and in the wider view would appear in its place as part of the dynamic Croydon skyline.
129. On this issue I find that the proposed development would be appropriate in townscape terms and would not harm the character and appearance of the area. It would not conflict with CLP Policies DM15 and DM38, London Plan Policies SD1 and D9, and the OAPF.

### **Consideration 3: The effect of the proposal on the historic environment**

130. It was agreed between the Council and the appellant that of the heritage assets within the surrounding area, five would be affected by the appeal proposal [32], and discussion at the Inquiry focused on these. Having carried out an assessment of the various assets within the town centre and around the site, I agree with this approach and consider that no other assets outside of this five, designated or otherwise, or their significance, would be harmed by the proposal.
131. Each of the assets was tested in line with good practice set by Historic England although the appellant and the Council disagreed as to the appropriate scale of testing [48] [74]. Whilst the significance of the assets was generally agreed, there were some differences in terms of the extent of their settings. The main area of disagreement was the scale of harm that would result in each instance. The appellant considers that there would be no harm to any of the assets [54], whereas the Council's view is that less than substantial harm would result, using the NPPF definitions [75-79]. The NPPF describes two levels of harm, namely "less than substantial" and substantial harm or total loss of significance, with the latter being achieved in the case of substantial interference with or destruction of the asset<sup>124</sup>. The less than substantial definition therefore

---

<sup>124</sup> NPPF paras 199-202.

encompasses a wide range of possible levels of harm, and the Council's view was that much of the potential harm would be moderate in the scale of less than substantial harm.

132. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the LCBA Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, its significance, or any features of special architectural or historic interest. Section 72(1) of the LCBA Act requires the decision maker, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

#### *Wrencote House*

133. The significance of the 17<sup>th</sup>-century Grade-II\* listed Wrencote House lies in its archaeological, historical and architectural interest, with its survival and retention of features contributing to this interest. Its setting has changed markedly through the years, with the decline and subdivision of its grounds, replacement of neighbouring buildings and realignment of High Street. That it not to say that it does not currently have a setting, as its architectural detail and form is appreciated from the high street, particularly from directly outside and opposite the building. The approaches are less significant, given that the silhouette and form of the building becomes less distinct against its neighbours, which corresponds with a decreasing ability to appreciate its features. These areas form part of its setting, and the appreciation of the building from these areas contributes to its significance [49] [75].
134. The proposed building would be clearly visible in approach views along High Street from the south, in the background of views of Wrencote House<sup>125</sup>. Impact House is currently visible as a tall building in the background. This change in scale between the low-rise and high-rise buildings currently exists in both north and south views along the town centre context of High Street. However, even in this context, the proposed building would appear taller than Impact House, have the potential to draw the eye in the approach to Wrencote House. For this reason, I find that this would result in some harm to the setting of the heritage asset, and that the proposed development would fail to preserve this setting. The harm is minor within the less than substantial categorisation.
135. The impact of the proposed building on the important views in directly facing Wrencote House would be minimal, as visibility of the proposed building in these important views would be peripheral. These views have the greatest contribution to the significance of the building and this significance would not be diminished by the proposed development. Therefore, although I have found that there would be harm to the setting of the heritage asset, I do not find that there would be harm to its significance.

---

<sup>125</sup> CD 1.47.6 views 11 and 12.

### *Croydon Minster*

136. The Minster is a Grade-I designated asset that is located some distance from the appeal site but, due to the height of the proposal, it would be visible from the area around the Minster. The significance of the Minster lies in its architecture, its archaeology and its history as part of the town centre and importance in local life. Its setting also makes a positive contribution to its significance, particularly in views of the building from the adjoining gardens and conservation area, and in approach views such as that along Rectory Grove.
137. The imposing silhouette of the Minster, particularly its tower, is clearly identifiable when viewed from Rectory Grove. The balance of the evidence suggests that this is not a view that was historically important, but the alignment of the street since at least Victorian times is such that the view of the Minster terminates eastward views along the street. These views are kinetic, experienced in the context of a journey either on foot or by vehicle towards the Minster and are only minimally disrupted by the presence of the busy A236 road at the east end of Rectory Grove [50] [76].
138. The proposed tower would be visible in these views. However, it would be seen amongst the existing cluster of tall buildings in the background of views of the Minster. Whilst it would be identifiable alongside and adjoining the silhouette of the Minster tower, it would be a further element of the existing background cluster, rather than a new element that would draw the eye from the Minster view in the foreground. The difference between the Minster in the foreground and the background cluster is legible and it is clear to the viewer that the tall buildings are some distance away. As such, they do not interfere with the setting or the significance of the listed building. The proposed tower would sit within that cluster and would not be harmful in this context. I therefore find that there would be no harm to the significance of this asset and that the setting of the listed building would be preserved, together with the significance of the designated heritage asset.

### *Croydon Minster Conservation Area (CMCA)*

139. This conservation area encompasses the Minster, its gardens (St Johns Memorial Garden) and the former Archbishop's palace (now a school) together with surrounding terraced housing. The roofs of these terraces are a positive contributor in views from the area towards the town centre. The significance of the CMCA is derived from its historic and spatial association with the Minster [51] [77].
140. The land falls away to the east of the CMCA and the roofscape of Victorian terraces is visible in views from the gardens. Towers in the background of this view denote the activity centre of the town. The appeal proposal, together with existing and consented towers, would consolidate the background and contribute to the 'layers' of the views towards the town centre. The building would appear as part of the consolidated background to the view and would not be obtrusive. No harm would result to the CMCA, the character and appearance of which would be preserved.

### *Croydon Town Hall*

141. The Town Hall and its associated buildings together form a recognisable group of buildings which are the civic heart of the town centre. They have significant ornamental detailing with significance drawn from their architectural and historic value. They are best appreciated from their front elevation at Katherine Street. In the future a proposed civic square will allow further views of the front of the buildings [52] [78].
142. The buildings have a clear roofline/silhouette which is richly detailed with a mix of features. One of these is a modern grey addition which, although appearing small when viewed from the front of the buildings, is clearly noticeable as a result of its differences in age and style. The skyline is not unbroken due to the appearance of the modern Queen's Square development on the left-hand side of the Town Hall, although this is not visible in close views of the building from Katherine Street.
143. Similarly, the appeal building would not be visible in close views. Further away, from the proposed civic square, it would be visible above the roofline in the vicinity of the modern grey addition. Although the new building would add to the disturbance of the roofline in such views, this would not have a harmful impact on the architectural or historic significance of the buildings. The Town Hall would continue to dominate views due to its proximity to the viewer. I therefore find that there would be no harm to the significance of this asset and that the setting of the listed building would be preserved, together with the significance of the designated heritage asset.

#### *Central Croydon Conservation Area (CCCA)*

144. The CCCA encompasses an original part of the town centre, and Inquiry evidence focused on a particular southward view along Surrey Street that includes a busy market operating throughout the week. This market is one of the oldest street markets in London, having operated in or close to this location since the 13<sup>th</sup> century<sup>126</sup>. Historic buildings are situated throughout the CCCA that, along with the retained street layout in which Surrey Street acted as an important traditional approach to the town centre, act as markers of the historic importance of the area and contribute to its significance. The older buildings in the Surrey Street view are visible amongst more modern designs, with a variation in building height also noticeable [53] [79]. Nonetheless, the street has a noticeably historic character.
145. The view along Surrey Street and through the market is linear. It is terminated by existing tall buildings, with others proposed and consented. The appeal building would appear directly in the centre of the view, and due to its proximity and height, would appear as the tallest of these terminating buildings. The tall slender form of the appeal building would draw the eye in the linear view. Although other modern buildings along Surrey Street are similarly appreciable at various points along the market, the proposed building would be a particularly noticeable addition<sup>127</sup>, which would further detract from the street's historic character.

---

<sup>126</sup> CD 9.2 para 1.6.1.

<sup>127</sup> CD 1.47.5 view 7.

