



Ministry of Housing,  
Communities &  
Local Government

Rob Pearson  
Director  
Nexus Planning Ltd  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Our ref: APP/L5240/V/17/3174139

Your ref:

9 July 2020

**By email only:**

[r.pearson@nexusplanning.co.uk](mailto:r.pearson@nexusplanning.co.uk)

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY THORNSETT GROUP AND PURLEY BAPTIST CHURCH  
LAND AT PURLEY BAPTIST CHURCH, 1 RUSSELL HILL ROAD, 1-4 RUSSELL HILL  
PARADE, 2-12 BRIGHTON ROAD, PURLEY HALL AND 1-9 BANSTEAD ROAD, PURLEY  
APPLICATION REF: 16/02994/P**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Paul Jackson BArch (Hons) RIBA, who held a public local inquiry between 3 and 6 December 2019 into your client's full phased application for planning permission for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.
2. On 12 April 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.
3. The Secretary of State initially issued his decision in respect of the above application in his letter dated 3 December 2018. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 1 April 2019. The application has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 3 December 2018 decision letter.

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

4. The Inspector recommended that the application be approved and planning permission granted subject to conditions.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided that the application should be approved and planning permission granted subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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

6. The 2019 Housing Delivery Test results were published on 13 February 2020. The London Borough of Croydon's score changed from 151% (2018 measurement) to 132% (2019 measurement). As this would not represent a material change to any calculation of LB Croydon's housing land supply and there was no dispute between parties that the Council could demonstrate a 5 year housing land supply. The Secretary of State is satisfied that this does not affect his decision, and does not warrant further investigation or a referral back to parties.

## **Policy and statutory considerations**

7. 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.
8. In this case the development plan consists of the Croydon Local plan (February 2018) The London Plan (March 2016) and the South London Waste Plan (January 2012). The Secretary of State considers that relevant development plan policies include those identified at paragraphs 3.1-3.14 of the [original Inspector's report of Dec 2018](#) as referenced in IR9.
9. 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'), together with the National Design Guide (Oct 2019). The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
10. 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.
11. For the reasons given in IR160-167, the Secretary of State agrees with the Inspector that there is nothing in the up-to-date Framework, associated Guidance or National Design Guide to indicate that a different conclusion should be drawn on the meaning and objectives of the adopted policies (IR167).

### *Emerging plan*

12. The emerging plan comprises the draft New London Plan and the Croydon Local Plan review, which is at an early stage having gone through its initial consultation. In December 2019, the Mayor issued the “Intend to Publish” version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed.
13. 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.
14. New London Plan policies which are relevant to this case where changes must be made include policy D3 (Optimising site capacity through the design-led approach). However, details of the way in which the Plan will deliver the aims set out in the Secretary of State’s directions are not yet finalised. The Secretary of State therefore considers that these policies in the emerging Plan carry moderate weight. Other policies in the emerging Plan which are relevant to this case and where no modifications have been directed include D9 (Tall Buildings) and policy H1 (Increasing housing supply). The Secretary of State considers that these policies carry significant weight. Given its early stage of preparation, the Croydon Local Plan review carries very limited weight.

### *Character and appearance/effect of the proposed development*

15. The Secretary of State has carefully considered the findings of the Inspector on the character of the area at IR168-171 and then the effect of the development on this from IR172-184. No party at the Inquiry disputed the massing, siting or overall design quality of the proposal for the South site in particular. For the reasons given at IR174 the Secretary of State agrees with the Inspector that there would be no harm caused to the character or the appearance of the area through the South site redevelopment as proposed.
16. In respect of the Island site, for the reasons given at IR175 the Secretary of State agrees with the Inspector that there is no dispute as to the benefits of bringing back retail and residential activity to an important part of Purley’s centre, and to the public open space and public realm improvements proposed. He agrees with the Inspector that there is no evidence that these aspects breach any development plan policy or national guidance.
17. With regard to the tower element of the proposal, for the reasons given at IR176–183 the Secretary of State agrees with the Inspector that there is policy support through allocation for the potential for a new landmark of up to a maximum of 16 storeys’ at the Island site location (IR176). The Secretary of State agrees with the Inspector (at IR181) that whilst the tower would be a prominent feature of Purley and would change the character of the town, it would not unacceptably dominate it or the surrounding residential area to the extent that any material harm is caused (IR181), and further that the proposed scheme would positively transform the area with a building of high architectural and material quality (IR183). Therefore, the Secretary of State agrees with the Inspector’s overall conclusion at IR208 that the height of the tower element on the island site is in conformity

with, and is led by, adopted development management policies for the district centre of Purley. He further agrees that the whole scheme would be of a high quality of design and materials. The development would be beneficial in terms of character and appearance and would greatly enhance the public realm in Purley District Centre, as well as regenerating a long term disused site (also at IR208).

18. Overall the Secretary of State agrees with the Inspector; the development would be in accordance with London Plan policies 7.7; Local Plan policies DM15, SP4.5-SP4.10, DM42.1 and national guidance (IR184), the latter which provides support, through allocation, for a landmark tall building in this area.

### *Heritage*

19. The Secretary of State has carefully considered the Inspector's analysis of the impact of the scheme on the historic interest of the Grade II listed Purley Library at IR185-188. He agrees with the Inspector for the reasons given at IR186-188, that while harm arises in the effect on the setting of the Library, that harm would be near the bottom of the scale of 'less than substantial'. Furthermore, the harm is outweighed by the specific heritage benefits arising from the significantly improved quality of the public realm around the entrance, better linking it to the rest of the Purley centre (IR185) and from the changes and very minor loss of hard landscape fabric involved in creating new steps near the entrance (IR186). Those changes would be beneficial in heritage and access terms (also IR186) and overall, he finds no harm to the heritage significance including in respect of the library (IR196).
20. The Inspector has similarly considered the effect on the Webb Estate and Upper Woodcote Conservation Areas at IR189 and agrees for the reasons given in that paragraph, that their character and appearance would be preserved, and that their heritage significance would be unaffected by the tower. With regard to other non designated heritage assets identified at IR190-192, the Secretary of State agrees with the Inspector for the reasons given that the effect of the scheme would be neutral, or that no harm is identified. Overall the Secretary of State agrees that, as stated at IR209, the overall effect on the heritage significance of Purley Library, the Brighton Road Local Heritage Area and the locally listed former bank at 960 Brighton Road would be neutral. He further agrees that the character and appearance of the Webb Estate and Upper Woodcote Conservation Areas would be preserved (also in IR209).
21. Overall, the Secretary of State agrees that the scheme would be neutral in effect and therefore not conflict with the heritage protection objectives of policy 7.8 of the London Plan, policies SP4.13, DM15c, DM15d and DM18.1 and DM18.2 of the Local Plan, the Framework or national guidance (IR194) On that basis it is not necessary to go on to weigh any harm to the heritage assets against the public benefits of the development in accordance with Paragraph 196 of the Framework.

### *Other matters*

22. The contribution of the proposal to housing supply was not in itself contested or considered at the inquiry and therefore the Secretary of State considers there is no reason to alter the weight in favour of the proposal from that concluded at the earlier inquiry and outlined in the original Secretary of State decision of 3 December 2018 in respect of housing supply. He therefore gives significant weight to the provision of 200 new homes (including the affordable units provided).

23. The Secretary of State agrees with the Inspector's conclusion at IR210, that in addition to the benefits of the homes provided, the reinvigoration of Purley District Centre, economic benefits including jobs and the marked improvement in the quality of the public realm all weigh heavily in favour of the scheme, He considers they attract significant weight.
24. The IR confirms the site has a high Public Transport Accessibility Level (PTAL5) i.e. IR111, and overall there are no changes to the car parking provision as set out in Section 5 of the original Inspector's report of May 2018; 28 spaces are proposed across all 220 units (0.13 spaces per unit). As stated at IR195 the Inspector considers the parking in accordance with the development plan policies that support a low level of on-site car parking or car free-free development in areas with a high PTAL. However, the Secretary of State considers this level of provision would conflict with the Direction issued to the Mayor on 13 March in respect of the emerging New London Plan, which would require the development to be car free. Nevertheless, given compliance with adopted development plan policies, overall the Secretary of State considers this relatively small breach against emerging policy should carry only limited weight against the proposal.
25. For the reasons given at IR196-200 the Secretary of State agrees there is no new evidence to indicate there would be any unacceptable increase in traffic or congestion in the gyratory because of the scheme (IR197), or any unacceptable effects on air quality (IR199). He also agrees that due to the provision of attenuation tanks to handle excess surface water as described at IR201, there would be no increase in the existing flood risk. Furthermore, he agrees with the Inspector for the reasons given at IR203- 205 the resulting living conditions would not be unacceptable in an urban location, and given the very small number of properties that would be affected in respect of loss of sunlight, daylight and overshadowing, the effects identified should not prevent redevelopment of the site as proposed (both IR205).
26. Finally the Secretary of State is satisfied that the proposed scheme is designed to meet current regulations controlling means of escape and fire spread and resistance, and that IR202 confirms the current position in respect of the proceedings of the Grenfell Tower Inquiry.

### **Planning conditions**

27. The Secretary of State has examined the Inspector's consideration of conditions as set out at IR158, and considers there is no reason to conclude differently in respect of national policy in paragraph 55 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 55 of the Framework and that the conditions set out at Annex A should form part of his decision.

### **Planning obligations**

28. Having had regard to the Inspector's comments at IR159, the planning obligation of 30 April 2018 as endorsed in the original Inspector's report of 1 May 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

## **Planning balance and overall conclusion**

29. For the reasons given above, the Secretary of State considers that the application is in accordance with London Plan policy 7.7, Local Plan policies DM15, SP4.5-SP4.10 and DM42.1 of the development plan. Furthermore the scheme would not conflict with the heritage protection objectives of 7.8 of the London Plan or policies SP4.13, DM15C, DM15d and DM18.1 and DM18.2 of the Local Plan. He therefore concludes that the proposal is 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 accordance with the development plan.
30. The provision of housing including affordable units, contribution to regeneration of Purley, economic benefits and community benefits all attract significant weight in favour of the proposal. The public realm improvements proposed have moderate weight. The Secretary of State considers the impact on heritage assets to be neutral.
31. The Secretary of State has found that there would be a minor breach of parking provision when considering policy in the emerging London Plan, but given that he has found the impacts on highways and air quality to be acceptable, he attaches limited weight to this breach.
32. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a grant of permission.
33. The Secretary of State therefore concludes that that the application be approved and planning permission granted subject to conditions.

## **Formal decision**

34. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.
35. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

## **Right to challenge the decision**

36. 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.
37. A copy of this letter has been sent to the London Borough of Croydon and the joint Residents' Association, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Andrew Lynch*

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf

## **Annex A List of conditions**

Where in these conditions the following defined terms and expressions are used they shall have the following respective meanings:

“Phase 1” means all elements of the Development relating to the South Site, proposed Class C3 (residential use);

“Phase 2” means all elements of the Development relating to the Island Site, proposed Class A1 (retail use), Class C3 (residential use) and Class D1 (community use);

“Occupation of Phase 1” means ‘residential occupation’;

“Occupation of Phase 2” or “occupied” means the earliest of either ‘opening to trade’/ ‘opening to the public’/‘residential occupation’;

“Highway Agreement(s)” means one or more agreements made under s38 and/or s278 of the Highways Act 1980 (or under other appropriate statutory powers) relating to works on in under or adjacent to a highway or creating new highway.

### **Conditions specifically related to Phase 1**

1. The windows on the north western elevation of Phase 1, other than those serving bedrooms, shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.
2. The roof areas of the building within Phase 1 hereby permitted shall not be used as a balcony, roof garden or similar area and no alterations at upper floor levels shall be carried out to create access to it.
3. Fencing for the protection of those trees and other planting on this site shown to be retained shall be erected in accordance with the tree survey report dated Jan 2016 (Rev 25 Oct16) including plan in appendix 3B before any materials, equipment or machinery are brought onto the site for the purposes of development within Phase 1, including demolition. The fencing shall be retained in position until Phase 1 is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority (LPA).
4. Prior to the commencement of Phase 1 development the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A083346-SK037 (and drawings numbered 1272-CA-A-DR-LEGAL-002-P1 and 1272-CA-A-DR-LEGAL-001-P1 attached to the Section 106 as plan 5a and plan 5c respectively). The agreed works shall include but not be limited to, the provision of new accesses, and the proposed layby. These works shall be carried out prior to the occupation of Phase 1 and implemented in accordance with such approved details.
5. Prior to above ground works taking place on Phase 1, full details of the following shall be submitted to and approved in writing by the LPA:
  - i) External facing materials including sample boards of all facing materials and finishes;
  - ii) Full scale (1:1) mock ups of:
    - A typical panel of loggia brickwork
    - A typical panel of principal elevation treatment including brickwork and cast composite buff stone lintels
    - A typical panel of standing seam zinc
    - A typical black painted balustrade

- A typical panel of the dark oak screen
- iii) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular access and all window-type reveals, heads and cills;
- iv) Details of junctions between external facing materials at 1:5;
- v) Typical details of all balconies;
- vi) Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
- vii) Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
- viii) Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
- ix) Details of rainwater goods

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 1.

### **Conditions relating to Phases 1 and 2**

6. Prior to the first occupation within each Phase, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the LPA. Such details shall include, but not be limited to:
  - 1) public realm design (including proposed seating, cycle storage and street furniture);
  - 2) species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including trees on roof terraces and on top of tower and including details of planters and means of permanently securing trees);
  - 3) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
  - 4) details of junctions with other areas of public realm including drainage
  - 5) all boundary treatments within and around the development;
  - 6) Details at 1:5 in plan and section of retaining walls to ground floor amenity areas (Phase 1) and ramps and steps to all entrances (Phases 1 and 2);
  - 7) Details of ramps and steps to Library Forecourt at 1:5 (Phase 2);
  - 8) Details of the interface between the retained library wall and the north-west corner of the development (Phase 2);
  - 9) Details of roof gardens and courtyard play areas (Phase 2);

All landscaping works shall be provided in accordance with the approved details on site before any part of the development within each Phase is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided. The strategy for permanently securing trees shall be retained and maintained in perpetuity.
7. No residential occupation of either Phase shall take place until full details of the equipment to be contained within the identified playspace of each Phase have been submitted to and approved in writing by the LPA. The facilities shall then be provided on site in accordance with the approved details prior to the first occupation of each Phase or within such longer period or periods as have been previously agreed in writing by the LPA. The playspace shall be retained for the life of the development.

8. Prior to commencement of development for each Phase a detailed drainage strategy detailing on and/or off site drainage works for that Phase, shall be submitted to and approved in writing by the LPA. No discharge of foul or surface water from the Site shall be accepted into the public system for any part of the Site until the relevant drainage works have been constructed and completed in accordance with the details approved pursuant to this condition and such works shall be thereafter retained in accordance with the details approved pursuant to this condition for the life of the Development.
9. Prior to commencement of development for each Phase detailed impact studies on the existing water supply infrastructure for that Phase shall be submitted to, and approved in writing by, the LPA. The detailed impact studies for each Phase should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The outcomes of the impacts studies approved pursuant to this condition should be implemented and completed for each Phase in accordance with the details approved pursuant to this condition and should thereafter be retained in accordance with those details for the life of the Development.
10. No demolition or development of either Phase shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing for each phase. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - A. 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 WSI's.
11. Prior to above ground slab construction works for each Phase, details of all external mechanical plant on the roof to be provided and details of the screening to any such external mechanical plant within that Phase shall be submitted to and approval in writing obtained from the LPA. The screening of external mechanical plant shall be implemented and completed in accordance with the details approved pursuant to this condition prior to the commencement of operation of the plant within each Phase and all external mechanical plant shall be screened in accordance with the details approved pursuant to this condition for the life of the development.
12. Prior to the first occupation of each Phase of the development (or within such other time period or periods as had been previously agreed in writing by the LPA) electric vehicle charging points to serve 20% of the car parking spaces, and passive provision for electric vehicle charging points for a further 20% of spaces shall be provided as specified in the application. These shall be retained for the life of the development.
13. Prior to the first occupation of both Phases the development (or within such other time period or periods as has been previously agreed in writing by the LPA) the following matters shall be provided in each Phase in accordance with the approved planning drawings or those drawings subsequently approved:

#### Phase 1

- 1) Vehicle access and egress arrangements.
- 2) Car parking spaces
- 3) Refuse storage arrangements
- 4) Courtyards and communal areas

#### Phase 2

- 1) Vehicle access and egress arrangements.
- 2) Car and mini bus parking spaces
- 3) Refuse storage arrangements
- 4) Terraces/courtyards and communal areas

14. Prior to the first occupation of each Phase a travel plan (TP) in relation to the occupiers of both Phases to encourage sustainable modes of transport, including a cycle strategy, shall be submitted to and approved in writing by the LPA. The TP shall be in accordance with the aims, objectives and targets identified in the Residential Travel Plan completed by WYG (May 2016) and the Purley Baptist Church Travel Plan completed by WYG (May 2016) and TfL best practice guidance at the time.  
The TP shall be implemented fully in accordance with the details approved pursuant to this condition prior to first occupation of each Phase and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the development.  
The TP may be revised with the written approval of the LPA in consultation with TfL and any revised TP approved pursuant to this condition shall be implemented in full in accordance with the details approved pursuant to this condition.
15. Prior to first occupation of either Phase, a Delivery and Servicing Plan for vehicles in relation to that Phase shall be submitted to and approved in writing by the LPA. Vehicles servicing each Phase shall do so in accordance with the details approved pursuant to this condition, from first occupation in either Phase and shall continue to do so for the life of the development.  
The approved Servicing Plan may be revised with the written approval of the LPA and vehicles serving any Phase the subject of a revised Servicing Plan approved pursuant to this condition shall do so in accordance with the details approved pursuant to this condition.
16. Prior to first occupation in either Phase, details of a waste collection management plan for the relevant part of that Phase shall be submitted to and approval in writing obtained from the LPA. Refuse shall be collected for each Phase in accordance with the details approved pursuant to this condition for the lifetime of the development.
17. Prior to first occupation in either Phase, a ventilation strategy (including the recommended mitigation measures identified within the air quality assessment by AMEC Foster Wheeler dated March 2016 (ref: 37742rr005i2) and any other mitigation measures required for an acceptable level of internal air quality throughout the development) shall be submitted to and approved in writing by the LPA. The development shall be carried out entirely in accordance with the approved details which shall be maintained and retained thereafter.

18. The development shall be carried out in accordance with the recommendations made within the Noise Impact Assessment by AMEC Foster Wheeler dated April 2016 (ref: 37742 Final Report 16072i4) and retained thereafter.
19. The noise level from any air handling units, mechanical plant, or other fixed external machinery on either Phase shall be at least 10dB below existing background noise levels.
20. Prior to occupation of either Phase, insulation to all flats shall be provided to ensure noise levels shall not exceed the Guidelines for Community Noise (World Health Organisation, 1999). These levels are:
  - 1) 35 dB LAeq, [16hours] within the dwelling during the day and evening;
  - 2) 30 dB LAeq, [8hours] and 45 dB LMax in bedrooms during the night.
21. Any heat and power systems to be installed shall be air quality neutral in line with London Plan policy 7.14.
22. Prior to above ground slab construction works for each Phase the following shall be provided to and approved in writing by the LPA to ensure the incorporation of green and brown roofs:
  - The planting details of the green and brown roofs;
  - A programme for the provision of the green and brown roofs;
  - The green and brown roofs shall be provided, completed and thereafter retained in accordance with the details for the green and brown roofs approved in writing by the LPA pursuant to this condition.
23. The development shall be constructed to achieve a reduction in carbon dioxide emissions of 35% over the Target Emission Rate (as outlined in the Building Regulations 2013) in accordance with the submitted Energy & Sustainability Statement. Prior to occupation in each Phase of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the LPA and thereafter retained and used for energy supply for so long as the development remains in existence.
24. No works shall take place prior to commencement until the applicant has provided to the LPA for approval a District Energy Connection Strategy. This will show how the development has incorporated design features which facilitate future connection to a District Energy Network. The development shall only be implemented in accordance with the approved details.
25. The development shall achieve a water use target of 110 litres per head per day for residents.
26. Prior to commencement of either Phase, a detailed drainage strategy should be submitted for approval in writing by the LPA and Lead Local Flood Authority (LLFA) in line with Flood Risk Assessment and SuDS Assessment for both Phases (South and Island sites - Price & Myers, October 2016) and Geotechnical Assessment (Geotechnical Consulting Group, 10th November 2016) and accounting for LLFA comments (July, October & November 2016).  
The Strategy should conform to requirements of NPPF and Planning Practice Guidance, the London Plan (2011), policy 5.13, its supporting document; Sustainable Design and Construction Supplementary Planning Guidance (2014), the

SuDS Non-Statutory Technical Standards (2015) and Croydon Local Plan Policies on Flood Risk and Drainage. Specifically the following elements must be included;

- Provision of floatation calculations to ensure any proposed below ground attenuation tanks are resilient to high groundwater (both sites);
- Confirmation of construction measures to reduce the impediment of sub-surface flow around the south site basement including the inclusion of viable flood paths either side of the basement;
- Confirmation that all raised thresholds will maintain a 300mm freeboard above predicted flood levels;
- Updated drainage strategy plan to show the dimensions of proposed SuDS, for both sites, with consideration of buffer distances from buildings and boundaries.
- Provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
- Provision of additional mitigation and/or clarification to ensure properties adjacent to Flood Zone 3 are not affected by watercourses (in accordance with the LLFA Response Statement (Price & Myers, 2016)).