146. I therefore find that the proposed development would fail to preserve or enhance the character and appearance of the CCCA. The harm to the significance of the area would be at the lower end of the scale within the less than substantial category.

*The statutory tests*

147. I have found that two of the above five assets would be harmed by the appeal proposal. In both cases, the harm is less than substantial. There would be no harm to any other heritage assets, either as single assets or cumulatively. I have also considered the cumulative impacts resulting on harm of more than one asset and consider that the harm remains less than substantial. In both cases the harm would be minor within the less than substantial categorisation.

148. In balancing the harm against the benefits of the proposal, I have applied the statutory duty as set out in sections 66(1) and 72(1) of the LBCA Act and paid special attention to the desirability of preserving or enhancing the character or appearance of the CCCA by attaching considerable importance and weight to that duty.

149. The NPPF states that when a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal<sup>128</sup>. The proposal would deliver housing to the area, including affordable housing, which when considered in the context of the local need, would provide public benefits<sup>129</sup>. The proposal would also secure the optimum viable use of the site.

150. These benefits are significant. I therefore find that, although the proposal would have a less than substantial harmful effect on the setting of Wrencote House and on the CCCA, the harm would be outweighed by the public benefits of the proposal.

**Other considerations and the effect of these on the overall planning balance**

*Housing supply*

151. The Council is currently meeting its housing supply targets [80], which includes the delivery of 2,079 new homes per annum. The Council is not underdelivering against its housing requirement, but that the delivery would occur in an important development and regeneration area is significant. Opportunity areas are of considerable strategic value in delivering housing within London [20, 21] and the GLA has stated that the failure of the scheme would have a significant impact on the delivery of the London Plan [56].

152. The appeal scheme would provide 121 new homes, equating to around one-third of a year's expected housing delivery within the Croydon Opportunity Area [56], which is a major housing delivery zone for the borough. However, these new homes equate to only 6% of the annual requirement for the borough as a whole. Given this context, I attach moderate beneficial weight to the delivery of new homes.

---

<sup>128</sup> NPPF para 202.

<sup>129</sup> As set out in the planning balance discussion at paras 151 and 0 below.



### *Affordable housing*

153. Of the 121 homes in the scheme, 26 would be affordable housing, achieving the local target of 30% affordable housing (by habitable rooms), with an appropriate tenure split [14]. The Council has delivered only 11% affordable housing against this 30% target in recent years, and as such, affordable housing delivery is a priority. The new homes represent a small proportion of the borough's overall housing supply but delivery is nonetheless important given the shortfall, particularly when compared with the much higher proportions of affordable housing being delivered across the rest of Greater London [55]. I therefore attach significant beneficial weight to the provision of these affordable dwellings.

### *Other effects on living conditions*

154. Although there would be some loss of sunlight, it would not be to a level so great as to fall below the recommended BRE levels [41].

155. There would be some new overlooking of flats within Impact House [90, 92, 93]. However, the distance between the proposed and existing buildings would be great enough to ensure that privacy would be retained, although there may be a feeling of being overlooked, given that many of the existing flats are not presently overlooked. I also heard concerns that the Impact House's outdoor amenity space (atop the projecting wing) would be overlooked [92, 93]. However, this is already overlooked by many flats within the existing building. Moreover the separation distance has been accepted by the Council [29] and I agree that it would be sufficient to avoid a harmful impact on privacy.

### *Fire safety*

156. The HSE objected to the proposal on the basis of fire risk and emergency access conflicts [95] and the Council raised similar concerns. During the appeal process, the appellant provided responses to each of the individual concerns raised<sup>130</sup>. Clarification was provided on the intended fireworthiness of the access and emergency areas and the ventilation strategy, and agreement between the Council and the appellant for additional measures to be incorporated in the detailed design for compliance with Building Regulations. A planning condition would require the development to be carried out in accordance with the approved fire strategy.

### *Planning obligations*

157. The section 106 agreement contains obligations that are necessary for the development to proceed<sup>131</sup>. These include the provision of affordable housing, which would contribute to meeting local housing need and would be provided in accordance with the CLP and London Plan requirements<sup>132</sup>. The agreement also provides the opportunity for reviews of the scheme's viability to ensure that the maximum possible amount of affordable housing would be provided.

---

<sup>130</sup> ID 08 and ID 09.

<sup>131</sup> P/ID 01.

<sup>132</sup> CLP Policies SP2, DM1; London Plan Policies H4, H6, H7.

158. The agreement would prevent the scheme's future residents from obtaining parking permits in the controlled parking areas surrounding the appeal site. This is necessary to mitigate the effects of potential parking demand and to preserve highway safety. It also meets the requirements of development plan policies<sup>133</sup>, and I am satisfied that its provisions are a secure way of achieving car-free development<sup>134</sup>.
159. A travel plan would alert residents to their travel mode choices and provide monitoring, and residents would also gain membership of a local car club for three years from the first occupation of each flat. Both would encourage sustainable travel choices for future residents, mitigate negative environmental effects and meet local policy requirements<sup>135</sup>.
160. The document requires the parties to enter into an agreement<sup>136</sup> for works to secure alterations and improvements to the highway, primarily the widening of the footway at the road intersection of the appeal site, a realigned pedestrian crossing, utility diversionary works, a new crossover and dropped kerbs, reconstruction of the footways fronting the site, associated changes to road markings, resurfacing of the road adjacent to the site, and any other necessary order or authorisation. The works would be fair and reasonable in scale and directly related to the appeal scheme and would meet the requirements of local policy<sup>137</sup>.
161. Further policy compliance and mitigation of the development's effects arise from provisions requiring: the parties to seek to secure training and skills for local residents, and access to employment opportunities in the construction and operational phases of the development<sup>138</sup>; the planting and maintenance of three street trees to offset the wind impacts arising from the development<sup>139</sup>; monitoring of interference to local television reception resulting from the construction of a new tall building<sup>140</sup>; that the scheme architect be retained throughout the appeal scheme's construction to ensure that the quality of the design is not undermined, given its podium and tower design and proximity to heritage assets<sup>141</sup>; a financial contribution to fund initiatives within the Council's Air Quality Action Plan to reduce the impact of pollution within the air quality management area and to raise awareness of air quality matters<sup>142</sup>; a public art contribution to contribute to a sense of place while enhancing and expressing local character<sup>143</sup>; a carbon offsetting contribution<sup>144</sup>; and relevant monitoring fees to cover costs associated with ensuring compliance with the agreement.

---

<sup>133</sup> CLP Policies SP8.17, DM29, DM30; London Plan Policy T6.

<sup>134</sup> The agreement invokes the provisions of s16 of the Greater London Council (General Powers) Act 1974, which is effective to secure car-free development in London, as confirmed in *R (oao Khodari) v Royal Borough of Kensington and Chelsea & Cedarpark Holdings Inc [2017] EWCA Civ 333* (para 38).

<sup>135</sup> CLP Policies SP8, DM29, DM30; London Plan Policy T4.

<sup>136</sup> Under s278 of the Highways Act 1980.

<sup>137</sup> CLP Policies DM29, DM30.

<sup>138</sup> The Council's s106 guidance document [25] and CLP Policy 3.14.

<sup>139</sup> CLP Policy DM28; London Plan Policy G7.

<sup>140</sup> London Plan Policy D9.

<sup>141</sup> CLP Policies SP4, DM10; London Plan Policies D3, D4.

<sup>142</sup> CLP Policy SP6.3; London Plan Policy SI 2.

<sup>143</sup> CLP Policy DM14.

<sup>144</sup> London Plan Policy SI 2.

The latter is justified given the scale of the appeal proposal and the need to ensure that the development is carried out satisfactorily.

162. A signed and dated agreement has been provided. I consider that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are met in respect of all the obligations included in the planning agreement, and that its provisions are material considerations in this appeal.
163. Setting aside the provision of affordable housing, the obligations are generally limited to mitigating effects of the development and would have a limited impact to those outside the scheme, including existing residents. I attach moderate beneficial weight in the planning balance to the employment and design provisions.

*Other implications of not proceeding with the scheme*

164. No specific fallback position was put forward by the appellant if the scheme were not to proceed. Submissions to the Inquiry by Council Planning Committee members [84, 85] and planning officers [83] suggest the Council's willingness for engagement with the appellant in the development of an alternative proposal, should the appeal scheme not proceed.

**Overall conclusions**

165. Of the main considerations in this appeal, the harm caused to existing residents of Impact House through loss of daylight would be substantial [122], which warrants very significant negative weight in the planning balance. I heard representations at the Inquiry, together with similar written submissions [84-93] [97]. I have no doubt that the degradation to the living conditions of residents in certain flats would be considerable and acknowledge the possibility of effects on the mental health of residents, together with the associated lifestyle alterations that may be required should the development proceed.
166. The absence of harm to the character and appearance of the area [129] is a neutral factor that has no impact on the planning balance.
167. I have found that there would be less than substantial harm caused to Wrencote House the Central Croydon Conservation Area [150]. Considerable weight is given to the presumption in favour of preservation.
168. A substantial number of new homes would be provided, to which I have given moderate beneficial weight [152]. Additionally, the provision of affordable homes would assist in remedying the past undersupply in the borough and I have given this consideration significant weight [153]. Although I have had regard to the fact that failure to deliver the proposed housing would have a "significant impact on the implementation of the London Plan" [56] [151], and that regeneration is generally supported in this OAPF and town centre area [26, 151], the Council is currently meeting its housing supply targets and the development would provide only 6% of the borough's overall annual provision [152], despite the fact that it would be one third of the OAPF's annual provision [56].
169. Although I heard that the appeal site would be allocated for residential development within the draft CLP, this has not yet been subject to examination [27] and I apportion it minimal weight.

170. Benefits arising from the other provisions within the planning obligation are moderate [163].

171. Taking all of these considerations into account, I find that the harm would significantly and demonstrably outweigh the benefits of the proposal. As well as the policy conflicts that I have identified, the proposal would not comply with the development plan as a whole.

**Recommendation**

172. I recommend that the appeal be dismissed. If the Secretary of State disagrees and considers that the appeal should be allowed, then I recommend that the conditions in Appendix A should be attached.

*G Rollings*

INSPECTOR

## **Appendix A: Recommended conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

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 shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Location Plan S\_100 Rev 00; Floor plans EX\_120 Rev 00;  
Floor plans 121 Rev 00; Floor plans 122 Rev 00; Floor plans 123 Rev 00;  
Floor plans 124 Rev 00; Sections 130 Rev 01; Sections 131 Rev 01;  
Elevations 140 Rev 01; Elevations 141 Rev 01; Elevations 142 Rev 01;  
Elevations 143 Rev 01; Floor plans GA\_200 Rev 02; Floor plans 201 Rev 02;  
Floor plans 202 Rev 02; Floor plans 203 Rev 02; Floor plans 204 Rev 02;  
Floor plans 205 Rev 02; Floor plans 211 Rev 02; Floor plans 218 Rev 02;  
Floor plans 230 Rev 02; Floor plans 231 Rev 02; Sections 300 Rev 02;  
Sections 301 Rev 01; Elevations 400 Rev 02; Elevations 401 Rev 02;  
Elevations 402 Rev 02; Elevations 403 Rev 01.

Reason: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.

3. Notwithstanding Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any amendment or replacement thereof), prior to the commencement of development, a Construction Logistics Plan (to include site waste management plan) and Environmental Management Plan shall be submitted to and approved in writing by the local planning authority (in consultation with TfL) which shall include the following information:

*Construction Logistics Plan (including site waste management plan)*

- i) Hours of construction;
- ii) Hours of deliveries;
- iii) Details of facilities for the loading and unloading of plant and materials;
- iv) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- v) Details of the storage facilities for any plant and materials;
- vi) Access arrangement to the site during the demolition and construction periods including holding areas;
- vii) Details of the siting of any site huts and other temporary structures, including site hoardings (including hoarding form, design, siting and phasing plan of hoarding);

- viii) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
- ix) Details of the routes commercial vehicles would use within the borough to gain access to the site;
- x) Non-Road Mobile Machinery (NRMM) of net power between 37kW and 560kW are required to meet specific standards. This applies to NRMM engines for both Nitrogen Oxides (NOx) and Particulate Matter (PM) emissions, based upon engine emissions standards set in EU Directive 97/68/EC. The applicant must provide details of registration of all Non-Road Mobile Machinery used on site for both demolition and building according to guidelines under the Non-Road Mobile Regulations 2015. All details of vehicles must be entered on the NRMM website with information passed on to the Pollution Team at Croydon Council;
- xi) All delivery vehicles must be registered under the Freight Operators Recognition Scheme (FORS) with a minimum requirement for this being a bronze status on all vehicles, with a commitment to achieve silver status. Construction delivery vehicles used within the Growth Zone that are 7.5t and over must be FORS Silver;
- xii) Evidence shall be submitted to show that the developer has committed to the Croydon Logistics Forum and the Growth Zone navigation app;
- xiii) The measures to prevent disruption to the tram network;
- xiv) Consideration of co-ordination with site logistics and build programmes of developments on sites in the vicinity; and
- xv) Photographic survey of the pre-existing condition of the footway and carriageway around the site.

#### *Environmental Management Plan*

- xvi) Air Quality Dust Risk Assessment; and
- xvii) 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).

The proposed development shall only be implemented in accordance with the approved details.

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 area or occupiers of nearby properties.

4. No demolition or development shall take place until an archaeological stage 1 written scheme of investigation (WSI) has been submitted to and approved in

writing by the local planning authority. For land that is included within the WSI, no demolition or 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 then a stage 2 WSI shall be submitted to and approved in writing by the local planning authority. For land that is included within the stage 2 WSI, no demolition/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
- b) The programme for post-investigation assessment and subsequent analysis, publication and 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: This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.

5. a) Prior to the commencement of development the following shall be submitted to and approved in writing by the local planning authority (except for item (i)):
  - i) The development shall be carried out in accordance with the Phase 1 Desk Study Report titled Geo-Environmental Desk Study Report prepared by Soil Consultants dated 8 July 2020 (Rev0);
  - ii) If recommended by the Phase 1 report (as outlined in part 'i'), a Phase 2 intrusive site investigation and risk assessment into the possibility of soil, water and gaseous contamination.
- b) If the site investigation (as outlined in part 'a(ii)') indicates the presence of significant potential pollutant linkages, a strategy detailing the remedial measures required to render the site suitable for its intended use must be carried out. The remedial works which are shown to be required must be submitted to and approved in writing by the local planning authority before any such works are carried out and completed prior to the occupation of any building.
- c) Prior to the occupation of the development hereby permitted, a validation report detailing evidence of all remedial work carried out shall be submitted to and approved in writing by the local planning authority.
- d) 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.

6. No piling shall take place until 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) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

7. Prior to the commencement of the superstructure full details of the following shall be submitted to and approved in writing by the local planning authority:
  - a) External materials and finishes (with sample panels to be shown on site)
  - b) Balcony design
  - c) Shopfront design and signage strategy
  - d) Glazing specifications including acoustic performance and design
  - e) Internal insulation specifications between the commercial units and residential units
  - f) External flues, vents and extracts

Unless otherwise agreed by the local planning authority, development shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To ensure that an appropriate development is provided with regard to the character and appearance of the area and to ensure satisfactory living conditions.

8. Unless otherwise agreed in writing by the local planning authority no part of the development shall be occupied until the development hereby approved achieves Secured by Design Certification.

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

9. Prior to the occupation of the development the details of external lighting shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on site in accordance with the approved details prior to the occupation of the development.



Reason: To ensure that an appropriate development is provided having regards the visual amenities of the area and the amenities of future and nearby properties.