The development shall be carried out in accordance with the approved strategy and retained thereafter.

27. 10% of the dwellings shall be designed to be Category 3 'wheelchair user dwellings' M4(3). The units shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.
28. 90% of the dwellings shall be designed to be Category 2 'accessible and adaptable' M4(2) and shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.
29. Prior to the commencement of development in each Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
  1. A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.
30. If, during development in either Phase, contamination of a type not previously identified (and for which a remediation strategy has not been previously agreed by the Local Authority) is found to be present at the site then no further development

(unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

31. Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.
32. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.
33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
34. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any demolition, building or engineering operations, a Construction Method Statement and a Construction Logistics Plan (which shall include a site waste management plan) shall be submitted to the LPA for approval in writing. The documents shall include the following information for all phases of the development, which shall only be carried out as approved:-
  - 1) hours of deliveries,
  - 2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
  - 3) facilities for the loading and unloading of plant and materials,
  - 4) 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
  - 5) 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 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.

35. Unless otherwise previously agreed by the LPA in writing the development shall be carried out in accordance with the approved drawings and other documents submitted with the application.

Phase 1

A304\_PL\_001 Rev C,  
1272-CA-A-XX-DR-PL-095 Rev P3, 1272-CA-A-XX-DR-PL-096 Rev P2, 1272-CA-A-LG-DR-PL-099 Rev P1, 1272-CA-A-GF-DR-PL-100 Rev P3, 1272-CA-A-01-DR-PL-101 Rev P5, 1272-CA-A-02-DR-PL-102 Rev P5, 1272-CA-A-03-DR-PL-103 Rev P2, 1272-CA-A-04-DR-PL-104 Rev P2, 1272-CA-A-05-DR-PL-105 Rev P2, 1272-CA-A-RL-DR-PL-106 Rev P1, 1272-CA-A-RL-DR-PL-107 Rev P1, 1272-CA-A-XX-DR-SE-200 Rev P1, 1272-CA-A-XX-DR-SE-201 Rev P1, 1272-CA-A-XX-DR-EL-300 Rev P1, 1272-CA-A-XX-DR-EL-301 Rev P1, 1272-CA-A-XX-DR-EL-302 Rev P3, 1272-CA-A-XX-DR-EL-303 Rev P2, 1272-CA-A-XX-DR-EL-310 Rev P1, 1272-CA-A-XX-DR-EL-311 Rev P1, 1272-CA-A-XX-DR-EL-320 Rev P1, 423.01 Rev E, 423.02 Rev D, 423.03 Rev D, 423.04 Rev A, 423.05 Rev A, 423.06 Rev A, 423.07, 423.08, 423.09, A083346-SK037 and 13718-100 2DT (3).

Phase 2

A304\_PL\_001 Rev C, A304\_PL\_002 Rev A, A304\_PL\_003 Rev A, A304\_PL\_004, A304\_PL\_005 Rev A, A304\_PL\_006 Rev B, A304\_PL\_010 Rev A, A304\_PL\_011 Rev A, A304\_PL\_012 Rev B, A304\_PL\_013 Rev C, A304\_PL\_014 Rev C, A304\_PL\_015 Rev C, A304\_PL\_016 Rev A, A304\_P\_017 Rev A, A304\_PL\_018 Rev A, A304\_P\_019 Rev A, A304\_P\_020 Rev A, A304\_P\_021 Rev A, A304\_PL\_022 Rev A, A304\_PL\_023 Rev A, A304\_PL\_024 Rev A, A304\_PL\_025 Rev A, A304\_PL\_026 Rev A, A304\_PL\_027 Rev A, A304\_P\_028 Rev A, A304\_P\_029 Rev A, A304\_PL\_050, A304\_PL\_051, A304\_PL\_100, A304\_PL\_101, A304\_PL\_102, A304\_PL\_103, A304\_PL\_104, A304\_PL\_105, A304\_PL\_106, A304\_PL\_107, A304\_PL\_108, A304\_PL\_109, A304\_PL\_110, A304\_PL\_111, A304\_PL\_112, A304\_PL\_113, A304\_PL\_114, A304\_PL\_115, A304\_PL\_116, A304\_PL\_117 Rev B, A304\_PL\_130, A304\_PL\_131, A304\_PL\_132, A304\_PL\_133, A304\_PL\_150, A13392-T-01, and MSTE100 Rev 0.

36. The development shall be begun within three years of the date of the permission.

**Conditions specifically related to Phase 2**

37. Prior to above ground works taking place on Phase 2, full details of the following shall be submitted to and approved in writing by the LPA:
- i. External facing materials including sample boards of all facing materials and finishes;
  - ii. Detail and sample of the precise colour and specification of the buff coloured Dryvit reconstituted stone tracery material;
  - iii. Full scale (1:1) mock ups of:
    - A typical bay of buff tracery showing a corner and typical joints between elements
    - A typical bay of tower curtain walling system
    - A panel of typical tower infill panel material
    - A panel of typical tower terracotta pier

- A mock-up of the junction between panels of the main ground floor tower materials (red/brown/grey brick, terracotta pier, composite panel, ceramic tile)
  - A typical panel of brickwork ventilation
  - A typical panel of terracotta perforated feature brickwork panel (prayer room)
  - A panel of typical ceramic tile feature cladding
  - A panel of typical stainless steel perforated screens depicting imagery
  - A panel of typical dark grey polyester coated metal ventilation grill
  - A panel of the terracotta feature brickwork (perforated brick Flemish bond)
  - A panel of the terracotta feature brickwork (split projecting brick Flemish bond)
  - A typical panel of the red/brown/grey brickwork intended to be similar to Purley Library
  - A typical panel of the red/brown/grey brickwork (vertical stack bond triple course recessed 25mm)
  - A typical panel of the red/brown/grey brickwork (herringbone pattern recessed 75mm)
  - A typical panel of pink/brown brickwork (stretcher bond)
  - A panel of Banstead Road car park vent system
  - A typical panel of perforated brickwork as shown on elevation SS
- iv. Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular accesses and all window-type reveals, heads and cills;
  - v. Details of junctions between all external facing materials at 1:5;
  - vi. Typical details of all balconies including fixing details;
  - vii. Sections through typical winter gardens at 1:10;
  - viii. Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
  - ix. Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
  - x. Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
  - xi. Details of rainwater goods;
  - xii. Details of the sprinkler fire suppression system in the tower.

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 2 and retained and maintained for the lifetime of the development.

38. Prior to any above ground slab construction works for Phase 2, a public arts feature strategy, including, but not limited to, selection of the artist, the final proposal, the detailed design of the proposals at 1:5 in plan, section, elevation, and samples of the materials to be used shall be submitted to the LPA for written approval. The public art shall be implemented in accordance with the approved details prior to occupation of the building and maintained for the lifetime of the development or as otherwise approved by the LPA.
39. Prior to the commencement of development of Phase 2 the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A13392-T-01 (and drawing numbered A304\_L\_00\_006 attached to the Section 106 as plan 5b). The agreed works shall include but not limited to, the provision of new accesses, removal of redundant crossovers, the proposed loading

and drop off bays, cycle parking, footpaths and tree planting. These works shall be carried out prior to the occupation of Phase 2 and implemented in accordance with such approved details.

40. Before Phase 2 opening for occupation, a car park management plan ("CPMP") shall be submitted to and approved in writing by the LPA. The operation of the car park shall be carried out in accordance with the details approved pursuant to this condition for the lifetime of the development.  
The approved CPMP may be updated from time to time provided the revised CPMP has been approved in writing by the LPA and the car parks shall be operated in accordance with any revised plan approved pursuant to this condition.
41. Petrol and oil interceptors shall be fitted and retained in all new car parking facilities within Phase 2 and retained thereafter.
42. The windows on the north western elevation, serving Core A at first to third floor level of Phase 2 shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.
43. Prior to the first occupation of Phase 2 details of any window cleaning equipment (including machine tracks) for the relevant part of that Phase shall be submitted to and approved in writing by the LPA. Window cleaning equipment shall be provided and completed in accordance with the details approved pursuant to this condition prior to occupation of the relevant part of Phase 2. The window cleaning equipment shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the Development.
44. Prior to the operation of the community facilities within Phase 2 the following details/documents shall be submitted to and approved in writing by the LPA –
  - 1) Visitor Management strategy
  - 2) Noise insulation details for exit doors, windows and walls to the multi-purpose hall.
  - 3) Ventilation strategy for when the multi-purpose hall is in use (to ensure these doors and windows remain closed)The development and community uses shall be carried out entirely in accordance with the provisions of the strategy prior to opening, for so long as the use remains in existence.
45. All exit doors and windows serving the multi-purpose hall within Phase 2, at both first and second floor level, to remain closed while the room is in use.
46. No sound amplification equipment shall be used in the multi-purpose hall within Phase 2 until suitable noise limiting and cut out devices have been fitted to the electrical supply and the fire exit doors and windows. These devices should cut out the supply to amplified music should noise levels exceed levels, to be agreed by the Council in writing prior to sound amplification equipment being used on site, or when windows or the fire exit doors are opened. Such measures shall be retained for so long as the development remains in existence.
47. Within one month following the installation of the noise limiting and cut out devices in the multi-purpose hall, in accordance with condition 46, a noise assessment shall be carried out to the written approval of the LPA assessing the effectiveness of these devices in safeguarding local residential amenity. The report shall identify any necessary additional remedial measures which shall be carried out to the written approval of the LPA within two months of the approval of the noise assessment.

Such measures shall be retained for so long as the development remains in existence.

48. Community uses (including the Church) that involve amplified speech or music, or any sporting activity shall not be open to the public (which includes congregation) except:-
- |              |                |
|--------------|----------------|
| Mon-Thur     | 07:00 to 23:00 |
| Fri-Sat      | 07:00 to 23:00 |
| Sun          | 08:00 to 21:30 |
| Bank Holiday | 08:00 to 20:00 |
49. Prior to the installation of any architectural lighting for Phase 2, a scheme for the night time illumination of the exterior of the buildings, including details of fixtures, fittings and operation, shall be submitted to and approved by the LPA in writing. Any night time illumination shall only be installed and completed in accordance with the details approved pursuant to this condition prior to first occupation and the night time illumination shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the development.
50. The development shall be constructed to achieve a BREEAM 'Excellent' rating in accordance with the submitted BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to phase 2 occupation of the development.
51. Prior to commencement of development for Phase 2, a scheme for the protection of the adjacent Listed Library during the demolition of the existing buildings and the construction of the Development shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to demolition and retained for the period of the demolition of the existing buildings and construction of the development.
52. Prior to commencement of development for Phase 2, a construction methodology for works adjacent to the Listed Library shall be submitted to and approved by in writing the LPA. The approved scheme shall be implemented in accordance with the approved details and methodology.
53. No occupation of Phase 2 shall commence until the approval of the LPA has been obtained with respect to a CCTV scheme for the publicly accessible areas. The scheme shall include details of fixtures and fittings and location of cameras. This shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.
54. Cranes used during the construction phase shall be provided with aviation warning lights in accordance with the following details:
1. For those which extend the maximum height (building plus crane mounted above it) to 150m / 492ft or more, aviation warning lighting shall be provided in accordance with Article 219 of the UK Air Navigation Order.
  1. For those which extend the maximum height (building plus crane mounted above it) to 60-90m, low intensity steady red aviation warning lighting shall be provided

1. For those which extend the maximum height (building plus crane mounted above it) to between 90-150m high, medium intensity steady red aviation warning lighting shall be provided.
55. If 12 months after demolition of the buildings on Phase 2 rebuilding does not commence, the developer shall submit a strategy for meanwhile uses of the site which shall be submitted to the LPA for approval in writing to identify uses and activities on site. The approved strategy will be implemented in accordance with the approved details, which shall include a timetable for implementation of meanwhile uses.
56. Prior to above ground slab construction of Phase 2 a tree planting strategy for street trees (including, but not limited to the guying system and tree surrounds) shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of phase 2.
57. Prior to above ground slab construction of Phase 2 a strategy for minimising the water use in relation to the church and community uses shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of the community use and shall be retained for the lifetime of the development.
58. Prior to commencement of development, details of how full fibre connectivity infrastructure is to be provided to the whole development are to be submitted and approved in writing by the local planning authority. The full fibre connectivity infrastructure is to be provided before any occupation takes place or in accordance with a programme to be approved.



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# **Report to the Secretary of State for Housing, Communities and Local Government**

**by Paul Jackson B.Arch (Hons) RIBA**

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

**Date: 12 February 2020**

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**Town and Country Planning Act 1990**

**London Borough of Croydon**

**Application by**

**Thornsett Group and Purley Baptist Church**

**Re-determination**

Inquiry opened on 3 December 2019

Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall and 1-9 Banstead Road, Purley

File Ref: APP/L5240/V/17/3174139

## LIST OF ABBREVIATIONS

### Abbreviation

AH

AMR

App.

CD

DL

EiP

GLA

ha

ID

IRSoCG

km

LHA

LP

LonP

m

NDG

NPPG

NPPF

OR

OSoCG

p/pp

Para.

PoE

PTAL

RA

R-ex

S

SoS

sPoE

Sqm

UPSoCG

UTSoCG

Xic

Xx

### Reference

Affordable Housing

Annual Monitoring Report

Appendix

Core Document

Decision Letter (by SoS)

Examination in Public

Greater London Authority

hectare

Inquiry Document

First Inspectors Report Statement of Common Ground (colour coded)

kilometre

Local Heritage Asset

Local Plan

London Plan

metre

National Design Guide

National Planning Practice Guidance

National Planning Policy Framework

Original Report of 1 May 2018

Original Statement of Common Ground

Page/s

Paragraph

Proof of Evidence

Public Transport Accessibility Level

Residents Association

Re-examination

Section

Secretary of State

Supplementary Proof of Evidence

Square metre

Updated Planning Statement of Common Ground dated 4 November 2019

Updated Transport Statement of Common Ground

Examination in Chief

Cross-examination



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**File Ref: APP/L5240/V/17/3174139**

**Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall and 1-9 Banstead Road, Purley**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 April 2017.
- The application is made by Thornsett Group and Purley Baptist Church to the Council of the London Borough of Croydon.
- The application Ref 16/02994/P is dated 20 May 2016.
- The development proposed is a full phased planning application for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works.
- The reason given for making the direction was that in the light of his policy on calling in planning applications, the application should be called-in.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - i. Its consistency with the development plan including the London Plan;
  - ii. Policies in the National Planning Policy Framework (NPPF) in requiring good design of the built environment; and
  - iii. Any other matters the Inspector considers relevant.
- This report is to be read alongside that issued on 3 December 2018.

**Summary of Recommendation: that the application be approved and planning permission granted subject to conditions.**

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## **Background**

1. The original Inquiry into this application opened on 9 January 2018 and closed on 17 January 2018. The Secretary of State's decision to refuse planning permission was issued on 3 December 2018. This decision was challenged under S.288 of the Act in the High Court on 10 January 2019.

The grounds for challenge were as follows:

- 1) Failure to provide adequate reasons for rejecting the design quality of the tower proposed for the Island site;
  - 2) Applying the wrong policy test when assessing the quality of the design of the proposals for the South Site;
  - 3) Erroneous conclusion about the impact of the proposed development on the heritage significance of the Purley Library; and
  - 4) Failure to provide reasons for concluding that there would be harm to Conservation Areas and to non-designated heritage assets.
2. The SoS acknowledged that he failed to give adequate reasons for his conclusions with regard to the harm to designated and non-designated heritage assets. The decision was quashed by consent on 1 April 2019 and remitted for re-determination.
  3. The Inspector's Report to the SoS dated 1 May 2018 (OR) is not quashed by the High Court and this Report should be read alongside that Report. Consequently,

the matters on which the SoS needs to be informed in the re-determination relate to:

- 1) The effect of the proposed development on the character and appearance of the area with particular regard to the height of the tower and the standard of design;
- 2) The effect of the proposed development on designated and non-designated heritage assets;
- 3) The policy tests that are appropriate; and
- 4) Any changes to the development plan, national policy or guidance since the Secretary of State's first decision on 3 December 2018: and any other material changes in circumstance that may be relevant, such as recent nearby planning permissions.

### **Procedural Matters**

4. The redetermination Inquiry was held on 3-6 December 2019. I carried out an accompanied site inspection on 5 December 2019. An unaccompanied site inspection was carried out on 29 November 2019 when I observed the site and its surroundings from public viewpoints referred to in the representations and visualisations; and other points referred to in written representations.
5. The Rule 6 party, the Residents' Associations, also raise matters of traffic and air quality. I have also had regard to the submissions of interested parties, in particular local occupiers.
6. An updated Planning Statement of Common Ground (UPSoCG) dated 4 November 2019<sup>1</sup> and an updated Transport SoCG dated 1 November 2019<sup>2</sup> were prepared for the re-determination Inquiry. At the Inspector's request, the first Inspector's Report is used as the basis for a colour-coded table clarifying matters of agreement or disagreement between the Applicants, the Council and the Rule 6 party<sup>3</sup>. This was agreed on 28 November 2019.

### **The Site and Surroundings**

7. A full description of the site and surroundings is contained in paragraphs 2.1-2.9 of the OR. This description remains accurate. The church buildings continue to deteriorate (OR para. 2.6). I was advised at the Inquiry that the Purley Cross Centre in the High Street has now closed because the lease has expired. Its continuing and valued community function is now carried out within the church buildings (OR para. 2.9).

### **Planning Policy**

8. The adopted development plan comprises:
  - The Croydon Local Plan 2018 (LP) (adopted February 2018);
  - The London Plan (LonP) (adopted March 2016); and

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<sup>1</sup> CD 5.3

<sup>2</sup> CD 5.4

<sup>3</sup> Inquiry Document 20

- The South London Waste Plan (adopted January 2012).
9. Policies of the adopted development plan are set out in paragraphs 3.1-3.16 of the OR. In view of the imminent adoption of the LP at that time, the previous Inspector requested that the parties at the first Inquiry assume it had been adopted for the purposes of making their submissions. Currently Croydon is in the early stages of reviewing the LP with a view to adoption in 2022. There are no draft policies as yet that can be given meaningful weight.
  10. The Greater London Authority is preparing a new LonP. The most recent version of the draft Plan was published in November 2017 and was therefore a material consideration at the time of the SoS's decision of 3 December 2018. Since that time, the plan has been subject to Examination in Public (EiP), which opened on 15 January 2019 and closed on 22 May 2019.
  11. There are no policies in the South London Waste Plan that bear on the issues considered at this Inquiry.
  12. Turning to national guidance, the July 2018 revisions to the National Planning Policy Framework (NPPF) were commented on and taken account of in the SoS' decision letter of 3 December 2018. Subsequent minor alterations in February 2019 and June 2019 concern housing delivery calculations and habitats regulations and do not materially impact on the matters under consideration.
  13. The Government published the National Design Guide (NDG)<sup>4</sup> in October 2019 to be read alongside the revised Planning Practice Guidance (NPPG) chapter 'Design: process and tools'.

## **Planning History**

14. The planning history of the site is contained in the UPSoCG in Section 3. With regard to applications for development on nearby sites, an application for demolition of existing dwellings and redevelopment with 34 retirement living apartments for older persons with car parking at 11-17 Banstead Road<sup>5</sup> was made in March 2018. After being refused in September 2018, the subsequent appeal was dismissed in March 2019 on grounds of character and appearance in terms of layout, scale and massing. An application for 41 two and three bedroom flats in a 5/6/7 storey building at 1-9 Foxley Lane<sup>6</sup> to the north of the application site, adjacent to the north east side of the library, was allowed on 17 May 2019. The Committee Report indicates that the proposed development on the Thornsett/Purley Baptist Church site was taken into account<sup>7</sup>. Prior approvals have been granted<sup>8</sup> for residential units within the existing building at 5a Russell Hill Parade adjacent to the proposed vehicular access to the application site<sup>9</sup>.

## **The Proposals**

15. There is no change to the proposals as described in Section 5 of the OR.

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<sup>4</sup> CD 16.9

<sup>5</sup> CD 16.11 ref 18/01377/FUL

<sup>6</sup> CD 16.12 ref 18/04742/FUL. See drawings at Mr Lacovara's supplementary proof at pp57-8

<sup>7</sup> CD 16.13

<sup>8</sup> Refs 10/00475/GPDO, 10/00476/GPDO, 10/00477/GPDO

<sup>9</sup> Plans are shown at James White sPoE p23

## **The Case for Thornsett Group and Purley Baptist Church**

*The main points are:*

16. The previous Inspector rightly concluded that the proposals are plan-led (OR 15.55, 15.56, 15.57) and that the whole scheme “fully” complies with the development plan (OR 15.57) and in particular (OR 15.56) that: *“the principle of a building of roughly the height proposed on the Island site would not only accord with the development plan, but be led by it, and has been part of the emerging Local Plan for several years.”* The LP explicitly supports a “landmark” tower in Purley District Centre<sup>10</sup> and the application sites are allocated for the uses that are proposed in the application<sup>11</sup>. The scheme is in complete accordance with the mix and disposition of uses proposed in the plan.
17. The only controversial element is the tower but this amounts to disagreeing with what the LP has to say on the subject. In a plan-led system where the LP is up-to-date, there would need to be something quite extraordinary by way of material considerations to justify departing from the plan which was adopted as recently as 2018. There is nothing which even remotely justifies steering a different course to that set out in the LP. Nothing that has happened since the first Report justifies reaching different conclusions, nor does any of the evidence to this second Inquiry substantiate that it would be right to do so. The Secretary of State should not reach the same or similarly erroneous and ill-founded conclusions as expressed in the previous decision.

### *The Tower*

18. The (then) Secretary of State said that he had “serious concerns about the height of the tower in this location” (DL 13). To the limited extent that the Secretary of State explained what his “serious concerns” were, he made 5 points which amounted to a miscellaneous collection of errors, inconsequential points and bare assertion. The points he made in DL 13 & 15 are (with numbering added for ease of analysis):
  - 1) the tower would “exceed the maximum height” referred to in the Local Plan;
  - 2) in referring to a tower in the district centre, the Local Plan is not site specific;
  - 3) there is “no specific justification ...in the Local Plan ...to support the height of this site” (sic)
  - 4) there is “no specific justification ...in ...the application to support the height of this site” (sic), and
  - 5) the height and proportions of the tower would be “intrusive”.
19. The question is whether the proposals accord with the development plan when read as a whole; it is well-established that in order to accord with the plan, a proposal does not have to accord with every aspect of it; instead, one looks to see whether what is proposed broadly accords with the plan. With this in mind, turning to point (1) that the proposed tower is 17 storeys whereas the Local Plan refers to a tower of 16 storeys, it is pertinent to ask “so what”? This is a point

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<sup>10</sup> DM15 a. read together with DM 42.1 b.

<sup>11</sup> DM 42.4 and sites 35 and 130 in Local Plan Table 11.10 and Appendix 7 sites 35 and 130

which goes nowhere. The difference of a single storey certainly does not mean that in applying s.38(6) of the P&CP Act 2004 the determination which would accord with the development plan would be to refuse the application. No-one contends that the proposed tower is unacceptable because it would be 17 rather than 16 storeys. The previous Inspector was right to conclude (IR 15.56) that: *"the principle of a building of roughly the height proposed on the Island site would ...accord with the development plan..."*.

20. Point (2) that in referring to a tower in the district centre, the LP is not site specific, and point (3) that there is "no specific justification ...in the LP ...to support the height of this site" are very closely related. Since the earliest draft several years ago of what is now the adopted LP, the Council made clear that it considered the district centre to be an appropriate location for a tall landmark building<sup>12</sup>. Objections were made to this by amongst others the Rule 6 parties and the local MP. Notwithstanding, the examining Inspector found the plan to be sound. It is a truism to say that the LP isn't site specific. The LP identifies *the district centre* as an appropriate location for a landmark tower. The Island site is *within* the district centre. Accordingly, the location of the proposed tower on this site accords with the LP. The fact that the LP isn't site specific does not tell against the proposals but is in support.
21. Point (4) is not only incorrect but also so wrong as to be a bizarre thing to have said. The application documents, including the design and access statement, and the evidence provided to the first Inquiry provide extensive "specific justification" to support the proposed tower on this site. Evidence to this Inquiry adds yet more support. The independent review of the scheme by the Design South-East Review Panel expressly "supported the principle of a tall tower in this location"<sup>13</sup>. Both the Council and the GLA agree. The evidence to both inquiries also explains why, contrary to the assertion otherwise in the last sentence of DL 12, the role of the tower on this site as a marker particularly of the start of the district (town) centre would constitute good urban planning.
22. Point (5) that the height and proportions of the tower would be "intrusive" (DL 15) is a wholly unexplained conclusion. Although he made the 4 points that have just been considered, none of them have anything to do with whether the proposed tower would be "intrusive" and in any event, all of them relate to its height rather than its proportions. Further, no clue is given concerning from where it is said that the tower would appear intrusive. The evidence given to the first and second Inquiries demonstrates that far from being "intrusive" the proposed tower with its "outstanding design quality" (OR 15.39) would be a worthy addition to Purley's townscape. The previous Inspector was right to conclude as he did in OR 15.5 that this would be the highest quality modern development in Purley. The scheme has been carefully designed specifically for this location, for this context, in Purley; the design is unique rather than ubiquitous. Put simply, far from being intrusive, for the reasons explained in OR 15.12 – 15.16, the tower would be something well-worth looking at. It would bring change which from the base of the tower right through to its crown would be change for the better. Two passages in the National Design Guide<sup>14</sup> are particularly apt: *"Well-designed tall buildings play a positive urban design role in*

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<sup>12</sup> CD 14.7 (7.35 – 7.50)

<sup>13</sup> CD 12.7

<sup>14</sup> CD 16.9 (p.20 para. 69) & (p.12 para. 48)

*the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.” and: “Today’s new developments extend the history of the context ...representing the architecture & placemaking of the early 21<sup>st</sup> century.”*

23. Nothing that has happened since the first Report undermines the conclusions reached. There is nothing to be found in the 2019 NPPF when compared with the 2012 NPPF, or the policies in the emerging LonP when compared with the extant LonP, which provides any basis for reaching different conclusions.

#### *The South Site*

24. The “concerns” expressed by the (then) Secretary of State in DL 14 & DL 15 about the “quality of the design of some of the elements of the South Site proposals” were unexpected as no-one had raised any issues about this part of the scheme at the first Inquiry. Remarkably, as much is said about the design of the south site as it is of the tower. Regrettably, mistakes are made about the nature of the proposals in DL 14 which are then compounded by the erroneous application in DL 15 of the more-exacting policy requirements for tall buildings to the south site proposals. It is still the case that no issues have been raised about the south site proposals and on the material before the Inquiry, it is right that they do not constitute a main issue for consideration.
25. The evidence explains compellingly that the carefully detailed yet “calm” design of the south site proposals is of high-quality and is sympathetic to its immediate, and wider, context. The applicants’ supplementary proof on design (which includes new images and verified views)<sup>15</sup> shows that the north-west elevation would not impact on adjoining owners.
26. It was said in DL 14 that “more attention should be given” to the inclusion of some north-east facing single aspect homes in the south site proposals. The inclusion of these homes is the product of the quad-style layout of this element of the proposals. This layout provides an attractive inner shared courtyard which would be sheltered from its currently heavily trafficked surroundings. The DL refers to the GLA but, once the GLA understood the rationale for the proposals, the point was no longer pursued. In other words, and it seems unknown to the (then) Secretary of State, this element of the scheme was given more attention, to the satisfaction of the GLA. Another advantage of the scheme is that it does not turn its back on the road.

#### *The effect on heritage assets*

27. The previous Inspector gave very detailed reasons<sup>16</sup> to explain his conclusion that there would be no net harm to any of the heritage assets potentially affected by the application scheme. Nothing has happened since to undermine this. The (then) Secretary of State reached different conclusions (DL 16 – 18). The Secretary of State consented to the decision being quashed by the High Court because he recognised the inadequacy of his reasoning concerning heritage. Not least of his errors was his mistaken belief that the previous Inspector had found

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<sup>15</sup> Mr Matthews’ supplementary proof of evidence

<sup>16</sup> (OR 15.17 – 15.24)

that there would be harm to the listed library, when in fact he found that it would be preserved.

28. Looking at the library, the issue is whether the proposed development, which would be within the setting of the library, would harm or would undermine the heritage significance (the heritage interest) of the library; that assessment is to be carried out on a "net" basis in which any harm to the heritage interest of the library should be balanced against any benefit to it so as to reach an overall conclusion. The previous Inspector concluded at OR 15.17 – 15.19 & 15.23, 15.24 that while "to a small extent" the tower would distract from the library this "would be outweighed by the heritage benefits of better and more extensive public realm" adjoining the library, such that there would be no overall, net, harm but rather preservation. The Secretary of State's DL did not consider whether the heritage benefits to the library outweighed any harm by way of distraction, and instead latched onto the element of harm and then inflated it to being "at the upper end of less than substantial". This is difficult to understand.
29. In order for heritage harm to be at this "higher magnitude" there would need to be harm approaching draining away very much if not all of the heritage interest of the library. Once one properly understands what the heritage significance of the library is, it is impossible to rationally conclude that there would be harm of the nature referred to in the DL or anything like it. The setting of the library has changed substantially since it was built, and there is no evidence that its setting was a factor in its listing; the entry on the list for the library describes the building itself in some detail, including its internal features which would, of course, be entirely unaffected by the proposals; the distance between the tower and the library would allow the viewer to distinguish between them, and to appreciate the proportions, symmetry and architectural detailing of the listed library on its own terms whereas the public realm improvements in the vicinity of the library would be beneficial in heritage terms. More recently the Council has approved a scheme at 1–9 Foxley Lane, next door to the library, which involves development of up to 7 storeys in height, which the Council concluded would cause only limited impact to the library, and overall would result in no harm. As far as the library is concerned, the position is as recorded in the OR.
30. Next, the DL asserts without a word of explanation that the proposals would cause "a clear negative impact on the (non-designated) former bank at 960 Brighton Road, the (non-designated) Brighton Road LHA, and both the Upper Woodcote Village and Webb Estate conservation areas." In contrast, the previous Inspector explained why he concluded as he did that: "The net result would be neutral" in respect of 960 Brighton Road (OR 15.20) and similarly with regards the Brighton Road LHA (OR 15.21); the tower would not be visible from within the Upper Woodcote Village CA and: "At worst, the effect on the Webb Estate CA would be neutral" (OR 15.22). Given that the DL does not even attempt to explain why different conclusions were reached it is impossible to analyse what was in the author's mind.

#### *Highways and air quality*

31. The highways objections made by the Rule 6 Parties overlapped to a substantial degree with their objections on air quality. The objections made, however, remain in substance exactly the same as those made to the last Inquiry (see OR 9.35 – 9.42). The previous Inspector addressed these objections (see OR 15.28 –

- 15.29 and OR 15-42 – 15.44) and concluded that there were no unacceptable highways or air quality impacts. In particular, he concluded that while access from Banstead Road might involve less congestion, because the access from Russell Hill Road would be acceptable and comply with relevant NPPF and development plan policies, there was no need to consider whether an alternative access might work better (OR 15.28 – 15.29): and air quality impacts from the scheme would be negligible, and any such impacts would be mitigated by contributions secured through the s.106 agreement (OR 15.42). Such negligible impacts took account of engine idling by vehicles waiting to exit on to Russell Hill Road (IR 15.43 – 15.44).
32. During the course of the Inquiry, the R6 Parties provided some additional traffic surveys. The applicants' highways witness provided a note in response<sup>17</sup> which explained why little if any weight should be placed on this information, which in any event does no more than seek to support the points already considered by the previous Inspector concerning the contention that access from Banstead Road would be a better solution; however, even were it the case that access from Banstead Road would be "better" than what is proposed, that does not mean that what is proposed is unacceptable. The new material does not provide any good basis for disagreeing with the previous Inspector's conclusion that the access from Russell Hill Road is acceptable.
33. The Council's air quality witness otherwise confirmed that the air quality impacts of the application scheme would be negligible, and that in so far as there would be air quality impacts, these would be mitigated by the recommended conditions and the s.106 planning obligation concerning the funding of anti-idling measures. In response to the contention made in paragraph 9.9 of the Rule 6 Parties' closing remarks, that because of concerns regarding air quality, "we should not be placing high density housing within such an area", the applicants reiterate that the two sites are allocated for the mix and disposition of uses proposed in this planning application.
34. In respect of highways matters, the proposals are acceptable in respect of the policies in the emerging LonP concerning residential parking and short-stay cycle spaces; this is agreed in the Updated Transport Statement of Common Ground<sup>18</sup>. There is no good basis to reach any different conclusion in respect of highways, the proposed access and air quality matters than those reached by the previous Inspector, with which the Secretary of State agreed.

#### *Public opinion*

35. The previous Inspector addressed matters relating to public opinion at OR 15.47. It is not the strength of public opinion that is relevant to the decision to be made in this matter, but rather the reasons given for any objections.

#### *The overall planning balance*

36. The applicants' position remains that the determination which would be in accordance with the development plan would be to grant the permission applied for. This means that the presumption in favour of the development plan that is provided for by s.38(6) of the P&CP Act 2004, amounts in this matter to a

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<sup>17</sup> Inquiry Document 12

<sup>18</sup> CD 5.4

(strong) presumption in favour of approving the scheme. This is all the more so having regard to the other material considerations in play, which almost entirely act only to support the grant of permission. Included among these material considerations are the very real public benefits that the scheme would deliver. In large part, the extent of weight to be given to the public benefits of the scheme was not a matter of dispute at the inquiry.

37. The previous Inspector gave "considerable" weight to the proposed 220 new homes, new church, "greatly enhanced community facilities", economic benefits to the district centre, new jobs and regeneration benefits (OR 15.38 - 15.40). The DL gave significant weight to all these save that only "moderate weight" was attributed to the new church and community facilities (which nonetheless were described as "greatly enhanced") (DL 27). This seems grudging and certainly understates just how beneficial the new church and (agreed to be) greatly enhanced community facilities would be. The Rule 6 Parties expressed surprise that more weight had not been given to these matters. The scheme would provide much needed new and hugely improved community and church facilities, which would provide substantial benefits to the wider community.
38. The DL regards the 39 proposed affordable homes as "neutral in the planning balance" (DL 27) and it seems so too did the previous Inspector. With respect, this seems hard to justify. There is an acute need for affordable homes in London, and Croydon, and the need has increased between the position at the time of the 2016 LonP, compared to that in the emerging LonP. It would seem only right to give at least some weight to the proposed affordable homes.
39. For completeness, if it is concluded that there would be some or other heritage harm, the considerable public benefits of the proposals would readily - as the previous Inspector concluded in OR 15.24 "very easily" - outweigh any such harm (applying, as appropriate, NPPF para 196 or 197).

#### *Overall conclusion*

40. Applying the presumption in favour of sustainable development in the NPPF the application "should be approved without delay" (OR 15.57). The urgency is all the greater now. The applicants cannot emphasise strongly enough that the application scheme truly is a once in a generation opportunity for the church to realise its aspirations, to the benefit of the community at large; it would be a travesty to shun this opportunity. That consent, should it finally now be forthcoming, would benefit not just the Purley Baptist Church and its congregation, but also those who would benefit from the Church's greatly enhanced community facilities, those who would come to live in the new market and affordable housing that would be provided, and those who work in and visit the district centre, which would receive a worthwhile boost by the long overdue regeneration of this eyesore site. It is rare in planning to have the opportunity to make a decision that would bring so much benefit to so many people - to the local community at large. This wonderful opportunity for so much good to be done should be seized rather than shunned.

### **The Case for the London Borough of Croydon**

*The main points are:*

41. Reliance is placed upon the ten points made in support of the proposals set out in the Council's Opening Statement (and closing submissions for the first Inquiry). These points remain valid and convincing, as do the conclusions and recommendations of the original Inspector. It is to be noted that the careful and thorough evolution of the scheme was acknowledged by the original Inspector who concluded "*There can be little doubt that the scheme's designers have gone to painstaking efforts to achieve exceptionally high quality. There is no good reason that new development should mimic the neo-Tudor in order for its design to complement the existing streets. For most of the scheme it was not disputed that the high standard of design merits substantial weight.*"<sup>19</sup> The evidence before this Inquiry has further demonstrated the great care taken with, and the acceptability of, the design including that of the tower.
42. It is also important to highlight the limited areas of dispute and the concessions made. There is no issue regarding the south site proposals as confirmed by the Rule 6 party the RAs and Chris Philp MP, in CX. It is clear that the main issue relied upon by objectors is the tower element of the proposals for the Island Site. It is accepted by the RAs that the proposed 220 residential units would make a significant contribution to Croydon's housing stock at this highly sustainable location. There is no dispute that the community facilities are welcomed. Neither the RAs nor Chris Philp MP rely upon any impact on the listed library.
43. There are two particular features of the evidence relied upon by objectors at this second Inquiry. Firstly, the failure of the RAs to explain in their Statement of Case or their presentation paper why they disagree with the original Inspector's Report. Secondly, the failure of any objector to demonstrate any meaningful new matter or change in circumstances which undermines that Inspector's assessment and conclusions in any substantive way. In particular:
- Chris Philp's attempt to demonstrate some change in policy (in respect of the NPPF and Local Plan) to undermine the original Inspector's conclusions fell completely flat and was without foundation.
  - The RAs attempted to rely upon increased awareness of air quality (AQ) issues. That there is increased awareness is to some extent generally true but neither the development plan nor the NPPF has changed since the decision of the Secretary of State in December 2018. The original Inspector and SoS were satisfied in respect of the acceptability of the proposals in AQ terms, and Mr Simmonds provided detailed evidence as to the acceptability of the proposals with the measures proposed incorporated.
44. Turning back to the 10 original matters relied upon:
- Both of the two sites that comprise the Mosaic Place application site (the Island Site and the South Site) are crying out for re-development*
45. Even the strongest objectors again appeared to accept the urgent need for redevelopment. As the original Inspector concluded, the scheme should be approved without delay. This is just the sort of site that Government policy is seeking to be effectively utilised and swiftly. However, the policy prerogative is not just redevelopment of such a site. It is optimal redevelopment that should be

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<sup>19</sup> OR p48 – CD16.8 .

sought and delivered. Making optimal use of vacant and underused previously developed land by appropriate intensification is an ever-increasing theme at all levels of policy as is reflected in recent statements from then Ministers<sup>20</sup>. That is also seen in the draft LonP.

46. It is hardly surprising therefore that the GLA strongly supports the regeneration of this key town centre site<sup>21</sup>. And it should not be thought, even if it were relevant to consideration of the current proposals, that there is some alternative that is likely to come forward and be viable and deliverable as objectors suggested at the original Inquiry<sup>22</sup>. There were some hints of that again at this Inquiry but there is still no evidence to support that and these proposals are of course to be judged on their own merits. The evidence is that the Church had looked at every possible option and they and the developer had made significant compromises even with the current scheme.
47. Huge caution also needs to be applied to the suggestion that there might be some other location for a tall building in Purley that might possibly be acceptable. That does not ring true given much of the basis of the objections to a tall building. One third party objector for example went as far to say that she and “an awful lot of people” did not like modern design/buildings at all. Therefore, nothing has changed in respect of ‘alternatives’ since the original Inquiry. However, the need is even more compelling. Moreover, the Council’s design witness gave convincing testimony as to the suitability of the Island Site, and the particular position proposed, for a tall building.