10. Prior to the commencement of works above third floor level (with the exception of stair and lift cores) as shown on Drawing GA 204 Rev 02, full details of all hard and soft landscape works and materials within the site shall be submitted to and approved in writing by the local planning authority. Such details shall include:
- i) Detailed landscaping design for Level 3 (Drawing GA 204 Rev 02) and external ground level area to the front of the scheme up to the red line boundary planning application (Drawing GA 200 Rev 02);
  - ii) All hard and soft landscape material details and samples to be submitted for approval including 1:5 drawings of details, visualisations where appropriate, and 1:1 drawings and visualisations of typical junctions between materials;
  - iii) Species, planting density and size of all proposed planting, including girth and clear stem dimensions of trees (including any trees and planting with 1:5 drawing details of planters and means of securing trees etc.), including positioning of all trees and relationship between all trees;
  - iv) Hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
  - iv) Details of junctions;
  - v) All boundary treatments within and around the development;
  - vi) Details at 1:5 in plan and section drawings of all hard landscape details including thresholds with buildings, planters, junctions between materials and adjacent surface treatments, junctions with any boundary treatments or where any structures meet the ground plane;
  - ix) Details at 1:5 in plan and section drawings of retaining walls and ramps and steps to all entrances; and
  - x) Details of safety screens in respect of the podium level.

All landscaping works shall be delivered in accordance with the approved details before any part of the development is occupied or within such longer period or periods as the local planning authority may previously agree in writing. Any planting which dies or is severely damaged or becomes seriously diseased or is removed within five years shall be replaced by planting of similar size and species to that approved by the end of the next planting season.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area.

11. Prior to the occupation of the development the following strategies shall be submitted to and approved in writing by the local planning authority:
- a) Façade maintenance and cleaning strategy; and
  - b) Third Floor podium maintenance plan.

The development shall be implemented in accordance with the approved details

Reason: To ensure that the building continues to make a positive contribution to the character and appearance of the townscape.

12. Prior to the occupation of the development full details of the internal and external play space shall be submitted to and approved in writing by the Local Planning Authority, all such space must be accessible to all future residential occupiers regardless of tenure. Thereafter the play space shall be carried out in accordance with the approved details prior to the first occupation of the development. and thereafter retained as approved.

Reason: To ensure that the amenity of future residents is secured for the lifespan of the development.

13. Prior to occupation of the development, a Delivery and Servicing and Commercial Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Transport for London. The Delivery and Servicing Plan shall relate to all approved uses on site and include measures to prevent disruption to highway network. Unless otherwise agreed in writing by the local planning authority vehicles servicing the site shall do so in accordance with the approved details for so long as the development remains in existence.

Reason: To ensure that delivery and servicing traffic does not interfere with the safety and free flow of the highway.

14. Prior to occupation of the development, a Car Park Management Plan (to include allocation and management of spaces across the development) shall be submitted to and approved in writing by the local planning authority. This shall include full details of the number, location and specification of Electric Vehicle Charging Points and confirmation of passive provision for all parking spaces. The operation, allocation and management of the car parking spaces, along with provision of Electric Vehicle Charging infrastructure shall take place in accordance with the approved details for the lifetime of the development.

Reason: To ensure that an acceptable standard of development is provided and that cars parking in the basement do so safely and that it does not interfere with the free flow of the highway.

15. The development shall not be occupied until the parking spaces, disabled parking, cycle parking spaces (and areas), Electric Vehicle Charging Points and refuse storage have been provided as specified in the approved plans. The parking facilities shall be retained for the lifetime of the development.

Reason: To ensure the development is inclusive to all members of society and is acceptable in terms of transport impact.

16. Prior to the occupation of the development a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at:

[CircularEconomyLPG@london.gov.uk](mailto:CircularEconomyLPG@london.gov.uk), along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report

shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by the local planning authority prior to occupation.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

17. The development shall be carried out in accordance with Section 6 "Mitigation Measures" as outlined in the Pedestrian Level Wind Microclimate Assessment Rev D dated 20 November 2020 prepared by RWDI and associated approved drawings, as it relates to the measures within the application boundary.

Reason: To safeguard the safety of residents and the public.

18. The development shall be carried out in accordance with the submitted details in respect of the podium privacy screens prior to occupation of the development and retained as such for so long as the development exists.

Reason: To protect the privacy of future and nearby residents.

19. Prior to commencement of development (with the exception of demolition, excavation and piling) a detailed drainage strategy (detailing any on and/or off site drainage works) shall be submitted to and approved in writing by the local planning authority (in consultation with the sewerage undertaker and Lead Local Flood Authority). The development shall be implemented in accordance with the approved details prior to first occupation of the building and thereafter maintained as such for the lifetime of the development.

Reason: To ensure an acceptable form of development with regards to flooding.

20. The development shall achieve a water use target of 110 litres per head per day.

Reason: To ensure the efficient use of energy and construction.

21. The development shall be carried out in accordance with the Ventilation Statement dated 4<sup>th</sup> August 2020 by Ridge and Partners LLP.

Reason: To ensure that the environment is suitable for residential habitation.

22. The non-residential uses hereby permitted shall not take place other than between the hours of:

(07:00 - 23:00) Monday – Saturday; and  
(10:00 - 21:00) Sundays and Bank Holidays.

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

23. The development shall be carried out and thereafter retained in accordance with Section 6 of the Acoustic Assessment dated August 2020 by Plowman Craven.

Reason: To ensure that the environment is suitable for residential habitation

24. The development shall be carried out and thereafter retained in accordance with Section 10.0 of the Air Quality Strategy dated August 2020 by Plowman Craven.

Reason: To ensure that the environment is suitable for residential habitation.

25. Unless otherwise agreed by the local planning authority in writing, 90% of the residential units shall be Category 2 'accessible and adaptable' M4(2) and 10% of the remaining units shall be Category 3 'wheelchair user' M4(3). These shall be provided prior to any residential occupation of the building and carried out in accordance with the approved details and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan.

26. Prior to the first occupation of the development external and internal access arrangements to the podium facilities shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of future occupiers.

27. The development shall be completed and subsequently maintained to achieve a 35% reduction in carbon dioxide emissions, beyond what is required to comply with Part L Building Regulations 2013, for which it is responsible by the means herein approved. Prior to first occupation of the development, details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is completed in accordance with the objectives of the development plans for the area which seek to reduce carbon emissions in order to tackle climate change.

28. The development shall be carried out in accordance with Sections 4 and 6 of the Energy Statement (including overheating) dated 7<sup>th</sup> August 2020 written by Twin Earth.

Reason: To ensure that the environment is suitable for residential habitation.

29. The development shall be completed to achieve a BREEAM Excellent rating for the non-residential uses within the development hereby approved and shall subsequently be maintained to retain the rating.

Reason: To ensure that the development is completed in accordance with the objectives of the development plans for the area which seek to ensure sustainable design and construction.

30. The development must be carried out in accordance with the provisions of the Fire Statement – Requirements for London Plan 2021, dated 30 March 2022, prepared by AESG, and Fire Statement – National Requirements, dated 30 March 2022, prepared by AESG unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

*End of list.*

## Appendix B: Appearances

### FOR THE APPELLANT

Paul G Tucker  
of King's Counsel

Instructed by Jade Chalmers and  
Caitlin Spence, Howard Kennedy LLP

*He called*

Gordon Ingram, MRICS  
Jason Clemons, BA(Hons) MA MSc  
MRTPI IHBC  
Dr Juan Jose Sarralde, PhD  
(Cantab) MPhil (Cantab) Lic Arch  
(Chile)  
Scott Hudson, BSc AMRTPI

Founding Partner, GIA Chartered Surveyors  
Director / head of heritage and townscape,  
Savills (UK) Ltd  
Board Director,  
The Townscape Consultancy Ltd  
Director, Savills (UK) Ltd

*Other contributions*

Freddie Humphreys, of Counsel  
Mia Scaggiante, MRTPI

Associate Director, Savills (UK) Ltd

### FOR THE LOCAL PLANNING AUTHORITY

Stephen Morgan  
of Counsel

Instructed by Brooke Toon,  
Browne Jacobson LLP

*He called*

Christopher Harris, BSc(Hons)  
Robert Buckley, BA(Hons) MSc  
MRTPI

Partner, Delva Patman Redler LLP  
Lead conservation officer, Croydon Council  
Principal Planning Officer, Croydon Council

Georgina Betta, BA (Hons)  
PGDipTP MRTPI

### INTERESTED PERSONS

Councillor Chris Clark	Fairfield Ward Councillor, shadow cabinet member for planning and regeneration, planning committee member
Councillor Leila Ben-Hassel	Norbury & Pollards Hill Ward Councillor, planning committee vice-chair
Elaine Winter	Local resident
Jack Christou	Local resident
Dr Abeed Paul	Local resident
Norman Coomber	Local resident
Katy Surr	Local resident
Rebecca Hamilton	Local resident
Abdihakim Mohamed	Local resident
Olivia Mai Barrett	Local resident

### **Appendix C: Documents submitted during the Inquiry**

- ID 01 Appellant's opening submissions and list of appearances.
- ID 02 Council's opening submissions and list of appearances.
- ID 03 GIA / Gordon Ingram slides presentation.
- ID 04 Updated GIA / Gordon Ingram slides presentation.
- ID 04a 4-page map of Impact House windows.
- ID 05 Maps of Croydon – historical and present.
- ID 06 Maps of Croydon – Croydon High Street and Minster.
- ID 07 Council design officer comments (Heritage).
- ID 08 103-111 Croydon High Street (Leos UK) - Response note – HSE.
- ID 09 103-111 Croydon High Street (Leos UK) - Response note - Building Control.
- ID 10 London Plan Policy D12 (B) Fire Statement Assessment.
- ID 11 Advice to the local planning authority (HSE advice to the Council).
- ID 12 Council email dated 22-09-2022 (response to HSE).
- ID 13 Updated statement of common ground on daylight and sunlight.
- ID 14 Appellant's note (V2) on parking restrictions.
- ID 15 Appellant's Response Note to comments from Council building control, dated 27 September 2022.
- ID 16 Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy Review 2019, Council document dated November 2019.
- ID 17 Updated list of agreed planning conditions.
- ID 18 Council's closing submissions.
- ID 19 Appellant's closing submissions.

### **Appendix D: Documents submitted after the close of the Inquiry**

- P/ID 01 Executed section 106 agreement (submitted on 6 October 2022).

## Appendix E: Core documents

Ref	Document Title / Description of Item
<b>CD1</b>	<b>Original submission</b>
	<u>Application administration</u>
1.1	Application Form
1.2	Application Form (redacted)
1.3	CIL Form 1
1.4	Cover Letter
1.5	Site Location Plan
1.6	Drawing Issue Sheet
	<u>Existing drawings</u>
1.7	Existing Level 00 Floor Plan
1.8	Existing Level 01 Floor Plan
1.9	Existing Level 02 Floor Plan
1.10	Existing Roof Plan
1.11	Existing Basement Plan
1.12	Existing Elevation 01
1.13	Existing Elevation 02
1.14	Existing Elevation 03
1.15	Existing Elevation 04
1.16	Existing Section BB
	<u>Proposed drawings</u>
1.17	Proposed Level 00 Floor Plan
1.18	Proposed Mezzanine Floor Plan
1.19	Proposed Level 01 Floor Plan
1.20	Proposed Level 02 Floor Plan
1.21	Proposed Level 03 Floor Plan
1.22	Proposed Typical Level Type A Plan
1.23	Proposed Typical Level Type B1 Plan
1.24	Proposed Typical Level Type B2 Plan
1.25	Proposed Roof Plan
1.26	Proposed Upper Roof Plan
1.27	Proposed Section AA
1.28	Proposed Section BB
1.29	Proposed Elevation 01
1.30	Proposed Elevation 02
1.31	Proposed Elevation 03
1.32	Proposed Elevation 04
	<u>Supporting documents</u>
1.33	Accommodation Schedule
1.34	Acoustic Assessment
1.35	Air Quality Assessment
1.36	Archaeological Desk-Based Assessment
1.37	Below Ground Drainage Strategy
1.38.1	Circular Economy Statement (Part 1 of 2)
1.38.2	Circular Economy Statement (Part 2 of 2)
1.38.3	Circular Economy Statement (Appendices)
1.39.1	Daylight and Sunlight Report (Part 1 of 6)
1.39.2	Daylight and Sunlight Report (Part 2 of 6)
1.39.3	Daylight and Sunlight Report (Part 3 of 6)



1.39.4	Daylight and Sunlight Report (Part 4 of 6)
1.39.5	Daylight and Sunlight Report (Part 5 of 6)
1.39.6	Daylight and Sunlight Report (Part 6 of 6)
1.40.1	Design & Access Statement (Part 1 of 22)
1.40.2	Design & Access Statement (Part 2 of 22)
1.40.3	Design & Access Statement (Part 3 of 22)
1.40.4	Design & Access Statement (Part 4 of 22)
1.40.5	Design & Access Statement (Part 5 of 22)
1.40.6	Design & Access Statement (Part 6 of 22)
1.40.7	Design & Access Statement (Part 7 of 22)
1.40.8	Design & Access Statement (Part 8 of 22)
1.40.9	Design & Access Statement (Part 9 of 22)
1.40.10	Design & Access Statement (Part 10 of 22)
1.40.11	Design & Access Statement (Part 11 of 22)
1.40.12	Design & Access Statement (Part 12 of 22)
1.40.13	Design & Access Statement (Part 13 of 22)
1.40.14	Design & Access Statement (Part 14 of 22)
1.40.15	Design & Access Statement (Part 15 of 22)
1.40.16	Design & Access Statement (Part 16 of 22)
1.40.17	Design & Access Statement (Part 17 of 22)
1.40.18	Design & Access Statement (Part 18 of 22)
1.40.19	Design & Access Statement (Part 19 of 22)
1.40.20	Design & Access Statement (Part 20 of 22)
1.40.21	Design & Access Statement (Part 21 of 22)
1.40.22	Design & Access Statement (Part 22 of 22)
1.41	Desktop Health Impact Assessment
1.42	Domestic Energy Consumption and CO2 Analysis
1.43	Draft Delivery and Servicing Plan
1.44.1	Energy Statement (Part 1 of 4)
1.44.2	Energy Statement (Part 2 of 4)
1.44.3	Energy Statement (Part 3 of 4)
1.44.4	Energy Statement (Part 4 of 4)
1.45	Flood Risk Assessment (including SUDs - Stage 1 Concept Design)
1.46	Framework Travel Plan
1.47.1	Heritage, Townscape and Visual Impact Assessment (Part 1 of 8)
1.47.2	Heritage, Townscape and Visual Impact Assessment (Part 2 of 8)
1.47.3	Heritage, Townscape and Visual Impact Assessment (Part 3 of 8)
1.47.4	Heritage, Townscape and Visual Impact Assessment (Part 4 of 8)
1.47.5	Heritage, Townscape and Visual Impact Assessment (Part 5 of 8)
1.47.6	Heritage, Townscape and Visual Impact Assessment (Part 6 of 8)
1.47.7	Heritage, Townscape and Visual Impact Assessment (Part 7 of 8)
1.47.8	Heritage, Townscape and Visual Impact Assessment (Part 8 of 8)
1.48	Initial Fire Engineering Review
1.49	Internal Daylight, Sunlight and Overshadowing Report
1.50	Exterior Lighting Strategy
1.51	Pedestrian Level Wind Microclimate Assessment
1.52.1	Phase 1 Geo-Environmental Desk Study Report (Part 1 of 3)
1.52.2	Phase 1 Geo-Environmental Desk Study Report (Part 2 of 3)
1.52.3	Phase 1 Geo-Environmental Desk Study Report (Part 3 of 3)
1.53	Planning Statement
1.54	Roof Garden General Arrangement Plan
1.55	Statement of Community Involvement
1.56.1	Sustainability Statement (Part 1 of 2)
1.56.2	Sustainability Statement (Part 2 of 2)
1.57	Television and Radio Impact Assessment