*The Site has the significant advantage of having a PTAL of 5. It is also located part within and part adjacent to the Purley District Centre (as designated on both the existing and emerging Local Plan)*

48. No one can really dispute the excellent transport accessibility of the site. The original Inspector recognised this with his conclusion that “*Purley is a commuter town with excellent rail and road links to and from Croydon and central London*”. That accessibility and the pivotal location of the site strongly point to the potential for development of a high density development to optimise the development in accordance with national and local policy, including the LonP and Draft LonP and the NPPF, referred to above<sup>23</sup>. This is a policy-consistent opportunity begging to be taken. Sites with high levels of PTAL, especially where within town centres, are highlighted for intensification and low level parking/parking free developments. The current LonP is not proscriptive in density number terms and the emerging draft LonP will add to that flexibility<sup>24</sup>.
49. The location within and adjacent to the District Centre is significant. The RAs are unjustifiably very dismissive of the benefits that would arise to the District Centre but these are plain and help to explain the continuing support of the business community for the proposals<sup>25</sup>.

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<sup>20</sup> See NPPF 2019 [para 123] and Mr White’s Supplemental Proof at paras. 7.69-7.75 pp.21-22.

<sup>21</sup> See para. 8 p2 of Council’s original Closing Submissions – CD15.28

<sup>22</sup> See Council’s original Closing Submissions at paras 19-25 pp5-7 – CD15.28

<sup>23</sup> E.g. policy H1 of the Draft London Plan seeks to address the supply of housing in the capital and states that boroughs should optimise the potential for housing delivery on sites within areas of high PTAL (3-6) – see para. 7.5 p.8 of Mr White’s proof.

<sup>24</sup> See Mr White’s Supplemental Proof at paras 7.20-7.23 on pp10-11 re. Objective GG2.

<sup>25</sup> See para. 11.1 p13 of the RA’s Statement of Case, 4 November 2019, where they unconvincingly say “*rather than using the OPDC for their shopping and leisure needs the RAs believe that residents of the scheme, given the lack of*

*The development potential of the site is recognised in the adopted and emerging Local Plans*

50. Both the Island Site and the South Site are allocated in the adopted LP, the Island Site ref. 35 for mixed use comprising new church, community facility and residential for 20 to 111 homes and the south site ref. 130 for 77 to 100 homes. As the original Inspector concluded, church and community use of the site would be entirely policy compliant. The original Inspector also found no difficulty with the fact that the number of dwellings proposed (220) exceeds (by 9) the maximum indicated by these allocations. That is consistent with the policy objective of optimising brownfield sustainably located sites such as this. The original Inspector concluded that the proposals would closely follow the expectations of the LP and was probably led by it. That is still the case.
51. Although not site specific, policy DM42.1(b) (Purley) states that within the District Centre and its environs developments should complement the existing predominant building heights of 3 to 8 storeys with a potential for a new development of up to a maximum of 16 storeys. The basis for that approach was set out in the Council's original evidence and the relationship of the proposals to the LP was confirmed at this Inquiry<sup>26</sup>. It was clear that the Local Plan process was transparent and thorough with regard to the tall building proposals for Purley and led to active objections and a specific hearing session for this issue, with the policy being found sound.
52. It is therefore hardly surprising that the original Inspector concluded that the principle of a tower in this location has been accepted in the development plan. It is of note that the recent National Design Guide now also endorses the role that tall buildings can fulfil. As the Guide states "*Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline*".

*The development will assist in the meeting of important planning objectives*

53. The SoS agreed in the main with the original Inspector's views on the benefits<sup>27</sup>. Although the affordable housing (18% of units) is below the policy target figures, a higher level is not supported by the viability assessment, as the applicants' and Council's independent advisers have confirmed in their updated assessments<sup>28</sup>. This demonstrates that the conclusion drawn on viability is still robust. The affordable housing element should be given significant weight, whilst the SoS previously treated it as neutral<sup>29</sup>.
54. The development would also inevitably add activity in the District Centre. It will have an active frontage, including a shop unit, which will be a distinct qualitative improvement over the units it replaces and should be attractive to an occupier. There is likely to be significant direct and spin-off benefits in that context. As the evidence to the Inquiry has confirmed, the Centre is struggling and these

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*connectivity with the district centre, are more likely to use public transport to travel to Croydon, London and the south coast etc. for these purposes."* Mr Pearson's Supplemental Proof at para. 4.42 on p23 updating his sum of £1.24m to £1.4m per annum.

<sup>26</sup> Mr Lacovara's original proof paras. 7.44-7.51 on pp35-7 – CD14.7

<sup>27</sup> DL[22] p5 – CD16.7.

<sup>28</sup> Updated viability assessment for Applicant CD16.19; consideration of that by Council's advisers, BNP Paribas Real Estate November 2019, handed in on first day of Inquiry (Doc 2).

<sup>29</sup> DL [27] p5 – CD16.7 .

benefits could also signal that Purley is “open for business” and lead to further investment and improvement.

*The proposals accord with the adopted and emerging plans and would be of a very high quality design in so doing*

55. The accordance of the proposals with the then emerging local plan was thoroughly assessed in the original evidence. The Inspector agreed with this compliance<sup>30</sup>. Nothing material has changed in the development plan with regard to design issues.
56. Chris Philp MP accepted under XX that there was no material difference between a 16 and 17 storey building. Mr King for the RAs also agreed, in XX.
57. Contrary to Mr Philp’s assertion, policy DM42.1(b) is far from a weak policy. This was borne out by the explanation of its evolution by the Council’s design witness. As the original Inspector concluded, the principle of a tower in this location, as referred to above, has been accepted in the development plan<sup>31</sup>. The unsubstantiated concerns of the SoS have been convincingly addressed in the evidence in respect of:
- (i) The role of a landmark building (DL[12]).
  - (ii) The proportions and height of the tower (DL[13]).
  - (iii) The design quality of the South Site and the single aspect homes that face north-east as well as its relationship with adjoining owners (DL[14] & [15]).
58. None of these concerns were supported by the original Inspector. It is of note that nonetheless the SoS did agree with the Inspector that some lower elements of the scheme would provide an enormous lift to the appearance of the area. The Inspector also specifically identified the vast improvement to the appearance of, and the considerable improvements to, the public realm.
59. This scheme is of rare quality for Croydon and in the opinion of the Council’s design witness, one of the finest that he had come across. That was clearly based upon the most thorough understanding of the context and of the scheme itself. He recognised the failings of tall building schemes in the past, which no doubt has understandably led to the concerns of many objectors. However, he convincingly explained why this scheme is different and of genuinely very high calibre. The original Inspector concluded that the scheme would incorporate the highest standards of architecture and materials<sup>32</sup>. Further, the conditions and architect retention clause in the section 106 Agreement would ensure that what has been proposed would be delivered<sup>33</sup>. One of the many exemplary characteristics of this scheme is the range of uses proposed, which he described as a distinctive and positive mix that will contribute to positive placemaking and will create a genuine asset for the people of Purley<sup>34</sup>.

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<sup>30</sup> OR 15.55 – CD16.8.

<sup>31</sup> OR 15.14 p50 – CD16.7

<sup>32</sup> OR [15.14] p50 – CD16.8

<sup>33</sup> The architect retention clause in clause 6.20 on p60 of the s.106 Agreement – CD15.29

<sup>34</sup> See Mr Lacovara’s reference to sections U1 and U2 of the Design Guide on pp.32-33 of his Supplemental Proof.

*The design is appropriate and acceptable with regard to the impact on existing heritage assets*

60. There is no basis for the SoS's conclusions in respect of the library, the nearby conservation areas or the locally listed 960 Brighton Road<sup>35</sup>. With regard to the latter, which was a concern of the RAs, any impact on the setting of that building is far outweighed by the overall benefits. It has to be emphasised that this building is of course not subject to statutory protection and as a non-designated heritage asset any harm has to be taken into account by a balanced judgment being made in accordance with paragraph 197 of the NPPF. That balance is overwhelmingly in favour of the proposal. Overall there would undoubtedly be a very significant enhancement to the townscape character generally. The quality of the townscape that would result compared to the existing and very longstanding state of the site far exceeds the relatively minor harm to the heritage assets.

*The development would provide acceptable living conditions for the new occupiers*

61. These were found acceptable by the SoS, save perhaps for some reservation the SoS had on the single aspect homes of the south site proposals that face north-east, dealt with by the Council's design witness. With regard to AQ, the AQ Assessment recognises the existing conditions. Further information is provided by the Air Quality Addendum<sup>36</sup>. Design measures will ensure that the residential occupiers of the lower floors of the buildings, which are affected by these conditions, are adequately protected as will be the users of community areas. They were accepted by the original Inspector and the SoS and there is no change that materially affects that conclusion<sup>37</sup>.

*The impact on existing occupiers and users of the area*

62. The only new point that has arisen in this respect relates to the SoS's concern regarding the impact of the south site proposals on neighbouring occupiers. That has been referred to above and the evidence firmly demonstrated the lack of any material impact in that regard. With regard to AQ, the development's contribution to pollutants would be negligible. That is not to underestimate the importance of this matter and the understandable concern of residents. It is a not a matter that is new on the Council's agenda and idling patrols are proposed.
63. Despite the RA's strong preference for a Banstead Road access, the SoS concluded that the proposals were AQ neutral, based on the Russell Hill Road access. There has been no change in policy since that decision. Further, this site is allocated for development and everyone wishes to see development on it. The RAs have confirmed that they support the principle of development of both the south and island sites. Accordingly, appropriate measures are included to address the conditions. Additional parking, which some objectors urged, would not of course assist in respect of AQ.

*The proposals would be acceptable in terms of highways and parking aspects*

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<sup>35</sup> DL [16]-[18] p.4 -CD16.76

<sup>36</sup> See Mr Simmonds's Supplementary Statement (Appendix JW2) at section 4 on p5 and CD16.20

<sup>37</sup> DL [20] p5 -CD16.7

64. There is nothing new in respect of these issues, save for a stricter approach to residential parking and a greater requirement for short stay cycle parking in the draft LonP. These have both been addressed in evidence. The residential car parking is modest, development plan compliant and acceptable in the circumstances. Many wished for more parking provision but this is just the type of location which is ideal for a significantly reduced parking provision – being within and adjacent to the District Centre and with a PTAL of 5. Further, the complementary measures (removing rights to apply for a parking permit/car club/travel) will assist. Any shortfall in short stay cycle parking can be addressed if there is a demand for it.
65. The RAs' arguments on highways were rejected by both the original Inspector and the SoS and there was extensive evidence to support those conclusions as referred to in more detail in the Council's original closing submissions. Servicing and deliveries have been accounted for and can be accommodated, as was addressed at the original Inquiry. There is no basis for taking a different view now. There is no basis for now rejecting the access onto Russell Hill Road as this has been found to be acceptable in highways and AQ terms and Mr King's recent surveys do not alter that. There is no highways objection from Transport for London (TfL) (the highways authority for the A23 Brighton Road, Banstead Road and Russell Hill Road). Further, a Banstead Road access could have its own problems, including increasing congestion on the gyratory that could be worse than the impact of the development on Russell Hill Road.

*An overall assessment of the proposals demonstrates the proposals are not just acceptable but would meet significant planning objectives*

66. The RAs have presented their case in a fair way and their concerns are acknowledged. However, no new matters of substance have been raised that undermine the significant merits and overall acceptability of the scheme as argued for by the Council and applicant at the original Inquiry and as strongly concluded by the original Inspector. Indeed the RAs fairly acknowledged at the Inquiry that the weight that should be given to the community benefits that would arise should be 'very high'.

### **The Case for the Residents' Associations**

67. The RAs prepared a joint statement on behalf of:

Coulsdon West Residents' Association (CWRA)  
East Coulsdon Residents' Association (ECRA)  
Hartley and District Residents' Association (HADRA)  
Kenley and District Residents' Association (KENDRA)  
Old Coulsdon Residents' Association (OCRA)  
Riddlesdown Residents' Association (RRA), and  
Sanderstead Residents' Association (SRA);

68. The RAs pointed out that many of the residents live within the Purley postcode district of CR8.

*The main points are:*

69. The RAs are a group of lay-people who represent up to 15,000 members and our case has been built largely on the objections we have received from the majority of those living in the whole Purley area (postcode CR8). We do wish to make it clear that all of the aforementioned Residents' Associations support the work that the Purley Baptist Church does for our local Purley community and we have no problem in principle with the expansion of their proposed church and associated facilities. Indeed, we would place greater significant weight on the work carried out by Purley Baptist Church than expressed by the Secretary of State's letter of 3 December 2018 where he affords it only "moderate weight."
70. We share many similar aspirations - in the provision of affordable housing, the regeneration of Purley town centre and increasing the facilities available to the local community. For the record, we would like it noted that the Rule 6 party relied upon the correct computer generated imagery (CGI) throughout the various stages of this application and we have published them accordingly on our websites and social media. We wish to see these two sites redeveloped, as part of one of these sites has been an eyesore and a detriment to Purley for over 35 years now.
71. However, where we differ is on the point that we do not believe an oversized and tall building development at this location in the centre of Purley is appropriate and contend that the proposed development will generate a number of problems for our area, due largely to its inappropriate scale. We support a development on the proposed site and none of the RAs lodged any formal objections with Croydon Council to the previous planning application submitted for that purpose in 2006 and determined in 2011<sup>38</sup>.

*Landmark building*

72. We do not in principle object to a landmark building on the site, however there is no stipulation that a landmark building must be 17 storeys in height. Indeed, this point was contested by many Residents' Associations when the amended Croydon Plan for the Purley District Centre (PDC) was proposed.

*Proposed building height*

73. LonP policy 7.7 deals specifically with tall buildings and states that "Tall and large buildings should not have an unacceptably harmful impact on their surroundings". We contend that this proposed development does impact on the surroundings, due largely to the resultant reduction in air quality and the extra pressure which will be put on local services and facilities, such as schools and the already overstretched local GPs and dentists.
74. LP policy DM42.1(b) states that development should "Complement the existing predominant building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys;" Just because there is potential for a tall building, that does not necessarily give express permission for one and we have argued that a building height of up to 8 storeys would be more acceptable.

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<sup>38</sup> Ref 06/02756/P 'Demolition of existing buildings; erection of 6 storey building comprising retail use on ground floor and community/church use on upper floors; erection of 6 storey building comprising 65 flats with basement parking on two levels (115 spaces in total); and construction of vehicular accesses off Russell Hill Road and Banstead Road (Outline application with only siting and means of access to be determined).'

The local plan makes no mention of developments exceeding 16 storeys, which this one does.

75. LP policy SP4.6 states that "applications for tall buildings will be required to respect and enhance local character and heritage assets;" We contend that the proposed development does little to enhance the local character of Purley.
76. LP policy DM15 states that developments should "ensure tall or large buildings respect and enhance local character, and do not harm the setting of heritage assets". We contend that the tower does neither and therefore contravenes the Council's own plans. It is our contention that the sheer height of the proposed development is excessive and wholly out of place. Whilst the Purley District Centre may have been earmarked for a tall building, we have argued that this specific location is not suitable and other more suitable locations could potentially be a better solution. Such locations may in the future include the current "Tesco" site along Brighton Road, which also forms part of the Purley District Centre.
77. We support the Secretary of State's view in his report of 3 December 2018 where he expressed his "serious concerns about the height of the tower in this location". We believe the height of this building at just under 60 metres from ground level on Brighton Road frontage should have been mentioned in the Design and Access Statement, in the Planning Officer's report, and also in the Planning Inspector's report. It hasn't been and is buried within just one or two drawings from many hundreds of other drawings submitted.

#### *Overshadowing*

78. We still believe that overshadowing to part of the Purley District Centre from the tower will occur and the effect was not fully appreciated at this Inquiry. We believe that overshadowing will occur to neighbouring properties, especially Tudor Court and the surrounding Purley District Centre, in part of Russell Hill Road and Brighton Road.

#### *Adherence to Revised Building Regulations*

79. In December 2018, the government published amended Building Regulations restricting the external use of combustible materials above 18m<sup>39</sup>. We would suggest that the trees intended to be placed outside the 15<sup>th</sup> floor penthouses are of a combustible nature and fall foul of these amended regulations and therefore render this particular aspect as impermissible from a planning perspective.

#### *Heritage*

80. Paragraph 127(c) of the NPPF states that planning policies and decisions should ensure that developments "are sympathetic to local character and history, including the surrounding built environment and landscape setting". We contest that because of the proposed height, the tower does not conform to this.
81. Paragraph 131 states that "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings." We

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<sup>39</sup> The Building (Amendment) Regulations, SI 2018/1230

contend that this proposed development, due to its height, does not fit in with the overall form and layout of Purley District Centre.

82. We are still concerned that the proposed 17 storey block will have a detrimental effect on 960 Brighton Road ("Pizza Express"). The Council's Heritage Officer<sup>40</sup> had both in the previous inquiry and the current inquiry agreed with us that this development will present a degree of harm to Brighton Road, especially number 960. We agree with the Secretary of State's findings that there would be a "clear negative impact on the former bank at 960 Brighton Road and the Brighton Road Local Heritage Area (LHA)".
83. We do not believe at 17 storeys high that these proposals seek to form a positive relationship with the Purley District Centre, principally the Victorian shopping parades in Brighton Road and Russell Hill Road. This is due to the bulk and massing of the buildings proposed and will mean that they will dominate the townscape and skyline, which is exacerbated by the lack of any architectural rhythm or shared detailing. The contrast between the proposed development and the existing urban grain is jarring rather than striking, reflecting the lack of any positive relationship between the proposal and the Purley District Centre.
84. In addition, we believe that for tall buildings to function best and sit within an urban environment, they require public open space at ground level with good connectivity to and with the surrounding uses, both of which this proposal fails to provide given the tight, restricted nature of both sites. There is a danger that, due to the lack of space surrounding the proposed development, it will appear very dominating and overbearing to pedestrians standing in its near proximity.
85. Given the heritage significance of Brighton Road, the campanile (side tower) does nothing to enhance the main tower and will have a detrimental impact to the surrounding area. Indeed, in the previous Inspector's report, he summarised the Design South East Design Review Panel's advice that "the tower could be slimmed down as well as removing the attached campanile element"<sup>41</sup>.

#### *Regeneration of Purley town centre*

86. We strongly support the regeneration of the island and south sites.

#### *Transportation*

87. Being local residents who use the junction on Russell Hill Road (A23) on a regular basis, we do not believe that the Council or TfL have made the correct decision in relation to the vehicle exit point from the proposed development. It is only 5 vehicle lengths to the signalled junction of Brighton Road and Russell Hill Road and TfL has also raised adverse comments in relation to this on their initial site visit. Poor siting of these entrances will exacerbate traffic congestion on Purley Way travelling south from Croydon and Foxley Lane, thereby also increasing pollution levels.
88. We are still of the view that when a major event finishes, up to 80% of church vehicles could attempt to leave at the same time, adding to congestion and pollution in the area. The proposed exit is in the narrowest part of Russell Hill

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<sup>40</sup> Mr Lacovara

<sup>41</sup> CD16.8 in section 15.9. See CD12.7 for actual wording

Road almost opposite the junction to Russell Hill Place, the exit to a Council car park.

89. We fear that if development takes place on this site, there will be increased traffic flow to major vehicle arteries during the construction stage. This will include construction traffic with deliveries. We would also question where the site workers are intending to park. It has been agreed by all parties that the A22/A23/A235 and the Purley gyratory are one of the busiest and complex traffic areas in the borough of Croydon.
90. It is clear that, due to the requirement of traffic to change lanes crossing the path of other traffic in Russell Hill Road, the majority of recorded accidents are in this part of the gyratory. Although most of these are low speed collisions with minor injuries, they can cause considerable delays to traffic flows.
91. No studies have been carried out in relation to the level of deliveries from online shopping providers. Whilst there is a Tesco store in the close proximity, residents of the proposed development may choose to shop online at other major food retailers and we question where these delivery vehicles will park.
92. To our knowledge, there is no UK law that states that a leaseholder of a flat cannot own a vehicle, or be a registered keeper of a vehicle. We believe that leaseholders will park on streets like Plough Lane, or Woodcote Valley Road, where there are no yellow line restrictions, or in a Controlled Parking Zone (CPZ). They could also park in Whytecliffe Road South where there are free parking bays in a 1 hour restricted CPZ (1pm to 2pm). These streets are only a few minutes walking distance away from the two sites. If the two Purley CPZ's are extended by the Council because of this development we believe leaseholders will then park further away from the Purley District Centre in unrestricted streets. By parking elsewhere, this will then create parking stress for residents living in those streets.