1.58	Transport Statement
1.59.1	Utilities Statement (Part 1 of 2)
1.59.2	Utilities Statement (Part 2 of 2)
1.60	Ventilation Statement
1.61	(Viability) Financial Viability Assessment
1.62	Waste Management Strategy
<b>CD2</b>	<b>Post submission</b>
2.1	Secure by Design Email Dated 06/10/2020
2.2	Secured by Design Comments (attached to email dated 06/10/2020)
2.3	DAS Addendum (p130-131) (attached to email dated 06/10/2020)
2.4	Letter from Metropolitan Police (attached to email dated 06/10/2020)
2.5	[Blank – please see CD2.43.2]
2.6	Internal Daylight, Sunlight and Overshadowing Report
2.7	(Viability) Review of “Financial Viability Assessment”
2.8	(Viability) GLA Response to Financial Viability Information
2.9	Response to Public Consultation Comments
2.10	Pedestrian Level Wind Microclimate Assessment
2.11	Response to LBC Transport Comments
2.12	Response to TfL Transport
2.13	Street Tree Presentation
2.14	GLA Consultation Energy Memo
2.15	GLA Carbon Emission Reporting Spreadsheet
2.16.1	DAS Addendum November 2020 (Part 1 of 2)
2.16.2	DAS Addendum November 2020 (Part 2 of 2)
2.17	Covering email including drainage responses from Applicant's SUDS Consultant dated 26/10/2020
2.18	London Borough of Croydon LLFA Statutory Response to LPA - Drainage (attached to email dated 26/10/2020)
2.19	Centre Space Response to Drainage Queries (attached to email dated 26/10/2020)
2.20	Drainage Layout (attached to email dated 26/10/2020)
2.21	Existing Drainage Calculations (attached to email dated 26/10/2020)
2.22	Proposed Drainage Calculations (attached to email dated 26/10/2020)
2.23	Daylight and Sunlight Addendum Letter Report
2.24	(Viability) JLL response to GLA Letter
2.25	(Viability) JLL response to BNP Paribas Letter
2.26	Updated Floor Schedule
2.27	Design and Access Statement Updated Visuals
2.28	Addendum to Heritage, Townscape and Visual Assessment
2.29	Stage 2 Fire & Life Safety Strategy
2.30	(Viability) BNP Paribas response to JLL Letter
2.31	CHS Design Team Response to LBC Highways & Waste Queries
2.32	CHS Design Team Response to LBC Highways & Waste Queries
2.33	Car Park Swept Path Analysis - Egress
2.34	Car Park Swept Path Analysis - Access
2.35	GLA Pre Stage 2 GLA Consultation - Energy Memo
2.36	Vehicle Entrance Elevation
2.37	Edridge Road Kerb Build Out
2.38	Road Safety Audit Stage 1
2.39	Edridge Road Kerb Build Out
2.40	(Viability) JLL Response to BNPP and GLA Viability Team dated 05.02.2021
2.41	Pergola Design Intent Document
2.42	(Viability) BNP Paribas Response to JLL Viability Response Dated 05.02.2021
2.43.1	Tree specification & Landscape Maintenance Technical Note

2.43.2	Technical memo – Evergreen Tree Location Amendments (1 February 2021)
2.44	Daylight and Sunlight Updated Paragraph Cover email dated 19.03.2021
2.45	Daylight and Sunlight Existing vs Proposed (attached to email dated 19.03.2021)
2.46	Image Showing Impact House Projecting Wing and Windows Below 15% VSC (attached to email dated 19.03.2021)
2.47.1	Daylight and Sunlight Full Report (Updated) (Part 1 of 5)
2.47.2	Daylight and Sunlight Full Report (Updated) (Part 2 of 5)
2.47.3	Daylight and Sunlight Full Report (Updated) (Part 3 of 5)
2.47.4	Daylight and Sunlight Full Report (Updated) (Part 4 of 5)
2.47.5	Daylight and Sunlight Full Report (Updated) (Part 5 of 5)
	<u>Drawing revisions in date order</u>
2.48	Existing Section AA [EX_130 Rev 01]
2.49	Existing Section BB [EX_131 Rev 01]
2.50	Existing Elevation 01 [EX_140 Rev 01]
2.51	Existing Elevation 02 [EX_141 Rev 01]
2.52	Existing Elevation 03 [EX_142 Rev 01]
2.53	Existing Elevation 04 [EX_143 Rev 01]
2.54	Proposed Level 00 Floor Plan [GA_200 Rev 01]
2.55	Proposed Mezzanine Floor Plan [GA_201 Rev 01]
2.56	Proposed Level 01 Floor Plan [GA_202 Rev 01]
2.57	Proposed Level 02 Floor Plan [GA_203 Rev 01]
2.58	Proposed Level 03 Floor Plan [GA_204 Rev 01]
2.59	Proposed Typical Level Type A Plan [GA_205 Rev 01]
2.60	Proposed Typical Level Type B1 Plan [GA_211 Rev 01]
2.61	Proposed Typical Level Type B2 Plan [GA_218 Rev 01]
2.62	Proposed Roof Plan [GA_230 Rev 01]
2.63	Proposed Upper Roof Plan [GA_231 Rev 01]
2.64	Proposed Section AA [GA_300 Rev 01]
2.65	Proposed Section BB [GA_301 Rev 01]
2.66	Proposed Elevation 01 [GA_400 Rev 01]
2.67	Proposed Elevation 02 [GA_401 Rev 01]
2.68	Proposed Elevation 03 [GA_402 Rev 01]
2.69	Proposed Elevation 04 [GA_403 Rev 01]
2.70	Drawing Issue Sheet [305_CHS_4466_Drawing Issue Sheet_201120.xlsx]
2.71	Drawing Issue Sheet (Including all updates) [305_CHS_4466_Drawing Issue Sheet_210127.xlsx]
2.72	Proposed Level 00 Plan [GA_200 Rev 02]
2.73	Proposed Mezzanine Level Plan [GA_201 Rev 02]
2.74	Proposed Level 01 Plan [GA_202 Rev 02]
2.75	Proposed Level 02 Plan [GA_203 Rev 02]
2.76	Proposed Level 03 Plan [GA_204 Rev 02]
2.77	Proposed Typical Level Type A Plan [GA_205 Rev 02]
2.78	Proposed Typical Level Type B1 Plan [GA_211 Rev 02]
2.79	Proposed Typical Level Type B2 Plan [GA_218 Rev 02]
2.80	Proposed Roof Plan [GA_230 Rev 02]
2.81	Proposed Upper Roof Plan [GA_231 Rev 02]
2.82	Proposed Section AA [GA_300 Rev 02]
2.83	Proposed Elevation 01 [GA_400 Rev 02]
2.84	Proposed Elevation 02 [GA_401 Rev 02]
2.85	Proposed Elevation 03 [GA_402 Rev 02]
	<u>Drawings listed on decision notice</u>
2.86	Existing Elevation 03 [EX_142 Rev 01]
2.87	Existing Elevation 04 [EX_143 Rev 01]
2.88	Proposed Level 00 Plan [GA_200 Rev 02]