#### *Air Quality*

93. Purley gyratory already has poor air quality and is above World Health Organisation (WHO) guidelines. Parts of the Brighton Road also exceed European Union (EU) air quality levels. We are still of the view that the exit onto Russell Hill Road will decrease the local air quality due to the need for vehicles to exit the site onto that road. Such vehicles will have to queue to enter the traffic flow and possibly change lanes whilst at the same time causing existing traffic in Russell Hill Road to tail back due to the closeness of this exit to the traffic signals.
94. Air quality has risen up the agenda of both politicians and the public. The London Mayor has brought forward the proposed Ultra Low Emission Zone by two years, while Croydon are in the process of introducing emission-based parking charges for Controlled Parking Zones. In the Air Quality Action Plan 2017 to 2022 published in 2019, the Council identifies Purley Cross as one of five "Focus Areas" with the worst air quality in Croydon. We accept that our traffic surveys carried out over the last 2 months, 3 times at each location, are snapshots. However, these are very likely to be replicated on any other day. Although neither the junctions on the A23 at Stoats Nest Road and Grovelands Road replicate exactly the proposed entry/exit on Russell Hill Road, they are sufficiently similar, both having uncontrolled entry and exit from the A23, to enable a comparison of the time that it takes to exit an uncontrolled junction on to the A23.

95. The Grovelands Road junction onto the A23 is about 200 metres to the north of the signalled junction of Old Lodge Lane. The Stoats Nest Road junction onto the A23 is 500 metres to the south of the signalled Old Lodge Lane junction. It is also an uncontrolled junction and vehicles have to cross one lane of southbound traffic via a "keep clear" box and try and join the continuous flow of traffic northbound. They are largely dependent on the generosity of drivers to allow them in to the flow.
96. These surveys show that traffic entering the A23 after a signalled junction, as opposed to before, take approximately half the time to join the traffic flow, due to the natural breaks in the traffic that occur when the signals are red. We are still of the view that an entry/exit on Banstead Road as proposed at an earlier stage would reduce the exit time from the site by at least a half, thus reducing both traffic congestion and improving air quality.
97. The Council's air quality witness previously agreed with us that the proposed development will take place within an area where harmful levels of Nitrogen Dioxide (NO<sub>2</sub>) already exceed EU legal limits and that the proposed development will only increase these levels. NO<sub>2</sub> is considered a pollutant that is harmful to human health and we should not be placing high density housing within such an area.
98. Studies by both Dudley and Lambeth Councils conclude that stationary vehicles create twice as much pollution as moving vehicles. As 40 (and possibly up to 50) vehicles could be leaving the site at the same time after a major event, the level of pollution at the exit and in Russell Hill Road will increase at these times and for a considerable period of time until all the vehicles have departed. We understand there could potentially be up to three events per day on the Church's premises.
99. We welcome that Croydon Council has instigated idling patrols to deal with this problem but note that this consists of only 3 Pollution Control Officers across the entire borough. A visit is only likely to result if complaints have been received. The idling patrol will have no jurisdiction for vehicles queuing in traffic, only those on the public highway. The vehicles with idling engines still waiting to exit the proposed site would only be subject to on site marshalling.

#### *Pedestrian routes*

100. We are of the view that when vehicles exit onto Russell Hill Road following an event, this will interfere with pedestrian flow and affect air quality for pedestrians. Russell Hill Road has a high pedestrian flow due to the prominence of shops, restaurants, and a pub.

#### *Landscaping*

101. We believe that a penthouse resident, having paid substantial amounts for their new property, will be presented with obstructed views due to the rooftop trees. We maintain that there is no way to stop residents from performing acts of "guerrilla gardening" in order to improve their line of sight, or in high winds there exists the possibility of falling branches.

102. LonP policy 7.7<sup>42</sup> advises that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise and reflected glare amongst other things. The RAs are of the view that significant wind tunnels will be created in surrounding streets and in particular on Banstead Road and Brighton Road, below the proposed tall buildings. We believe this will be particularly bad in gale force winds, in whichever direction the wind is blowing. This could cause considerable inconvenience and danger for pedestrians and high sided HGVs.

*Section 106 Community Infrastructure Levy (CIL)*

103. We find it disappointing that none of the s. 106 monies is proposed to be spent on areas within the centre of Purley. Our residents have now had many developments undertaken within the area and as yet there is no strong indication from the Council that monies from the Council's central CIL fund has been spent on the local infrastructure. Purley's residents have received very little improvement in GP and other local services to cater for the increasing population. We welcome Councillor Paul Scott's commitment to spend up to 15% of the CIL money locally.

*Conclusion*

104. Our residents are not natural revolutionaries, so the continued strong negative reaction to this application from the wider community is noteworthy, if not surprising. For the reasons outlined within this statement, we find it baffling that the previous inspector concluded that "No concerns other than affordable housing and air quality merit any significant weight". On balance, whilst acknowledging the many good parts of the application, the joint seven Residents' Associations are still opposed to this development.

**Interested Parties**

**Chris Philp MP**

105. Chris Philp MP (prospective parliamentary candidate at the time of the Inquiry) made verbal and written representations. The written representations refer in detail to policy objectives<sup>43</sup>. He puts forward 4 main points: the height being fundamentally out of character; inadequate parking provision; a material breach of density limits in the London Plan; and a material risk of flooding. In CX he accepted that he was continuing to use the image shown at OR paragraph 4.1 to object to the proposal.
106. Mr Philp acknowledged that Croydon has unmet housing need and he accepts the principle of development of a site that has been vacant for 25/30 years, but the proposed development would not be the right answer. 11000 people have signed a petition against the scheme. Moreover policies have changed: a new version of the NPPF has been issued. Paragraph 127 seeks well-designed places and the proposal would offend the principles set out there. A building of 17 floors would clearly be out of keeping in early 20<sup>th</sup> century Purley which is mostly of 3-5 floors. The proposal would not fit in with the overall form and layout of its surroundings, contrary to the guidance in NPPF paragraph 131.

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<sup>42</sup> CD10.3 p304

<sup>43</sup> See Doc

107. The proposal would also not comply with adopted LonP policy 7.7 on tall buildings. It would conflict with emerging LonP policy D8 on tall buildings because rather than making a positive contribution to local townscape, this scheme would degrade it. No design review has been carried out in accordance with policies of the emerging LonP for a development of this size, as far as he is aware. The only policy that supports the proposal is LP policy DM42.1(b) which notes the potential for a new landmark building of up to 16 storeys in Purley. This policy is weak and does not indicate a location. Other LP policies are very clear: SP4.6 and DM15 require tall buildings to respect and enhance local character and relate positively to nearby heritage assets. Supporting text in the section on Purley (paragraph 11.156) requires high quality residential development that respects the existing residential character and local distinctiveness.
108. The parking provision would not satisfy demand and would conflict with the guidance at NPPF paragraph 105. The density levels, at 817 dwellings per hectare (dph) for the scheme overall and 1052 dph for the island site, would be well above the 200-700 dph range set out in the LonP sustainable residential policy matrix for urban areas<sup>44</sup>. The scheme would not enhance the local context as required by emerging LonP policy D1B. Moreover the new NPPF says at paragraph 155 that development in areas at risk of flooding should be avoided by directing it away. The gyratory system is well known for flooding and is identified as susceptible in the LP.

### **Councillor Paul Scott**

109. Councillor Scott was Chair of the Planning Committee that originally granted planning permission and a Cabinet Member for Planning and Regeneration. He is also the Borough Design Champion. He referred to his 28 years of practice as a Director of an architecture firm. He strongly supports the Council's case. The housing need is a key policy driver- a big increase in provision is required across the developed area of the Borough. It is difficult to find space and Purley is a highly sustainable location.
110. The LP is up to date having been adopted in early 2018 and this scheme is fundamentally plan-led. Policy DM42.1 is not weak as suggested by Mr Philp. It identifies the potential for a landmark building in Purley. The DSE Review Panel is as independent as you can get and it supported the scheme. The inspiration for a landmark building here originated in the 2013 Issues and Options paper prepared by a previous administration. The principle was accepted and pre-application discussions were held and aired three times at committee. There were no objections from Councillors who supported the idea of a slender tower. The scheme was approved by a majority in a well-informed decision. The subsequent decision to call the application in for decision by the Secretary of State did not accord with the Caborn<sup>45</sup> principles and planning permission should be reinstated.
111. Purley has capacity for growth and has a PTAL level of 5. Change is desperately needed. It has a mixed character- an Edwardian centre and development from all eras since. It is understood that people are unhappy about suburban intensification but if not in a central location, then development would intensify in residential streets. In Croydon there are very few sensible locations

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<sup>44</sup> LonP CD10.3 p101

<sup>45</sup> The list of instances when the Secretary of State might decide to use call-in powers (1999)

for a tower and this is the best, away from the main area of heritage interest and at the bottom of a hill where the effect of height is mitigated. It is of exceptional design quality and the image used by Mr Philp in publicity is grossly misleading.<sup>46</sup>

112. With regard to heritage assets, the library does not have a formal setting. It is not well seen. The proposed scheme would not dominate. Moreover a 5/6/7 storey building has recently been approved adjacent to it at 1-9 Foxley Lane, so the character of the area is changing. There would be no significant impact on any other local heritage asset- whilst the buildings would be seen, the impact would be modest and reasonable. Purley Centre has a wide variety of styles. The development would be hardly visible from any conservation area.

113. Inappropriate interference has prevented this scheme going forward. It is desired by the local Resident's Association and by the Business Improvement Group.

### **Myles McCarthy**

114. Myles McCarthy wants to put forward the perspective of younger people and is in favour of the scheme, referring to the desperate need for housing, jobs and careers. The scheme is very well thought through and in a location with excellent public transport connections. Eventually private transport will be mainly electrically powered and air quality will improve: in any case it is absurd to accommodate a lot of car parking when many occupants are unlikely to own one. The tower is likely to be a trigger for more economic development in Purley.

### **Laura Stringer**

115. The question is one of public benefit against harm. This scheme is an unfair burden on the people of Purley. 37 car parking spaces is insufficient. 396 long stay cycle spaces is unrepresentative of likely demand in Purley. It is sheer fantasy to think that high numbers will move to cycling because the area is hilly and not cycling friendly. Emerging LonP policy GG3 DB seeks an improvement in air quality but new electric vehicles will still need power stations.

### **Debs Baggott**

116. Ms Baggott is a member of Purley Baptist Church and has been closely involved with the development for nearly 7 years. It is important to confirm that the 3 main benefits set out 2 years ago are still valid. They will enable the church to enhance and increase the number of services it runs for the benefit of the community. More services have been added and the delay has put the church in a worse position than 2 years ago. The church has lost the shop on the High Street used by the Purley Cross Centre due to the expiry of the Lease. Originally the new facilities would have been available before this happened. Currently the Purley Cross Centre is trying to operate out of the church premises with clients having to cross between the Foyer and Qube across the car park for e.g. nail cutting. The number of conflicts between activities due to the lack of space has increased e.g. the Purley Cross Centre and Renew 23, Bod's and Tod's and this meeting, funerals with regular activities. Secondly, the community will be able to run its own activities at the centre and this is protected by a Section 106 agreement. Thirdly we have had significant interest already by charities and Key

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<sup>46</sup> See OR paragraph 4.1 p8

local service providers such as CALAT. Sidra Hill-Reid, the Strategic Service Manager for CALAT, remains very keen for the facilities to be built so that she can restart courses in the south of the borough.

117. Some people continue to contend that we could remove the tower and still have the community facilities, but all that can be done has been done to make the development as small as possible and still have a financially viable development with community facilities and affordable housing. The developer is a family run business which has accepted a lower profit margin. With the difficulties and delays leading up to this point, many developers would have walked away a lot earlier. The church has half the space it originally wanted. This is a large church with lots of children's' and youth groups. On a Sunday morning the church will need all the community rooms whereas we wanted enough capacity for both.
118. The church will get no financial profit from building the development. The number of flats needed is determined by financial viability. There are too many to redistribute elsewhere on the site and still achieve an acceptable block which does not overwhelm the heritage asset of the library building. Many, many different shapes and sizes were tried over a period of more than 2 years - tower at the front, tower at the back, tower on the south site, two smaller towers, one solid block of the same height across the site - over 20 permutations - until the final one was arrived at. The tower is the best solution and in line with long standing and established local planning policy.
119. A significant concern raised by the RAs is traffic congestion on Russell Hill. There is a current problem of pollution and congestion, with vehicles trying to change lanes and idling at the traffic lights. The configuration of the access being on Russell Hill instead of Banstead Road is to allow the courtyards and balconies of the lower flats to have the benefit of being south facing with the open spaces onto a quieter and less polluting road. All the lower floors of the building on the Russell Hill side are non-residential and mechanically ventilated. TfL did not consider this to be an issue as relatively speaking the number of vehicles using that exit is small. Vehicles leaving the car park that want to go straight on towards Kenley (and therefore need to change lanes) will have the option of doing a small loop around and merge under the control of traffic lights. It is not necessary to go round the whole site and back down Russell Hill again. The dog leg in the road will be straightened smoothing the progress of traffic from the traffic lights and reducing the likelihood of side-on impacts
120. Chris Philp as the local MP has access to the residents of Croydon which are not available to the church or developers. It is therefore important that information he sends out to his huge mailing list, puts in his distributed leaflets, and posts on his webpage and facebook site is at least accurate. His emails and website showed a picture of one of several very early blocking diagrams - a grey faceless monolithic double tower that was rejected a long time ago. Just 3 weeks ago a campaigning leaflet was distributed to every household prominently showing the same block image despite the fact that Chris Philp was challenged on this 2 years ago and had (and has) access to the true design pictures. This leaflet encouraged people to sign the petition which also still carries the misleading picture, as does his website. Last week an email was sent out saying this Inquiry is taking place implying it was a close run thing, when in fact there was no battle. In fact the previous Inspectors report was overwhelmingly in favour of the

development and the Secretary of State backed down before the Court Hearing due to the fact that his objections would not stand up in court.

121. If Chris Philp truly believed that the design of the development and the height of the tower were so bad, then there would be no need for him to deliberately mislead local residents to get them to sign his petition. In summary, the facilities provided in the development will be of significant benefit to the community and therefore justify any small impact on local heritage assets. A tall building on this site is needed to make the scheme financially viable. The design is of high standard and will provide a new landmark for Purley, but the local MP has continued to distribute misleading information to all residents of the area. Therefore the petition cannot be relied upon as a reflection of what the public would say if they had the true facts, which Purley Baptist Church and the developer do not have the same means and resources to distribute.

### **Alan Torrey**

122. The LP refers to Purley as a suburban market town in wooded hillsides. At more than 100 dph this scheme would be wildly out of keeping. There is no precedent- Colliers Wood is the nearest urban area and one has to ask why Purley is being singled out for such a scheme which will make a huge change. Pollution in Foxley Road has deteriorated since the last Inquiry. The additional traffic generated by this scheme will not improve matters. Air quality and what to do with the Purley gyratory are major issues that this scheme will do nothing to resolve.

### **Kevin Williams**

123. A long term resident of Purley. There has been an increase in vagrancy and buildings are deteriorating. This scheme has become a 'sword of Damocles' hanging over the town and is dying because of it.

### **Graham Batts**

124. One-time Mayor of Croydon and President of Purley Resident's Association. People living in Purley are more aware of the potential benefits of the scheme. He is keen to enable the church to continue with its community facilities. The increase in residential activity is also welcomed. The Purley Business Forum support the scheme for the additional footfall it will bring. In terms of character, the site has been desolate and unsightly for 40 years- the run-down shopping centre will improve. Whilst aware that not all members of the Purley Resident's Association support the scheme, the majority are firmly in favour. The benefits far outweigh the disadvantages.

### **Lucia Briault**

125. Purley has evolved. In 2019 Croydon Council declared a climate emergency, yet is consulting on construction of 26000 homes up to 2039. Emissions from domestic properties are substantial, especially those over 6 storeys because they are less efficient. This is not the time to be building towers above this height. Moreover it would create a horrible 'wind tunnel'. Whilst the viability arguments are understood, what Purley needs is a new pedestrianised public realm.

## **Lewis White**

126. Mr White is a landscape architect and is overall ambivalent about the scheme. He referred to his previous remarks summarised by the previous Inspector on p44 of the OR, which remain relevant. He remains certain that the scheme is well crafted in design terms but considers the 'campanile' on the upper floors detracts from the tower by making it seem taller than it actually is. The dark finishes on the north side will suck up light and negate its otherwise cheerful appearance. This site needs to be developed. The architectural quality is excellent except for this caveat.

## **Adrian Britton**

127. Mr Britton has lived in Coulsdon since 1981. He is a retired Fellow of the Royal Institution of Chartered Surveyors and for a period well before retirement was Chairman of the Institution's Housing Committee. This is his personal opinion based on professional experience and a keen interest in public policy and political activity, local observation and what has been learnt from attending this Inquiry. He is very impressed by Councillor Scott's evidence; he agrees with the challenges that the Council faces in meeting society's needs and aspirations in this Borough, and is impressed by the way the Council is tackling them. He also found the opinions expressed about car use and the transportation alternatives, both available now and expected. He supports the proposed very limited provision of car parking within the scheme the subject of this Inquiry. The subject scheme is not one that those who want to have their own car, except possibly those with a relevant disability, should choose to live in.
128. He was pleased to learn that the RAs now accept that the proposed development would make a valuable contribution to meeting housing need. In his view this aspect should be regarded as essential in the absence of any factor judged to be truly over-riding. Ensuring that each household has a home that affords it the opportunity to achieve and maintain fulfilling, positive, wholesome and healthy lives benefits society as a whole and mitigates the calls upon the public purse. Achievement of these objectives is a real challenge. The provision of more accommodation than is required is necessary to allow for stock which is poorly located, voids during changes in occupancies and during renovation, and so that a start can be made to gently reduce its price in real terms.
129. He has not identified and did not hear any factor which he regards as truly over-riding the proposed contribution to meeting housing need. And plainly the Inspector who considered the subject application very thoroughly did not either. He did not look at the plans for the site before yesterday, as he wanted before coming here to form his own appreciation of the height of the proposed tower, uninfluenced by impressions of what it might look like. On his way to the bus in Coulsdon he studied the height of a new 7-storey block of flats in Coulsdon Town and then sought to imagine a block two and half times as tall. Arriving here he walked right round the gyratory, diverting perhaps a hundred metres up the roads leading off, including into the Purley District Centre. Each time he stopped he sought to apply his impression of the tower's height from those locations. It is very tall. But it is intended to be a landmark and he concluded that it is certainly not a truly over-riding factor, and that it could be a good idea, depending on the quality of the design. Soon after the Inquiry was opened he found assurance in his opinion from Counsel for the Applicants' reference to professional documents

advising that the introduction of a landmark building, of good design, can enhance the character of and interest in an area. Some change in the character of an area ought to be acceptable to reflect changes in society's needs and/or intensification of existing challenges and legitimate aspirations. The 'solution' cannot be a perfect one which will satisfy everyone. Borrowing inappropriately a phrase presently in frequent use, he believes we need to "get the application done".

### **Maureen Levy**

130. Maureen Levy is Secretary of East Coulsdon Residents' Association (ECRA), Chair of Friends of Marlpit Lane Bowling Green, a member of the Committee of Friends of Farthing Downs and Happy Valley, and several other committees within Croydon. In addition, she is a Patient Representative to One Croydon Alliance. In the 17 years she was directly involved in the planning system within the London Boroughs of Croydon and Sutton, she had believed that the role of planning control was to prevent harm to the built environment with a genuine desire to ensure development was of the right sort, in the right place. She no longer believes this is true for Croydon. Just after they produced the latest LP they produced a policy SPD2 which was to push for intensification in the south of the Borough. There is little doubt that the island site between Russell Hill Road, Banstead Road and the Brighton Road needs to be developed as it has been an eyesore for many years and this is recognised. But - please - not with the carbuncle which is being proposed. It has been said that the design is 'wonderful'. This may be true but possibly in such a place as the centre of Croydon but not in an area such as Purley.
131. She is not against new development, and very often in her role of planning within ECRA supported planning applications as well as objecting. Developments need to have a positive impact upon an area and its environment and this 17 - storey monstrosity will not have a positive impact and will be unacceptably harmful. Developments in Purley need to be appropriate to the area. If the 17 - storey building is allowed to go ahead, it will fundamentally change the character of Purley and have a harmful impact on the surrounding areas and will have ignored the guidelines and material considerations on density and those contained in the National, London and Local Plans.
132. The perspectives contained within the plans which have been presented are mis-representations of the scale and effect which the proposed 17 storey building will have on Purley Town Centre, Purley and the surrounding area. However, the attached illustrations<sup>47</sup> do give some idea of the affect a 17 -storey building would have on the area. These are taken from the planning application on Croydon's Planning Website so are accurate as presented by the developers Architects.
133. There is a need to take into consideration the overall view from the ground. Why build in such a brutal way and against the wishes of the residents? The Church does much good work in the community but, surely it would be more sensible, less intrusive and controversial if the buildings along Banstead Road were of a more even height without the 'stepped' buildings and then there would be no need for a 17 -storey building. The applicants say architects would be

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<sup>47</sup> See Doc 8

unable to find any other way than the way the plan is presented to get the number of properties needed but she provides a suggestion of how this could be achieved.

134. She notes that the architects' drawings show shadowing for the smaller buildings but not for the 17 -storey tower. Why not? The London Plan states that: 7.7A - 'Tall and large buildings should not have an unacceptable harmful impact on their surroundings' and 7.7e - 'should only be considered in areas whose character would not be affected by the scale mass or bulk of a tall or large building' and 7.7C - 'relate well to the form, proportion, composition, scale and character of surrounding buildings, urban realm and public realm ...particularly at street level'. The Croydon Plan states: 7.60 - New development will respect the existing local character and distinctiveness of Purley and 7.60 - buildings and conversions should be of a high standard of design to ensure the character of the Centre and the Conservation Areas are respected'. This development fails ALL of these tests. It is only a landmark by reason of its size compared to other nearby buildings. If allowed to be built, it will certainly make a disastrous mark on Purley. It does not relate well to the scale and character of early 20th Century buildings in Purley.
135. Traffic congestion is already an issue in the area. With the proposed Westfield development in Croydon Town Centre and other developments around the area this can only get worse, during the construction stage and when customers are travelling from far and wide around this major route to get to the Town Centre or further into or out of London. The current concerns about air pollution should most certainly be taken into considerations for this site. In Croydon an Air Quality Management Area (AQMA) has been declared for the whole of the borough. We are failing to meet the EU annual average limit for Nitrogen Dioxide at some of our monitoring stations and modelling indicates it is being breached at a number of other locations. An air quality Focus Area is a location that has been identified as having high levels of pollution and human exposure. There are five focus areas in the borough. These include Purley Cross and Russell Hill. Surely such a large building can only add unacceptably and unreasonably to very poor air quality in an already polluted area? Of the many dangers of pollution, the children in the nearby school at Russell Hill and John Fisher have not been taken into consideration, Nor have the children who may live in these flats with little amenity space to play and the additional pollution of cars trying to exit the site as well as the fast moving traffic surrounding the flats.
136. The site is a key location within the Purley District Centre (PDC) and is in the centre of the one-way A23/A22 gyratory system, a review of which Transport for London (TfL) are currently consulting on with a view to easing congestion in the future to one of the most congested junctions in Croydon. Should this go ahead with Mosaic Place proposed development in the centre, the Westfield approved development in Croydon Town Centre and the likely strategic modifications by TfL, Purley will be gridlocked for years to come.
137. As is very well known, this site is on a flood plain and floods regularly. The Environment Agency flood map illustrates this very well and this will not bode well for any building on this site unless mitigating actions are taken, especially as there are 2 additional basement floors to the 17 above ground. She cannot see how these would escape flooding in the future.

138. Turning to health provision across the Borough, she was involved with the 8 Residents' Associations when Croydon Clinical Commissioning Group reduced Purley Hospital Urgent Care Centre (open 8 am to 8 pm) to a Minor Injuries clinic only open 2 pm to 8 pm - basically a first aid station. There are inadequate health provision facilities for the south third of the Borough (a third of the population) as opposed to that of the other two-thirds. At that time there were 9 Health facilities for the south (including the fought for Purley GP Hub) and 49 for the other two-thirds (including the very large Croydon University Hospital). Since then 2 more health facilities have closed in the south so there are now only 7. The NHS applied to Croydon for funding from s.106 and CIL monies for Coulsdon Health Centre but this was refused. As a result of the Urgent Care Centre dispute she got involved as a patient representative in various health forums. In southern Croydon there have been very many developments of single houses being demolished and generally being replaced by 9 or more flats. The s.106 and CIL money has gone into a central 'pot'. Much has been used for expansion of schools. In Coulsdon there have been a few additional classrooms but nothing substantial. All the developments which there have been should have resulted in the provision, not only of the refused health centre, but other infrastructure.

### **Simon Cripps**

139. Simon Cripps is CEO of Purley BID (Business Improvement District) and a resident of Purley. The site has been derelict for 40 years. The area needs to draw in new investment. He is firmly in favour of the scheme. Whilst Purley has a 'village' character, places evolve. There's a housing shortage and a need to build on brownfield sites. More people and families will reinvigorate the town.

### **Mike Rodwell**

140. Mike Rodwell has been a resident in this Ward for 42 years and is a member of KENDRA (Kenley Residents Association) and Purley Baptist Church. His forebears at the church raised funds and built the existing facilities step by step over 130 years to meet the growing needs of the church and local society. The current facilities have served well those needs but some 15 years ago, they recognised that as society and therefore local needs changed, it was clear PBC had to expand its vision and services. Not surprisingly the facilities were found to be no longer fit for the objectives of the church and the needs of the people of Purley and its surrounds.
141. The church currently provides, in cramped facilities: Counselling services, Legal Consultation, Tax help, CAP job Club, CAP Money Management, Renew 23 a cafe drop-in centre for all, a Food Hub run and administered with other local churches; and Purley Cross Centre a services and general information centre. On this site 30+ separate activities are held on a weekly basis excluding many of those directly associated with responsibilities to church members. On Sundays there are 4 services and two Sunday schools in order to accommodate everyone. The current premises are no longer fit for purpose. There is a risk of jeopardising the ability to serve the needs of the local community in particular those less advantaged than many of us. He emphasises particularly the inability to meet some of the most basic needs of people with disabilities be they young or old. As an example, providing access and safe passage for those with wheelchairs, or with sight impairment is virtually impossible. The church is determined to serve those in our community who are less privileged.

142. Purley has been referred to by some as a village, conjuring up an idyllic sleepy idyll. It is not. It is no safer than any other small London town. He passionately wants Purley to change and not continue to crumble and deteriorate any further. In the year from November 2018 to October this year there were (figures from official Police statistics) 316 anti-social behaviour, 87 criminal damage and arson, 50 thefts and robbery, 6 possession of weapons, 336 violence and sexual offences, in total 1503 police recorded incidents in one year. That is just over 4 per day. He specifically refers to the recent fatal stabbing here in Purley which had a serious impact on the confidence of our community. The PBC development will provide a safe base for young and old for mothers and babies, old and young, able and less able, those in distress and the needy. There will be a spiritual uplifting as the modernisation of our town begins, fitting it not for the idealistically viewed past but for the reality of the present and future. PBC have always seen it as their mission to serve the local community and to help keep the heart of Purley vibrant and a fit, safe location to live in the 21st century. Our aim is to build on the past but most important also plan for our future. There are many in PBC who share the passion for care and service to the needy and who wish to secure the future by getting on with this Landmark building and kicking off the regeneration of Purley. The community deserves it.

### **Ben Gurshon**

143. Ben Gurshon is a local estate agent who points out that the town centre cannot be seen from 90% of local roads. Within the town centre there needs to be development that provides a 'pull': it would deteriorate otherwise. 49 apartments have been allowed at Foxley Lane next to the library so it is hard to see any harmful heritage impact. The design is a subjective issue but the quality of the materials is important. Without change, the town centre will go backwards. There is insufficient residential stock in Purley which is keeping prices high.

### **Janet Storey**

144. Janet Storey is chairman of the Purley Flood Group and points out that the flood maps are very out of date. There is insufficient funding for flood defences.

### **Moya Gordon**

145. Moya Gordon has been a Purley resident for 7 years. She notes the strong opposition from this local community. The applicant's case relies heavily on the LP stating that a 16 storey building is appropriate for Purley. But she argues that given the number of people objecting to a 16/17 storey building, demonstrated by the Residents Associations who represent thousands of local people and the 8,000 signatories to a Petition objecting, it is only right and fair that the Croydon LP be revised to take account of these people's views. Local Plans should respond to changing circumstances and be revised as necessary. Since the inclusion of a 16 storey landmark building in Purley in the LP, local opinion has changed and many people now think it is not appropriate. And it's questionable whether there was sufficient consultation with local people at the early stages of plan making. Had there been, then the local community's wishes for there not to be a tower block in Purley would be reflected in the Plan.

146. The Secretary of State should intervene and invite Croydon Council to revise its LP. This planning application should be put on hold until a public consultation has taken place over the removal of the 16 storey building in Purley in the LP. If

this 17 storey building goes up it will be there forever. This is a once in a generation chance to stop a hugely unpopular and fundamental change to Purley.

147. Other issues which the applicant is relying on to build its case for the development in my view are the very issues which make it unsuitable. Briefly as they have already been covered: the GLA are telling developers they do not need to follow density guidelines, but without controls over density where will we end up? Suburban slums like we had in the Victorian Times? Then there is overcrowding, pressure on local services and parking issues- 77% of homes have cars (RAC). There is a housing shortage, but there are alternatives to tower blocks such as garden villages. In written representations, Ms Gordon points out that research from satellite imaging shows that only 6% of the UK is built on, and the proportion of land with 'continuous urban fabric' is 0.1%. When surveyed, people in the UK on average estimate that 47% of the UK is densely built on. This error distorts the discussion around where we as a nation should be building new homes.

### **Donald Speakman**

148. Donald Speakman is an Honorary Alderman and was Purley Borough Councillor from 2002-2018. He asks that the decision is delayed until the second part of the Grenfell Inquiry has reported. He asks that a second stair should be inserted for fire escape reasons.

### **Richard Shakespeare**

149. As a member of the church Mr Shakespeare drew attention to the large number of schools and supermarkets that contribute to the church's Food Bank activities and the value of its activities within the community.

### **Written Representations**

Representations made to the first Inquiry remain relevant<sup>48</sup>. Written representations to the second Inquiry<sup>49</sup> broadly repeat the observations for and against the proposal made at the first Inquiry. The main points of objection remain the height of the tower, traffic congestion and the availability of parking places for the new occupants. The following representations draw attention to additional points that the Secretary of State may wish to draw upon:

150. **Philip Gould** notes that all the photographs in the Townscape and Visual Assessment Report (May 2016)<sup>50</sup>, intended to show there is little visual impact on the small town centre of Purley, have been taken from long distances or using wide angle lenses. These foreshorten the view and diminish the immense scale imbalance of the proposed development when compared to the effect when seen at a shorter distance, for example across the street or in the immediate environs of the proposed sites.
151. **Stephen Lehec**, the freeholder of 1 and 2 Russell Parade points out that the applicants' Shadow Path Analysis shows balconies and amenity areas would be overshadowed all day, in conflict with Building Research Establishment (BRE)

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<sup>48</sup> 465 items contained in a blue folder

<sup>49</sup> 238 representations in a pink folder

<sup>50</sup> CD 1.27

guidance: and that window positions are incorrectly shown. There would also be an effect on privacy.

152. Amongst others, **Ray McManus** draws attention to matters including school placements/availability, local nursery placements/availability, local GP/medical services availability, the impact on local police services especially in light of the recent knife attacks in the area and disruption that will be caused during construction on an already heavily congested series of roads.
153. **Richard Stokes** says that the decision on this called in application clearly goes against the Government's stated policy of building more housing. With the support of the Council, the recommendation for planning permission was given, there was a developer ready to build, but the Secretary of State unilaterally decided that it shouldn't be built. Inexplicable, and not joined up government. That this scheme was 'Called In' is a mystery. The Government website states that applications are Called In if they are 'nationally significant.' Clearly this development is no such thing. This has been a waste of taxpayers', and everyone else's money. In the meantime, and as a direct result of this, Purley, one of the most affluent areas in the country has been condemned to a long period of dereliction. If this scheme doesn't go ahead it will no doubt be derelict for many more years.
154. **Simon Gordon** notes there are 220 flats proposed but only 37 parking spaces. It is, at best, wishful thinking to think that all the residents of the new block of flats will exclusively use public transport. Any family that wishes to travel anywhere other than in towards Croydon or London will need a car. For example a trip over to the coast at the weekend or into Reigate or Banstead will require a car. Some will even think that a trip over the road to Tesco warrants a car to carry all the shopping home. To imagine that all the residents of this proposed new block will not have cars is naive. Therefore there will be at least 183 additional cars (assuming only one car per flat) in Purley town centre parking on nearby residential streets where parking is free and adding to the already hugely congested roads in the area.
155. **Bill McIlroy** says amongst other things that the war taught his parents the necessity of relating to one another and pulling together. Today a culture of individualism pervades society with its mantra 'me first'. He writes in support of this planning application because it has at its heart an organisation that is learning to replace 'I' with 'We'. Their contribution to the Christmas lights is a bright example, as is the recent introduction of the Renew 23 Café as a safe place for those with mental difficulties, of an organisation acting out its involvement with those in its local community. Purley lies in a dip set among the chalk hill spurs of the North Downs. Any building development of this size is bound to make an impact. Far from being an 'eyesore' and whilst he would like the front of the church to be more inviting he believes the project's impact is mitigated by the recognised quality of the design and the presence of hills on three sides rising around the site. The town will have a fine landmark building with its attractively designed top floor in keeping with this significant town junction.
156. **Chris Giles** also supports the project and says that walking through Purley High Street and the roads surrounding the High Street one is quickly overwhelmed with a sense of despondency - shops closing down - vacant

buildings - colourless hoardings and a general 'tatty feel' to its overall appearance with an associated lack of service provision. It becomes in his view a self-fulfilling prophecy as fewer people will be attracted to the centre of Purley heralding more closures - less upkeep of premises - and deepening of the malaise. Planning and working together with different groups in the community will surely promote a greater community cohesiveness - enrich our service provision and create more safe spaces and local places for people to gather.

157. **Philip Gibson**, a local resident, amongst other observations, draws attention to the height of the tower seen from higher ground and the area of residential property that would be visible from the upper floors of the tower.

### Conditions and Obligations

158. The drawings and details of the proposed development remain the same as those considered by the Secretary of State following the 2018 Inquiry. The applicant has provided written approval<sup>51</sup> of the pre-commencement conditions as required by the Neighbourhood Planning Act 2017 (Commencement No 5) Regulations 2018. The suggested list of conditions (and reasons) is also the same, except that a previous reference to public art in the reason for condition 38 referred back to the previous, now out-of-date Croydon UDP. In the attached schedule this reference has been changed.
159. The signed and dated Section 106 Agreement<sup>52</sup> provided for the first Inquiry remains relevant and enforceable. The observations and conclusions in the OR in section 14 at (p45) are endorsed<sup>53</sup>. The s106 Agreement meets the tests set out in paragraph 56 of the 2019 NPPF and Regulation 122 of the CIL Regulations. As such the S106 Agreement attracts very significant weight.

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<sup>51</sup> Doc 18

<sup>52</sup> CD 15.30

<sup>53</sup> Observations on CIL Regulation 123(3) which restricts the use of pooled contributions that may be funded via a s106 Agreement are now superseded, following the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

## Inspector's Conclusions

*In this and subsequent sections, numbers in brackets [] refer to the main paragraphs in the Report that are of relevance*

*References to paragraphs in the previous Inspector's original Report are prefixed 'OR'.*

### *Policy considerations*

160. The RAs and Chris Philp MP specifically refer to the guidance in the 2019 NPPF on the creation of high quality buildings and places, which has evolved since the 2012 NPPF. The Government's advice on design has also been significantly expanded in the NDG and NPPG. However the fundamental principle at paragraph 127 sub-paragraph (c) of requiring new development *to be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities)* has remained the same, the wording being similar to the 4<sup>th</sup> bullet point of paragraph 58 of the 1012 version.
161. Paragraph 131 enlarges on paragraph 68 in the 2012 NPPF. The words *'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'* now replace *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'*.
162. The general thrust of these paragraphs in both versions of the NPPF is the same and the arguments at the second Inquiry revolved around judgment and interpretation. For the avoidance of doubt, all references in the OR are to the 2012 NPPF.
163. Adopted 2016 LonP policies remain unaltered. Again, discussion at the Inquiry focussed on interpretation of the policy meaning and application. The most relevant emerging LonP policies D1B (quality, scale and appearance) and D8 (tall buildings) were available to the previous Inquiry. The emerging LonP policies have since been subject to examination in public and greater weight attaches to them now that adoption approaches. To update the current position, the Inspectors' Report to the Mayor of October 2019 sets out at paragraphs 280-282 and 301-307<sup>54</sup> the preferred approach to density and tall buildings. The emerging LonP dispenses with the 'density matrix' in the 2016 LonP (which itself is not proscriptive) in favour of a design-led approach with no upper limit on density, based on local context. The development of tall buildings is to be 'plan-led' and 'design-led' as the intention is that impacts would be addressed at plan-making stage. Policy D8 includes a comprehensive list of criteria that need to be taken into account. [48,105,108]
164. The 2018 LP was adopted before issue of the July 2018 NPPF and its subsequent revisions. Adopted LP policies were the subject of consultation and examination. In particular policy DM42: *Purley*<sup>55</sup> was the subject of issues and

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<sup>54</sup> CD 16.1

<sup>55</sup> CD 16.2 (previously policy DM44: Purley in the August 2017 main modifications)

options in 2013, followed by objections<sup>56</sup>. It was the subject of a special hearing. There were no objections from Councillors. Whilst many objectors at the Inquiry still question the events that led to adoption of DM42, it remains adopted policy. [53,122]

165. LP policy DM15 goes to some length to explain the rationale behind tall and large buildings in Croydon. The context for tall and large buildings, set out at paragraph 6.151, is mapping of locations outside the central opportunity area based on character analysis, PTAL ratings and availability of open space. The policy sets out criteria, the most relevant of which are;
- b) a minimum Public Transport Accessibility Level (PTAL) rating of 4, with direct public transport connections to the Croydon Opportunity Area;
  - c) design of exceptional quality and demonstrating that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale; the building height, footprint and design relates positively to any nearby heritage assets, and conserves or enhances the significance and setting of the assets of the wider historic environment;
  - d) the building height, footprint and design relates positively to any nearby heritage assets, and conserves or enhances the significance and setting of the assets of the wider historic environment; and
  - e) to ensure tall and large buildings are well integrated with the local area, they should include at least an active ground floor and inclusive public realm.

Purley is one of 9 District Centres in Croydon identified for growth in policy SP3.6.

166. Turning to the advice on tall buildings in the NDG, paragraph 69 says that *'well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline'*. Paragraph 70 adds that *'proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character'*.
167. Other relevant paragraphs include 63 *'Compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car'*; 64 *'Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context'* and 65 *'Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development'*. At the Inquiry, there was a suggestion that the up-to-date 2019

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<sup>56</sup> See Mr Pearson's appendix GC2 CD14.6 (1<sup>st</sup> Inquiry)

NPPF, the NDG and the NPPG should influence interpretation of the LP, particularly policy DM15 on tall and large buildings and the potential for a tower in Purley in policy DM42. However, there is nothing in the up-to-date NPPF, NDG or NPPG to indicate that a different conclusion should be drawn on the meaning and objectives of the adopted policies. [19,20,51,106]

### *Character and appearance*

168. The character of the area around Purley derives mainly from its emergence as a residential suburb during the 19th and 20th centuries, stimulated by the development of the railway station and the nearby junction of the main roads leading from London to Eastbourne and Brighton. The settlement lies between steep-sided hills at the confluence of the Caterham and Coulsdon Bournes, valley streams now mostly culverted under roads. The Edwardian mock-Tudor central parades of 3/4 storey shops and flats along both sides of Brighton Road present the most architecturally consistent and active frontages at the centre of the urban area (a Local Heritage Area). Similar 1920s shopping frontages in Russell Hill Road also form part of the primary shopping area, linked on the corner with Brighton Road by 960 Brighton Road, a former bank, now locally listed.
169. The character of the A23 and A22 north and south of Purley is mixed, with 'ribbon' development of shops, flats and offices with some community uses including the listed United Reform Church. The 1991 Tesco superstore and car park occupy the site of a former water works south west of the centre. This is separated from the main shopping area by the 5-way gyratory junction accommodating traffic flows along the dominant corridors of the A22 and A23 together with Banstead Road (leading to the A2022) and Brighton Road (A235). The Croydon Borough Character Appraisal of 2015<sup>57</sup> points out that the negative impacts of this road junction upon the town are considerable.
170. The Baptist Church and Purley Library lie on the 'Island' site, described as such as it is surrounded by the one way heavily trafficked Banstead Road, Brighton Road, Foxley Lane and Russell Hill Road. The Purley Hall was built adjacent to the church but this has now been demolished and forms part of the application site. This part of Purley centre has always contained buildings with community functions and is very much part of the centre. However the gyratory road system dominates this part of Purley. The empty site facing the gyratory represents a regeneration opportunity to re-define the centre in accordance with the vision set out in the LP<sup>58</sup>. [40,46,70]
171. Away from the centre and the main roads, the predominant character consists of leafy suburban residential streets with many large dwellings and some apartment blocks. The 'garden suburb' Webb Estate and Upper Woodcote Conservation Areas are on raised ground east of the centre. The wooded ridges around Purley are conspicuous in many views and are a defining feature of the setting of Purley. These ascend to 140m above sea level, approximately 80m above ground levels in the centre<sup>59</sup>.