2.89	Proposed Mezzanine Level Plan [GA_201 Rev 02]
2.90	Proposed Level 01 Plan [GA_202 Rev 02]
2.91	Proposed Level 02 Plan [GA_203 Rev 02]
2.92	Proposed Level 03 Plan [GA_204 Rev 02]
2.93	Proposed Typical Level Type A Plan [GA_205 Rev 02]
2.94	Proposed Typical Level Type B1 Plan [GA_211 Rev 02]
2.95	Proposed Typical Level Type B2 Plan [GA_218 Rev 02]
2.96	Proposed Roof Plan [GA_230 Rev 02]
2.97	Proposed Upper Roof Plan [GA_231 Rev 02]
2.98	Proposed Section AA [GA_300 Rev 02]
2.99	Proposed Section BB [GA_301 Rev 01]
2.100	Proposed Elevation 01 [GA_400 Rev 02]
2.101	Proposed Elevation 02 [GA_401 Rev 02]
2.102	Proposed Elevation 03 [GA_402 Rev 02]
2.103	Proposed Elevation 04 [GA_403 Rev 01]
2.104	Drawing Issue Sheet (Including all updates) [305_CHS_4466 Drawing Issue Sheet 210127.xlsx]
<b>CD3</b>	<b>Decision notice, committee report &amp; GLA reports</b>
3.1	LB Croydon Decision Notice (6 October 2021)
3.2.1	Report to Committee (8 April 2021)
3.2.2	Report to Committee (Appendix 1)
3.2.3	Report to Committee (Plan)
3.3	Report to Committee Addendum (8 April 2021)
3.4	Planning Committee Committee Minutes (8 April 2021)
3.5	GLA Stage 1 Covering Letter and Report (26 October 2020)
3.6	GLA Stage 2 Report (4 October 2021)
3.7	GLA Stage 2 Covering Letter (4 October 2021)
<b>CD4</b>	<b>The development plan</b>
4.1	Croydon Local Plan (February 2018) (Covering Pages)
4.2	The South London Waste Plan (2012)
4.3	Affordable Housing & Viability SPG (August 2017)
4.4	Crossrail Funding SPG (March 2016)
4.5	Housing (March 2016)
4.6	Accessible London: Achieving an Inclusive Environment (October 2014)
4.7	The control of dust and emissions during construction and demolition (July 2014)
4.8	Character and Context (June 2014)
4.9	Play and Informal Recreation (September 2012)
4.10	Planning for Equality and Diversity in London (October 2007)
4.11.1	London View Management Framework (March 2012) (Part 1 of 3)
4.11.2	London View Management Framework (March 2012) (Part 2 of 3)
4.11.3	London View Management Framework (March 2012) (Part 3 of 3)
4.12	London's Foundations (March 2012)
4.13	[IGNORE]
4.14	Suburban Design Guide 2019 SPD <sup>145</sup>
4.15	Designing for community safety SPD
4.16	SPG1; Shop fronts and signs
4.17	SPG12; Landscape design
4.18	Croydon Opportunity Area planning Framework – Integrated Impact Assessment (2013)

<sup>145</sup> We note that this has been revoked.

4.19	The London Plan (March 2021) (Covering Pages)
4.20	Policy SD1 (Opportunity Areas)
4.21	Policy HC1 (Heritage Conservation and Growth)
4.22	Policy D6 (Housing Quality and Standards)
4.23	Policy D9 (Tall Buildings)
4.24	Policy GG1 (Building Strong and Inclusive Communities)
4.25	Policy GG2 (Marking the best use of land)
4.26	Policy GG3 (Creating a Healthy City)
4.27	Policy GG4 (Delivering the Homes Londoners Need)
4.28	Policy GG5 (Growing a Good Economy)
4.29	Policy GG6 (Increasing Efficiency and Resilience)
4.30	Policy SD6 (Town centres and High Streets)
4.31	Policy SD7 (Town Centres: Development Principles and Development Plan Documents)
4.32	Policy SD8 (Town Centre Network)
4.33	Policy SD9 (Town Centres: Local Partnerships and Implementation)
4.34	Policy D1 (London's Form, Character and Capacity for Growth)
4.35	Policy D2 (Infrastructure requirements for Sustainable Densities)
4.36	Policy D3 (Optimising Site Capacity through the design-led approach)
4.37	Policy D4 (Delivering Good Design)
4.38	Policy D5 (Inclusive Design)
4.39	Policy D7 (Accessible Housing)
4.40	Policy D8 (Public Realm)
4.41	Policy D11 (Safety, Security and resilience to Emergency)
4.42	Policy D12 (Fire Safety)
4.43	Policy D13 (Agent of Change)
4.44	Policy D14 (Noise)
4.45	Policy H1 (Increasing Housing Supply)
4.46	Policy H5 (Threshold Approach to Applications)
4.47	Policy H6 (Affordable Housing Tenure)
4.48	Policy H7 (Monitoring of Affordable Housing)
4.49	Policy H8 (Loss of Existing Housing and Estate Redevelopment)
4.50	Policy H10 (Housing Size Mix)
4.51	Policy S4 (Play and Informal Recreation)
4.52	Policy E1 (Offices)
4.53	Policy E9 (Retail, markets and hot food takeaways)
4.54	Policy E11 (Skills and opportunities for all)
4.55	Policy HC3 (Strategic and Local Views)
4.56	Policy G5 (Urban Greening)
4.57	Policy G6 (Biodiversity and access to nature)
4.58	Policy SI 1 (Improving Air Quality)
4.59	Policy SI 2 (Minimising greenhouse gas emissions)
4.60	Policy SI 3 (Energy Infrastructure)
4.61	Policy SI 4 (Managing Heat Risk)
4.62	Policy SI 5 (Water Infrastructure)
4.63	Policy SI 7 (Reducing waste and supporting the circular economy)
4.64	Policy SI 12 (Flood Risk Management)
4.65	Policy SI 13 (Sustainable Drainage)
4.66	Policy T1 (Strategic approach to Transport)
4.67	Policy T2 (Healthy Streets)
4.68	Policy T4 (Assessing and mitigating transport impacts)
4.69	Policy T5 (Cycling)
4.70	Policy T6 (Car Parking)
4.71	Policy T7 (Deliveries, Servicing and Construction)
4.72	Policy SP1 (The Places of Croydon)

4.73	Policy SP2 (Homes)
4.74	Policy SP3 (Employment)
4.75	Policy SP4 (Urban Design and Local Character)
4.76	Policy SP6 (Environment and Climate Change)
4.77	Policy SP7 (Green Grid)
4.78	Policy SP8 (Transport and Communication)
4.79	Policy DM1 (Housing choice for sustainable communities)
4.80	Policy DM4 (Development in Croydon Metropolitan centre, District and Local Centres)
4.81	Policy DM10 (Design and character)
4.82	Policy DM11 (Shop front design and security)
4.83	Policy DM13 (Refuse and recycling)
4.84	Policy DM14 (Public Art)
4.85	Policy DM15 (Tall and Large Buildings)
4.86	Policy DM16 (Promoting Healthy Communities)
4.87	Policy DM17 (Views and Landmarks)
4.88	Policy DM18 (Heritage assets and conservation)
4.89	Policy DM23 (Development and construction)
4.90	Policy DM24 (Land contamination)
4.91	Policy DM25 (Sustainable Drainage Systems and Reducing Flood Risk)
4.92	Policy DM27 (Protecting and enhancing our biodiversity)
4.93	Policy DM28 (Trees)
4.94	Policy DM29 (Promoting sustainable travel and reducing congestion)
4.95	Policy DM30 (Car and cycle parking in new development)
4.96	Policy DM38 (Croydon Opportunity Area)
4.97	The Croydon Opportunity Area Planning Framework (COAPF) (2013) <u>Emerging Plan</u>
4.98	Croydon Local Plan 2018 – revised (December 2021) [This is the formal Regulation 19 document showing the tracked changes]
4.99	Proposed Submission Policies Map, Inset Sheet, December 2021
4.100	Proposed Submission Policies Map, North and South Sheet, December 2021 [North]
4.101	Proposed Submission Policies Map, North and South Sheet, December 2021 [South]
4.102	Croydon Local Plan 2018 (revised 2021) – part 1 start to section 11 [PDF 1of2]
4.103	Croydon Local Plan 2018 (revised 2021) – section 12 to 15 and Appendices [PDF2of2]
<b>CD5</b>	<b>Relevant caselaw and appeal decisions</b>
5.1	51-56 Manor Road and 53-55 Drayton Green Road (Ref: APP/A5270/W/21/3268157)
5.2	Graphite Square (Ref: APP/N5660/W/18/3211223 & APP/N5660/W/19/3225761)
5.3	Hertford Gasworks (Ref: APP/J1915/W/19/3234842)
5.4	Goldsworth Road, Woking (Ref: APP/A3655/W/21/3276474)
5.5	Buckle Street (ref: APP/E5900/W/17/3191757)
5.6	Burgess Business Park (Ref: APP/A5840/W/19/3225548)
5.7	The Whitechapel Estate (PINS Ref: APP/E5900/W/17/3171437)
5.8	Westminster City Council v SSCLG & Mrs Marilyn Acons [2013] EWHC 690 (Admin)
5.9	R (oao Khodari) v Royal Borough of Kensington and Chelsea & Cedarpark Holdings Inc [2017] EWCA Civ 333
5.10	R (oao Rainbird) v The Council of the London Borough of Tower Hamlets