### *The effect of the proposed development*

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<sup>57</sup> CD 12.11

<sup>58</sup> Paragraphs 11.155 and 11.156

<sup>59</sup> Taken from Croydon Area Character Appraisal CD 12.11

172. The existing mock Tudor frontages of Brighton Road, the High Street and parts of Russell Hill Road are well preserved and attractive architecturally, but the overall impression is of a tired town centre retail environment with a public realm in need of investment. The large Tesco provides convenient parking, but the large, busy and noisy gyratory system lies between it and the High Street. The extensive areas of tarmac, traffic infrastructure and rapidly moving traffic at the gyratory includes many HGVs and buses. Crossing the gyratory involves at least one traffic light-controlled crossing. That combined with the unpleasant environment and the not inconsiderable distance from the Tesco entrance, would discourage many shoppers from making linked trips from the car park to the main centre.
173. Whilst identified for improvement, there are no current plans for upgrading of the highway infrastructure<sup>60</sup>. The gyratory is the dominant feature of the south west end of Purley and has a marked detrimental effect on the character of the centre as a whole. The hoarded island site and derelict buildings on the south site on the corner of Brighton Road and Banstead Road accentuate a sense of decay.
174. Importantly, no party at the Inquiry disputed the massing, siting or overall design quality of the proposal for the south site, which on the street elevation extends from 4 to 8 storeys. No-one disputed that this element of the overall scheme would meet the relevant high design quality requirements of LonP and LP policies and would be a welcome addition to Purley's suburban edge. With respect to the relationship between the development on the south site and the immediately adjacent semi-detached houses, by reason of the varying distance between the buildings, the small windows in the flank wall of the existing building, the rise in ground levels and new planting, there would be no unacceptable effects in terms of living conditions. The step down in height from the 8 storey Brighton Road elevation to 4 storeys along Banstead Road would provide an appropriate transition in massing and would be similar to many other instances in the area where small apartment blocks have replaced older dwellings. The materials used for the front elevation of the new 4 storey block would be white and red brick which would reflect common locally used materials<sup>61</sup>. There would be no harm caused to the character or the appearance of the area. [24-26,42,62]
175. No party disputes the advantages of redevelopment in bringing back retail and residential activity to an important part of Purley's centre. In addition, no party disputes the contribution that the proposed retail and community uses would make to the island site and the street scene on the Brighton Road frontage. There is no argument that there would be significant material benefits on the corner of Russell Hill Road and Brighton Road, where there would be a new public open space including the entrance to the new church facilities. The parties positively welcome the improvements to the public realm at ground level in Banstead Road and Brighton Road. There is no evidence that these aspects breach any development plan policy or national guidance. [26-7,59]

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<sup>60</sup> The proposed development allocates an area at the corner of Russell Hill Road and Brighton Road for highway improvement by transferring a triangle of land to Transport for London. This would facilitate removal of a bottleneck where traffic moves forward towards the A22. See drawing No. A304\_PL\_012

<sup>61</sup> See drawing refs 1272-CA-A-XX-DR-EL-310-P1, 1272-CA-A-XX-DR-EL-302-P1 and landscaping plan 423.02D

176. The height of the tower remained the main concern of most objectors, but no new evidence was provided to indicate why the height of the tower would conflict with existing development plan policy, emerging policy or updated guidance on design. The suggestion of 'potential for a new landmark of up to a maximum of 16 storeys' in LP policy DM42.1b does not specify a physical height or location. Storey heights may vary according to use, services provision and structural choice. In this case, the predominant residential storey height in the tower of 3.15m would be unexceptional<sup>62</sup>. Mr Philp and the RAs acknowledged in CX that the difference between 16 and 17 storeys is not a major issue. The total height of the tower at approximately 59.5m above street level would not appear prominent seen against the surrounding landform. It is the varied topography that provides the opportunity for a landmark, as set out in LP paragraph 11.168. It was notable at the Inquiry that no other potential sites for a landmark building were put forward as more suitable. The principle of a tall tower in the chosen location was supported by the Design: South East Panel in their letter of 15 October 2015<sup>63</sup>. [16,21,50,57,77,85,107,110,145]
177. The height of existing buildings in Purley ranges from 3-8 storeys but the prevailing heights that define the centre are 3-4 storeys. There is no question that the 17-storey tower would significantly change the character of Purley because it would be conspicuous in many views within the town and visible from some distance. However, it would be well related to its surroundings in terms of urban design, being relatable in scale to the adjacent large gyratory system and the Tesco superstore. It would be sited right at the centre of the commercial area of Purley on a site traditionally used for community and commercial purposes. Moreover, the brick facing on the lower part of the tower would relate to the existing Edwardian shopping area. The massing would step up on the eastern and northern sides to relate to the existing urban form.<sup>64</sup>[16,52,57,72,81]
178. The variation of finishes with height and the campanile element at the top would soften the overall height and bulk of the building, even if the Scots Pines envisaged by the appellants at the highest level ultimately grow too large or fail, which is a concern of some. More modest planting would still achieve the desired aim. Some objectors refer to the unattractive proportions of the tower, but the applicants' architect demonstrated how the proportions of the building envelope and the distribution of different finishes had been based on long-established principles originating in the 'golden section or ratio'<sup>65</sup>. There are representations from those who find the proportions and design attractive. Even those who object to the height of the scheme generally acknowledge the effort that has gone into otherwise achieving a high level of architectural quality. It was also apparent from those who spoke that the wide distribution of early conceptual images may have led to a poor understanding by some of the merits of the eventual design. No criticism was voiced at the Inquiry on the appropriateness of the approach adopted by the developer or the architects, or the images provided in support of the design development process. Importantly, that process took place in full consultation with the Council and the public<sup>66</sup>. In conclusion on this matter, the tower element would be interesting in appearance and elegant in proportion. It

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<sup>62</sup> See drawing A304\_PL\_130 and others for dimensions

<sup>63</sup> CD 12.7

<sup>64</sup> See drawings A304\_PL\_100-103 for elevations of tower in context of existing streets

<sup>65</sup> See Andrew Matthews Supplemental Proof of Evidence p52

<sup>66</sup> See Planning Statement CD 1.4 Section 4 pp13/14

would satisfy the criteria set out in LP policy DM15 and was designed to do so. [16,22,59, 101,111,120,126]

179. The number of dwellings provided (220) is only slightly higher than the maximum number anticipated in appendix 7 of the LP and Table 11.10 (sites 35 and 130). The proposed density of 807 habitable rooms per hectare (hr/ha) would be outside the range of 200-700 hr/ha in table 3.2 of the LonP<sup>67</sup> for an urban area. However, the LonP guidance is not proscriptive. The emerging LonP omits guidance tables in favour of a design-led approach in policy GG2. [48,105,108]
180. Importantly, the supporting text to the DM10 suite of design and character policies in the LP, whilst advising that a fundamental part of achieving high quality built environments is through understanding the local character and the qualities which contribute to local distinctiveness (at paragraph 6.30), also references place-specific development management policies in Section 11 including Purley. Paragraph 11.3 notes that *'An evaluation of local character was conducted to identify the locations in each of Croydon's 16 Places where Place-specific development management policies would be beneficial'*. Paragraph 11.156 advises that *'As a broad location (Purley) the main focus of major residential growth will be in and around the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness'*. Table 11.10 sets out the proposals for uses of land on specific sites. It follows that the proposed use and the proposed density, and the principle of a landmark building, are firmly plan led. [16,50,57,107,110,145]
181. The development would not replicate or imitate the prevailing modest building heights or architectural style, but it would respect the existing elements of quality whilst creating a new focal point that would redefine, invigorate and update the centre as a whole. The scheme would also provide a significant number of new dwellings and replace aging community facilities. This conforms precisely with the aims of policy. Whilst the tower would be a prominent feature of Purley and would change the character of the town, it would not unacceptably dominate it or the surrounding residential area to the extent that any material harm is caused. The church entrance and retail frontage at the end of the main shopping street would provide a punctuation point in the vista along Brighton Road. Whilst there are many who consider that the exceptional difference in height and bulk must in themselves be intrinsically inappropriate and disrespectful, the design takes account of and respects the existing character and scale of the surrounding environment and is sited in a location in the centre where its height and bulk would not appear out of place. [19,51,56,73-77,106-7,129]
182. At the site visit, it was apparent that the visualisations had been prepared using wide-angle lenses, to the extent that many of the depicted views could not be appreciated by the human eye without turning the head slightly. The Townscape and Visual Impact Assessment (TVIA) confirms that these range from 14-35mm<sup>68</sup>, those within the centre all being taken with a 14mm lens. The Landscape Institute Technical Guidance Note 06/19 indicates at Appendix 1 paragraph 1.1.7 that in some circumstances, if a 50mm lens cannot capture the

<sup>67</sup> CD 10.3

<sup>68</sup> Townscape and Visual impact Assessment CD 1.27 Table 5 pp44-6

view in landscape or portrait orientation (for example, if the highest point of the development is approaching 18° above horizontal) the use of wider-angled lenses can be considered. The applicants subsequently produced a note on focal lengths<sup>69</sup>. In visualising the effect of the tower in the urban circumstances that apply around the application site it is not inappropriate to use a wide-angle lens, providing those that draw conclusions from it are aware of the implications. The use of wide-angle lenses was fully taken into account in assessing the TVIA. [149]

183. To conclude, the development is an example of a scheme where in the words of the NDG at paragraph 16 *'Well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context'*. At paragraph 59 *'Where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity'*. The existing environment around the south west end of Purley is depressing and uninspiring. The proposed scheme would positively transform the area with a building of high architectural and material quality.
184. Accordingly the development would be in accordance with LonP policies 7.7; LP policies DM15, SP4.5-SP4.10 and DM42.1; and national guidance.

#### *The effect of the proposed development on designated and non-designated heritage assets*

185. The heritage significance of the Grade II listed Purley Library is not in dispute. It stems from its distinctive 1930s architectural style, high quality finishes and artistic detailing including bas-relief carvings. Its heritage significance is enhanced by its prominent location between 2 major roads and landscaped grounds including mature trees. By means of alterations to the walls, new access steps and improved finishes, the development proposal would significantly improve the quality of the public realm around the entrance, better linking it to the rest of the Purley centre.
186. The contrasting scale and height of the new tower would be very obvious seen above the roof of the library in views from Foxley Lane and Banstead Road<sup>70</sup>. However whilst interfering with appreciation of its simple form, the tower would be far enough away to avoid appearing overwhelming. The ascending scale of new development between the library and the tower would assist in assimilating the tower into the street scene<sup>71</sup>. Moreover, the very different contemporary architecture of the new development would clearly distinguish it from the

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<sup>69</sup> Doc 15

<sup>70</sup> TVIA CD 1.27 Views 8 and 9

<sup>71</sup> See drawing ref A304\_PL\_101

traditional pitched-roof form of the library. The changes and very minor loss of hard landscape fabric involved in creating new steps near the entrance would be beneficial in heritage terms and in terms of access. The harm arises in the effect on setting, but it would fall well below the threshold of 'substantial harm' set out in paragraph 195 of the NPPF.

187. A new factor in assessing the impact on the heritage interest of the library is the planning permission granted in May 2019 for a new 5/6/7 storey building on the adjacent site at 1-9 Foxley Lane<sup>72</sup> replacing 2 storey dwellings. This is in close proximity to the library facing the north eastern elevation. The Committee Report<sup>73</sup> notes at paragraph 4.3 that *'Given the siting, form and elevational treatment of the proposed development this would have limited impact and overall is not considered to result in harm to this heritage asset'*.
188. Taking this into account, if harm to the setting of the library is perceived in the eyes of visitors and users, it would be near the bottom of the scale of 'less than substantial' adopting the terms used in the SoS' decision letter at paragraph 16. That harm would be clearly outweighed by the specific benefits outlined above. The wider public benefits of the proposal are assessed at the end of this section. [27,60,112]
189. The development would not be easily visible from the Webb Estate and Upper Woodcote Conservation Areas. There would be some visibility from a small part of Furze Lane on the edge of the area<sup>74</sup>. From other places, the scheme would be likely to be largely screened by trees. The heritage significance of the conservation areas derives from the spacious gardens and individual design of the detached houses which were inspired by William Webb and built from 1888 to 1903<sup>75</sup>. The estate was carefully and distinctively designed to a high physical and aesthetic standard. The existence of a new 17 storey tower in Purley would not seriously prevent anyone from appreciating the heritage quality of the conservation areas. Their character and appearance would be preserved. [30,60]
190. Turning to the effect on non-designated heritage assets, the former bank at 960 Brighton Road is on the Local List of Historic Buildings. Its heritage interest stems from its elaborate chimneys with clay chimney pots and ornate masonry, stone quoins, window dressings and string courses all prominent on the corner of Brighton Road and Russell Hill Road. This building is highly visible in the street scene, particularly from the gyratory and looking north east along Brighton Road. It has a defining influence on the rest of the Brighton Road Local Heritage Area (LHA) because of its similar date of construction and corner position, and this is its main function. In views along Brighton Road in a south west direction towards the proposed development, one elevation appears as the termination of the shopping frontage<sup>76</sup>. The main effect of the tower on the heritage significance of No.960 would be in views in the opposite direction and longer views towards the north in which both buildings would be seen together. The tower would be a distraction, but differs very significantly in height, bulk and detail design: it would not seriously impede the understanding and appreciation of the former bank's heritage value and its role in the history of the area and the Brighton Road LHA.

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<sup>72</sup> TVIA View 8 with permitted proposals (Mosaic Place- Additional Views & View Location Plane (November 2019)

<sup>73</sup> CD 16.13 Also referenced at paragraphs 7.16-17. Images at paragraph 7.12

<sup>74</sup> See TVIA CD 1.27 View 13

<sup>75</sup> Conservation Area Assessment CD 12.14

<sup>76</sup> See TVIA CD 1.27 View 03

The creation of the new public space opposite the former bank on Russell Hill Road, the removal of the hoardings and enhancement of the public realm would be positive features in the setting. The ability to appreciate more of the former bank's south western elevation across the junction when proceeding northwards along Brighton Road would be an advantage, as the tower would not be seen from here. Overall, the net effect would be neutral. [30,60,82]

191. With regard to the Brighton Road LHA, similar comments apply, but the tower would have a greater impact on experiencing this area. This is because it would be constantly visible when travelling along Brighton Road towards the south west<sup>77</sup>. Its scale and height would be apparent in most views. On some afternoons, from time to time it would shade the footways and the shopfronts<sup>78</sup>. Nevertheless, the heritage significance of the mock Tudor buildings would still be appreciated because they would remain dominant, defining the retail environment north of the gyratory. In terms of public realm, the effect on this broader area would be positive and enhancing. The finishes and stepped massing of the tower would address the character of the LHA and provide an end to the view down the street. The north eastern elevation of the tower would be varied in massing and finishes and would not appear monolithic. It would be enlivened by the ground floor church entrance and adjacent retail<sup>79</sup>. On balance, the effect on heritage significance would be neutral. [78,83,85]
192. All the other heritage assets mentioned in representations have been taken into account including the United Reform Church in Brighton Road. The development would not affect the setting of this listed building due to distance and position relative to Brighton Road. There is nothing to indicate that any harm that is perceived on any heritage asset would begin to approach 'substantial harm'.
193. In conclusion on this matter, the scheme would have a neutral effect and would not harm any aspect of heritage significance. If it was to be concluded that there was a degree of 'less than substantial harm' then it would be necessary to go on to weigh this against the public benefits of the scheme under paragraphs 196 and 197 of the NPPF. Those include the reinvigoration of an uninspiring area of the Purley Town Centre, significant improvements in the public realm, the provision of a very significant number of new dwellings including affordable housing and enhanced and modernised church facilities which are acknowledged and agreed to be of great value to the community. These benefits far outweigh the limited harm to heritage assets that would occur.
194. Accordingly, the scheme would not conflict with the heritage protection objectives of policy 7.8 of the LonP, policies SP4.13, DM15c, DM15d and DM18.1 and DM18.2 of the LP, or national guidance.