	[2018] EWHC 657 (Admin)
5.11	Land west of Enifer Downs Farm, Langdon (Ref: APP/X2220/A/08/2071880)
5.12	Bedford Borough Council v Secretary of State for Communities and Local Government [2012] EWHC 4344 (Admin)
5.13	Former Biscuit Factory and Bermondsey Campus (Ref: GLA/3776a/03)
5.14	Mordue v Secretary of State for Communities [2015] EWCA Civ 1243
5.15	8 Albert Embankment (Ref: APP/N5660/V/20/3254203 & APP/N5660/V/20/3257106)
5.16	Edward Rudolph House, 69-85 Margery Street (Ref: APPV5570W203262199)
<b>CD6</b>	<b>Appeal documents</b>
6.1	Appellant's Statement of Case (including appendices) (March 2022)
6.2	Statement of Common Ground (Main)
6.3	Statement of Common Ground (Heritage)
6.4	Statement of Common Ground (Townscape and Visual Impact)
6.5	Statement of Common Ground (Daylight Sunlight)
6.6	LB Croydon Statement of Case
<b>CD7</b>	<b>Pre-inquiry documents</b>
7.1	Inspector's pre-conference note (23 June 2022)
7.2	Inspector's case management conference agenda (1 July 2022)
7.3	Inspector's case management conference summary (8 July 2022)
<b>CD8</b>	<b>Additional information submitted with appeal</b>
8.1	Biodiversity Net Gain Assessment
8.2	Biodiversity Metric 3.0 Calculation Tool
8.3	Fire Statement - Requirements for London Plan
8.4	Fire Statement - National Requirements
8.5	LB Croydon Validation Letter
<b>CD9</b>	<b>Local planning authority documents</b>
9.1	Conservation Area General Guidance 2013 (Croydon Council)
9.2	Central Croydon Conservation Area Appraisal and Management Plan 2014 (Croydon Council)
9.3	Croydon Minster Conservation Area Appraisal and Management Plan 2014 (Croydon Council)
9.4.1	Local List of Buildings of Architectural or Historic Significance SPD 2006 Part A (Croydon Council)
9.4.2	Local List of Buildings of Architectural or Historic Significance SPD 2006 Part B (Croydon Council)
9.5	The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 2017 (Historic England)
9.6	Planning Practice Guidance Historic environment 23 July 2019 (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government)
9.7	BRE Report 209 – Site Planning for Daylight and Sunlight – A guide to good practice (2 <sup>nd</sup> edition, 2011)
9.8	BRE Report 209 – Site Planning for Daylight and Sunlight – A guide to good practice (2 <sup>nd</sup> edition, 2022)
9.9	Planning (Listed Buildings and Conservation Areas) Act 1990
9.10	Pre-application advice 18/01346/PRE
9.11	103-111A High Street Croydon CR0 1QG: Planning Permission 17/00325/FUL (25 April 2017) Decision Notice; Site Location Plan, Officer Report (week of 25 April 2017)
9.12	103-111A High Street Croydon CR0 1QG: Certificate of Lawfulness (existing)

	20/02540/LE (11 September 2020) Decision Notice; Site Location Plan; Officer Report (week of 11 September 2020)
9.13	Impact House 2 Edridge Road Croydon CR9 1PJ: Prior approval 15/02723/GPDO (11 Aug 2015) Decision Notice; Site Location Plan; Officer Report (week of 10/08/2015)
9.14	Impact House 2 Edridge Road Croydon CR9 1PJ: Planning permission 16/04750/FUL (5 April 2017) Decision Notice; Site Location Plan; Selected Drawings (Proposed Floor Plans) Officer Report (week of 5 April 2017);
9.15	Impact House 2 Edridge Road Croydon CR9 1PJ: Non material amendment 18/02533/NMA (14 June 2018) Decision Notice; Officer Report (week of 14 June 2018)
9.16	Impact House 2 Edridge Road Croydon CR9 1PJ: Non material amendment 19/01799/NMA (2 August 2019) Decision Notice; Site Location Plan;
9.17	Leon House 233 High Street Croydon CR0 1FW: Planning permission 18/06140/FUL (26 February 2021) Decision Notice; Site Location Plan; Officer Report to Committee (18 July 2019)
9.18	Leon House 233 High Street Croydon CR0 1FW: Planning permission 19/04605/FUL (26 May 2020) Decision Notice; Site Location Plan.
9.19	4-20 Edridge Road Croydon CR0 1EE: Planning permission 18/06069/FUL (25 July 2022) Decision Notice; Site Location Plan; Officer Report to Committee (21 May 2020); Addendum (21 May 2020).
9.20	Mid Croydon Masterplan
9.21	Church Street Conservation Area Appraisal and Management Plan
<b>CD10</b>	<b>Proofs of evidence (appellant)</b>
10.1	Daylight Sunlight Proof (Gordon Ingram of GIA)
10.2	Townscape and Visual Impact Proof (Dr Juan Jose Sarralde of the Townscape Consultancy) – includes Design Report (Thomas Gray of Fourfoursixsix Limited)
10.3.1	Heritage Proof Summary (Jason Clemons of Savills Heritage)
10.3.2	Heritage Proof (Jason Clemons of Savills Heritage) <sup>146</sup>
10.4	Planning Proof (Scott Hudson of Savills Planning)
10.5	4-20 Edridge Road Committee Report (21 May 2020)
10.6	4-20 Edridge Road Supplement Addendum (21 May 2020)
10.7	Letter from SoS to Mayor of London dated 29 Jan 2021
10.8	London Plan Annual Monitoring Report 16, 2018/19 (March 2021)
10.9	Strategic Housing Market Assessment Update (November 2019)
10.10	The Croydon Monitoring Report (February 2022)
10.11	The Croydon Monitoring Report (June 2019)
10.12	The Economic Footprint of House Building in England and Wales (July 2018)
10.13	Website page titled "Croydon Opportunity Area" (London.gov.uk)
10.14	The Croydon Monitoring Report, Five Year Supply of Deliverable Sites for Housing (February 2022)
10.15	Annual Infrastructure Funding Statement 2020/21 (dated December 2021)
10.16	Connected Croydon Programme (2013)
10.17	Effective use of Land – GOV.UK Guidance
10.18	National Design Guide (January 2021)
10.19	Policy HC4 (London View Management Framework)
<b>CD11</b>	<b>Proofs of evidence (Council)</b>
11.1.1	Council's Planning & Townscape Proof Summary (Georgina Betts of Croydon Council)

<sup>146</sup> Both 10.3.1 and 10.3.2 may also be referred to as 10.3.



11.1.2	Council's Planning & Townscape Proof (Georgina Betts of Croydon Council)
11.2.1	Council's Heritage Proof Summary (Robert Buckley of Croydon Council)
11.2.2	Council's Heritage Proof (Robert Buckley of Croydon Council)
11.3.1	Council's Daylight/Sunlight Proof Summary (Chris Harris of DPR)
11.3.2	Council's Daylight/Sunlight Proof (Chris Harris of DPR)



# Department for Levelling Up, Housing & Communities

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

## SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

## SECTION 2: ENFORCEMENT APPEALS

### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

## SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

## SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.