#### *Other matters*

195. The provision of car parking spaces within the scheme is in accordance with LonP and LP policies that support a low level of on-site car parking or car-free development in areas with a high PTAL. Whilst the concerns of local residents that new occupiers would want to park a car in nearby streets is understood, the

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<sup>77</sup> See TVIA View 03, taking into account the use of a wide angle lens referred to in paragraph 183 above

<sup>78</sup> See Planning Sunlight, Daylight & Overshadowing Report CD 1.28

<sup>79</sup> See drawings ref A304\_PL\_103 and A304\_PL\_117

general aim of national and local planning policy is to persuade people to reduce their use of private vehicles in favour of public transport<sup>80</sup>. No new evidence was produced to indicate that there are any circumstances at this site to justify a higher level of parking provision for the future residents or people attending church functions; or that given the national policy objective, an unacceptable impact on parking availability would be experienced in local streets. [34,64,92,108,154]

196. A number of related concerns were repeated at the second Inquiry in connection with deliveries, traffic queueing to leave the church car park onto Russell Hill Road and the likely increase in already high traffic levels that might occur simply as a result of the development taking place. All of these concerns are also related to the effect on air quality, which it was acknowledged has risen in the public consciousness since the first Inquiry.
197. There is no new evidence to indicate that there would be an unacceptable increase in traffic or congestion in the gyratory because of this scheme (including construction traffic, which would be temporary). There is nothing, beyond assertion, to suggest that new residents would find it essential to own a vehicle. Whilst some might wish to order groceries or take-away food for delivery by van or scooter, there is nothing to suggest that the lay-by in Banstead Road would not be adequate for this purpose. [89,91,119,122,135]
198. The location of the vehicle access and egress on Russell Hill Road attracts criticism from the RAs and others because of the existing high level of congestion at this point where traffic travelling south on the A23 waits for traffic lights to allow access to the gyratory. There is nothing to indicate that the numbers of vehicles leaving after a church function, for example, would necessarily lead to a long queue of exiting (and idling) vehicles or that they would have any unusual difficulty exiting onto Russell Hill Road when traffic lights allow a gap in traffic. The church indicated that it would be very unusual for people leaving a Sunday service, for instance, to all leave at once, because of social activity and refreshment. A planning condition requires the imposition of a parking management plan with the expressed object of reducing congestion on the public highway. Moreover, the Council operate anti-idling patrols across the Borough to reduce air pollution. Any complaint about long queues of idling traffic waiting to exit the development would be investigated<sup>81</sup>. [31,43,62-3,94,97-99,135]
199. Whilst traffic is more free-flowing on Banstead Road, the evidence does not suggest that the proposed Russell Hill Road access would lead to unacceptable effects on traffic congestion or air quality. In addition, the allocation of a small area of land on the corner of Brighton Road and Russell Hill Road for Transport for London to implement highway improvements is likely to lead to a significant reduction in the current difficulties that drivers experience changing lane at this junction, with concomitant improvements in levels of congestion. [88,90]
200. The RAs carried out informal surveys of traffic at junctions at Grovelands Road/Brighton Road and Stoats Nest Road/Brighton Road in support of their case that a location in Banstead Road would provide a better access point than Russell

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<sup>80</sup> NPPF paragraph 103: Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health

<sup>81</sup> See Croydon anti-idling leaflet CD 15.12

Hill Road. The applicants' Highways consultant provided a response to this<sup>82</sup>. The snapshot surveys provide useful background information and were considered as part of the unaccompanied site inspection. However, the junctions do not provide a meaningful comparison with Russell Hill Road, the main one being the need to give way to a 2-way flow. From this it is concluded that whilst the advantages of a Banstead Road access are understood, there are no significant identified disadvantages to the chosen access on Russell Hill Road, which has been approved by the Council and TfL. [32,63,65,87-8,94,95,119]

201. Turning to the flooding issue raised by many, there is no doubt that the confluence of the Bournes coupled with increased storm run-off, in part due to new development, is likely to increase flood risk. The development includes provision for excess surface water in attenuation tanks which would ensure that the existing flood risk would not get any worse, subject to further details required by condition<sup>83</sup>. [108,137,144]
202. The Grenfell House fire led to a number of objectors pointing out the risks of fighting a fire in high-rise residential buildings and the effectiveness of providing only a single escape stair in the tower. The Grenfell Tower Inquiry has completed its Phase 1 report and hearings for Phase 2 are about to start. The final conclusions and recommendations that may result are currently unknown. The proposed scheme is designed to meet current regulations controlling means of escape and fire spread and resistance. Any changes to those regulations and any other recommendations made as a result of the Grenfell Tower Inquiry will emerge in due course. In the meantime, the acceptability of the scheme under planning legislation is the purpose of this Report. [79,148]
203. Concerns have been expressed about the loss of daylight and sunlight at Nos. 1 and 2 Russell Parade. The Planning, Sunlight, Daylight and Overshadowing Report<sup>84</sup> identifies these properties as vulnerable, especially No. 1. The properties benefit from an outside amenity area that would also be affected, though it is reasonable to assume that this is most likely to be used for relaxation in summer. I have taken account of the window arrangement as it exists on site. The most affected first and second floor rooms are indicated to be used as bedrooms. Most significantly, vertical sky component would fall below the level recommended in Building Research Establishment (BRE) Guidance<sup>85</sup> in all 7 bedrooms in No. 1 and the same rooms would fail to receive any meaningful sunlight in the winter, because of overshadowing from the tower. However, some rooms benefit from dual aspect windows.
204. At No. 5a Russell Hill Road, prior approval has been granted for 3 or 4 (depending on which proposal is implemented) residential units on 2 floors of an existing commercial property, with an existing flat on the first floor (permitted in 2015). The development retains a small commercial unit facing the street. This building lies adjacent to the proposed vehicle and service entrance to the proposed island site development. It is not assessed in the Planning, Sunlight, Daylight and Overshadowing Report. The effects in terms of daylight and sunlight

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<sup>82</sup> Doc 12

<sup>83</sup> Flood Risk Assessment CDs 1.20 & 1.21

<sup>84</sup> CD 1.28

<sup>85</sup> Building Research Establishment Guidance Note 209: Site Layout Planning for Daylight and Sunlight-A Guide to Good Practice (2011)

are likely to be similar to 1 and 2 Russell Parade. However, this building benefits from generous natural light with windows on 3 sides<sup>86</sup>.

205. The predominant use of the affected rooms in Nos 1 and 2 Russell Parade is for sleeping. Rooms in the proposed residential studios and flat at 5a Russell Hill Road benefit from several windows facing south east. The NPPF at paragraph 123(c) requires a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). Recognising that impact on the occupiers would be noticeable, it is not considered that the resulting living conditions would be unacceptable in an urban location. Given the very small number of properties that would be affected, it is not considered that the effects identified should prevent redevelopment of the site as proposed. [151]
206. No other evidence presented at the Inquiry on any other point added any significant new material to that presented at the first Inquiry.

### **Overall conclusion**

207. Limited changes in development plan policy since the first Inquiry comprise the progress towards adoption of the LonP, the publication of the revised NPPF and the National Design Guide in 2019. None of the changes anticipated or in place indicate that the proposed development should be resisted.
208. The height of the tower element on the island site is in conformity with, and is led by, adopted development management policies for the district centre of Purley. The proposal for the south site is welcomed by all parties and has no unacceptable effects on any neighbouring occupants' living conditions. The whole scheme would be of a high quality of design and materials. The development would be beneficial in terms of character and appearance and would greatly enhance the public realm in Purley District Centre, as well as regenerating a long term disused site.
209. The overall effect on the heritage significance of Purley library, the Brighton Road LHA and the locally listed former bank at 960 Brighton Road would be neutral. The character and appearance of the Webb Estate and Upper Woodcote Conservation Areas would be preserved.
210. At the Inquiry, the community benefits were specifically acknowledged by the RAs to merit significant weight. The benefits in terms of the provision of a substantial number of dwellings including affordable homes together with the reinvigoration of Purley District Centre, economic benefits including jobs and the marked improvement in the quality of the public realm all weigh heavily in favour of the scheme. [37,42,66,69,116,139,141]
211. I conclude that the proposed development complies with and is indeed led by the development plan.

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<sup>86</sup> Indicated on the Window Map for the North of Island Site in the Planning Sunlight, Daylight and Overshadowing Report

**Formal recommendation**

212. I recommend that the application be allowed, and planning permission granted subject to the conditions in Annex 1.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan	Of Counsel Instructed by Sean Murphy, Director of Law and Monitoring Officer, Croydon Council
He called	
Vincent Lacovara MA Reg Arch	On behalf of Croydon Council
Clive Simmonds	Croydon Council
Ben Kennedy BSc MUrbDes PGDipTP	Croydon Council
James White MA MRTPI	Croydon Council

### FOR THE APPLICANTS:

Christopher Katkowski	Queen's Counsel
Andrew Byass	Of Counsel Instructed by Paul Thompson, Partner, Temple Bright LLP
They called	
Rev Dr James Collins BSc BA PhD	Purley Baptist Church
Andrew Matthews BA DipArch RIBA	Proctor and Matthews
Geoff Noble BA DipUD DipConsAA MRTPI IHBC	Geoff Noble Heritage + Urban Design
Victoria Balboa BEng MILT MCIHT	Technical Director, Pell Frischmann
Rob Pearson BSc DipTP MRTPI	Nexus Planning

### FOR THE RESIDENTS' ASSOCIATIONS:

Charles King MBE	East Coulsdon RA
Diane Hearne	Hartley and District RA
Lee Cooper	Chair, Hartley and District RA
Phil Thomas MRICS (retired)	Riddlesdown RA

### INTERESTED PERSONS:

Chris Philp MP	(at the time of the Inquiry, prospective parliamentary candidate)
Cllr Paul Scott	Croydon Councillor
M McCarthy	Local resident
Laura Stringer	Local resident
Debs Baggott	Local resident
Alan Torry	Local resident
Kevin Williams	Local resident
Graham Batts	Local resident

Lucia Briault	Local resident
Lewis White	Local resident
Adrian Britton	Local resident
Maureen Levy	Local resident
Simon Cripps	CEO Purley Business Improvement District, also resident
Mike Rodwell	Local resident
Ben Gurshon	Local estate agent
Janet Storey	Local resident
Moya Gordon	Local resident
Donald Speakman	Former Alderman and Croydon Councillor
Richard Shakespeare	Member of Purley Baptist Church

## DOCUMENTS

- 1 Bundle of late representations
- 2 Review of 'Financial Viability and Planning Obligations' Report dated November 2019, provided by the Council
- 3 Report on Entry/Exit to Mosaic Place, Traffic and Air Quality, provided by the Residents' Associations
- 4 Opening submissions
- 5 Case for the Residents' Associations, provided on the first day
- 6 Statement from Debs Baggott
- 7 Statement from Adrian Britton
- 8 Statement from Maureen Levy on the 17 storey building
- 9 Statement from Maureen Levy on infrastructure provision
- 10 Response from Iza Vermesi, Fire Engineer, to query on fire tender access, provided by the applicants
- 11 Statement from Mike Rodwell
- 12 Response from Pell Frischmann to Rule 6 Party submissions on an alternative access on Banstead Road
- 13 Statement from Richard Shakespeare
- 14 Statement from Moya Gordon
- 15 Response from Geoff Noble on behalf of the applicants to Inspector's query on lenses used and field of view of visualisations
- 16 Applicant's supplementary points replying to third party concerns relating to fire safety in tall buildings (post Grenfell) and the trees proposed at the top of the tower element
- 17 Abbreviated version of Mosaic Place Presentation, presented to the Inquiry by Andrew Matthews for the applicants
- 18 Applicants written agreement to suggested pre-commencement conditions
- 19 Closing submissions
- 20 Statement of Common Ground - Inspector's first report dated 1 May 2018 with comments from all main parties (colour coded)
- 21 Copy of written submission from Chris Philp MP

## Annex 1-

### **Schedule of conditions**

Where in these conditions the following defined terms and expressions are used they shall have the following respective meanings:

"Phase 1" means all elements of the Development relating to the South Site, proposed Class C3 (residential use);

"Phase 2" means all elements of the Development relating to the Island Site, proposed Class A1 (retail use), Class C3 (residential use) and Class D1 (community use);

"Occupation of Phase 1" means 'residential occupation';

"Occupation of Phase 2" or "occupied" means the earliest of either 'opening to trade'/'opening to the public'/'residential occupation';

"Highway Agreement(s)" means one or more agreements made under s38 and/or s278 of the Highways Act 1980 (or under other appropriate statutory powers) relating to works on in under or adjacent to a highway or creating new highway.

### **Conditions specifically related to Phase 1**

1. The windows on the north western elevation of Phase 1, other than those serving bedrooms, shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

*Reason: To protect the privacy of adjacent occupiers.*

2. The roof areas of the building within Phase 1 hereby permitted shall not be used as a balcony, roof garden or similar area and no alterations at upper floor levels shall be carried out to create access to it.

*Reason: To protect the amenities of adjacent occupiers*

3. Fencing for the protection of those trees and other planting on this site shown to be retained shall be erected in accordance with the tree survey report dated Jan 2016 (Rev 25 Oct16) including plan in appendix 3B before any materials, equipment or machinery are brought onto the site for the purposes of development within Phase 1, including demolition. The fencing shall be retained in position until Phase 1 is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority (LPA).

*Reason: To ensure that the trees to be retained are not damaged by the construction and associated works.*

4. Prior to the commencement of Phase 1 development the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A083346-SK037 (and drawings numbered 1272-CA-A-DR-LEGAL-002-P1 and 1272-CA-A-DR-LEGAL-001-P1 attached to the Section 106 as plan 5a and plan 5c respectively). The agreed works shall include but not be limited to, the provision of new accesses, and the proposed layby. These works shall be carried out prior to the occupation of Phase 1 and implemented in accordance with such approved details.

*Reason: To ensure that traffic generation can be accommodated on surrounding roads.*

5. Prior to above ground works taking place on Phase 1, full details of the following shall be submitted to and approved in writing by the LPA:

- i) External facing materials including sample boards of all facing materials and finishes;
- ii) Full scale (1:1) mock ups of:
  - A typical panel of loggia brickwork
  - A typical panel of principal elevation treatment including brickwork and cast composite buff stone lintels
  - A typical panel of standing seam zinc
  - A typical black painted balustrade
  - A typical panel of the dark oak screen
- iii) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular access and all window-type reveals, heads and cills;
- iv) Details of junctions between external facing materials at 1:5;
- v) Typical details of all balconies;
- vi) Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
- vii) Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
- viii) Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
- ix) Details of rainwater goods

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 1.

*Reason: To ensure that the appearance of the development is of a high quality*

### **Conditions relating to Phases 1 and 2**

6. Prior to the first occupation within each Phase, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the LPA. Such details shall include, but not be limited to:
- 1) public realm design (including proposed seating, cycle storage and street furniture);
  - 2) species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including trees on roof terraces and on top of tower and including details of planters and means of permanently securing trees);
  - 3) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
  - 4) details of junctions with other areas of public realm including drainage
  - 5) all boundary treatments within and around the development;

- 6) Details at 1:5 in plan and section of retaining walls to ground floor amenity areas (Phase 1) and ramps and steps to all entrances (Phases 1 and 2);
- 7) Details of ramps and steps to Library Forecourt at 1:5 (Phase 2);
- 8) Details of the interface between the retained library wall and the north-west corner of the development (Phase 2);
- 9) Details of roof gardens and courtyard play areas (Phase 2);

All landscaping works shall be provided in accordance with the approved details on site before any part of the development within each Phase is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided. The strategy for permanently securing trees shall be retained and maintained in perpetuity.

*Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established.*

7. No residential occupation of either Phase shall take place until full details of the equipment to be contained within the identified playspace of each Phase have been submitted to and approved in writing by the LPA. The facilities shall then be provided on site in accordance with the approved details prior to the first occupation of each Phase or within such longer period or periods as have been previously agreed in writing by the LPA. The playspace shall be retained for the life of the development.

*Reason: To ensure a quality appropriate play space provision is made.*

8. Prior to commencement of development for each Phase a detailed drainage strategy detailing on and/or off site drainage works for that Phase, shall be submitted to and approved in writing by the LPA. No discharge of foul or surface water from the Site shall be accepted into the public system for any part of the Site until the relevant drainage works have been constructed and completed in accordance with the details approved pursuant to this condition and such works shall be thereafter retained in accordance with the details approved pursuant to this condition for the life of the Development.

*Reason: The Development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the Development; and in order to avoid adverse environmental impact upon the community.*

9. Prior to commencement of development for each Phase detailed impact studies on the existing water supply infrastructure for that Phase shall be submitted to, and approved in writing by, the LPA. The detailed impact studies for each Phase should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The outcomes of the impacts studies approved pursuant to this condition should be implemented and completed for each Phase in accordance with the details approved pursuant to this condition and should thereafter be retained in accordance with those details for the life of the Development.

*Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.*

10. No demolition or development of either Phase shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing for each phase. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. 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 WSI's.

*Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.*

11. Prior to above ground slab construction works for each Phase, details of all external mechanical plant on the roof to be provided and details of the screening to any such external mechanical plant within that Phase shall be submitted to and approval in writing obtained from the LPA. The screening of external mechanical plant shall be implemented and completed in accordance with the details approved pursuant to this condition prior to the commencement of operation of the plant within each Phase and all external mechanical plant shall be screened in accordance with the details approved pursuant to this condition for the life of the development.

*Reason: To enhance the appearance of the roof of the development and protect the visual amenities of the locality.*

12. Prior to the first occupation of each Phase of the development (or within such other time period or periods as had been previously agreed in writing by the LPA) electric vehicle charging points to serve 20% of the car parking spaces, and passive provision for electric vehicle charging points for a further 20% of spaces shall be provided as specified in the application. These shall be retained for the life of the development.

*Reason: To ensure a satisfactory standard of development.*

13. Prior to the first occupation of both Phases the development (or within such other time period or periods as has been previously agreed in writing by the LPA) the following matters shall be provided in each Phase in accordance with the approved planning drawings or those drawings subsequently approved:

Phase 1

- 1) Vehicle access and egress arrangements.
- 2) Car parking spaces
- 3) Refuse storage arrangements

4) Courtyards and communal areas

Phase 2

- 1) Vehicle access and egress arrangements.
- 2) Car and mini bus parking spaces
- 3) Refuse storage arrangements
- 4) Terraces/courtyards and communal areas

*Reason: To ensure a satisfactory standard of development.*

14. Prior to the first occupation of each Phase a travel plan (TP) in relation to the occupiers of both Phases to encourage sustainable modes of transport, including a cycle strategy, shall be submitted to and approved in writing by the LPA. The TP shall be in accordance with the aims, objectives and targets identified in the Residential Travel Plan completed by WYG (May 2016) and the Purley Baptist Church Travel Plan completed by WYG (May 2016) and TfL best practice guidance at the time.

The TP shall be implemented fully in accordance with the details approved pursuant to this condition prior to first occupation of each Phase and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the development.

The TP may be revised with the written approval of the LPA in consultation with TfL and any revised TP approved pursuant to this condition shall be implemented in full in accordance with the details approved pursuant to this condition.

*Reason: To encourage sustainable modes of transport and reduce reliance on the car.*

15. Prior to first occupation of either Phase, a Delivery and Servicing Plan for vehicles in relation to that Phase shall be submitted to and approved in writing by the LPA. Vehicles servicing each Phase shall do so in accordance with the details approved pursuant to this condition, from first occupation in either Phase and shall continue to do so for the life of the development.

The approved Servicing Plan may be revised with the written approval of the LPA and vehicles serving any Phase the subject of a revised Servicing Plan approved pursuant to this condition shall do so in accordance with the details approved pursuant to this condition.

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

16. Prior to first occupation in either Phase, details of a waste collection management plan for the relevant part of that Phase shall be submitted to and approval in writing obtained from the LPA. Refuse shall be collected for each Phase in accordance with the details approved pursuant to this condition for the lifetime of the development.

*Reason: In the interests of visual amenity of the area.*

17. Prior to first occupation in either Phase, a ventilation strategy (including the recommended mitigation measures identified within the air quality assessment by AMEC Foster Wheeler dated March 2016 (ref: 37742rr005i2) and any other mitigation measures required for an acceptable level of internal air quality

throughout the development) shall be submitted to and approved in writing by the LPA. The development shall be carried out entirely in accordance with the approved details which shall be maintained and retained thereafter.

*Reason: To ensure that an acceptable standard of development is provided.*

18. The development shall be carried out in accordance with the recommendations made within the Noise Impact Assessment by AMEC Foster Wheeler dated April 2016 (ref: 37742 Final Report 16072i4) and retained thereafter.

*Reason: To ensure that an acceptable standard of development is provided.*

19. The noise level from any air handling units, mechanical plant, or other fixed external machinery on either Phase shall be at least 10dB below existing background noise levels.

*Reason: To protect residential amenity.*

20. Prior to occupation of either Phase, insulation to all flats shall be provided to ensure noise levels shall not exceed the Guidelines for Community Noise (World Health Organisation, 1999). These levels are:

- 1) 35 dB LAeq, [16hours] within the dwelling during the day and evening;
- 2) 30 dB LAeq, [8hours] and 45 dB LMax in bedrooms during the night.

*Reason: In order to ensure a satisfactory noise environment for future residents.*

21. Any heat and power systems to be installed shall be air quality neutral in line with London Plan policy 7.14.

*Reason: To protect air quality.*

22. Prior to above ground slab construction works for each Phase the following shall be provided to and approved in writing by the LPA to ensure the incorporation of green and brown roofs:

- The planting details of the green and brown roofs;
- A programme for the provision of the green and brown roofs;
- The green and brown roofs shall be provided, completed and thereafter retained in accordance with the details for the green and brown roofs approved in writing by the LPA pursuant to this condition.

*Reason: In the interests of visual amenity.*

23. The development shall be constructed to achieve a reduction in carbon dioxide emissions of 35% over the Target Emission Rate (as outlined in the Building Regulations 2013) in accordance with the submitted Energy & Sustainability Statement. Prior to occupation in each Phase of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the LPA and thereafter retained and used for energy supply for so long as the development remains in existence.

*Reason: To provide a sustainable development.*

24. No works shall take place prior to commencement until the applicant has provided to the LPA for approval a District Energy Connection Strategy. This will show how the development has incorporated design features which facilitate future connection to a District Energy Network. The development shall only be implemented in accordance with the approved details.

*Reason: To enable future connection.*

25. The development shall achieve a water use target of 110 litres per head per day for residents.

*Reason: To ensure the efficient use of energy and water.*

26. Prior to commencement of either Phase, a detailed drainage strategy should be submitted for approval in writing by the LPA and Lead Local Flood Authority (LLFA) in line with Flood Risk Assessment and SuDS Assessment for both Phases (South and Island sites - Price & Myers, October 2016) and Geotechnical Assessment (Geotechnical Consulting Group, 10th November 2016) and accounting for LLFA comments (July, October & November 2016). The Strategy should conform to requirements of NPPF and Planning Practice Guidance, the London Plan (2011), policy 5.13, its supporting document; Sustainable Design and Construction Supplementary Planning Guidance (2014), the SuDS Non-Statutory Technical Standards (2015) and Croydon Local Plan Policies on Flood Risk and Drainage. Specifically the following elements must be included;

- Provision of floatation calculations to ensure any proposed below ground attenuation tanks are resilient to high groundwater (both sites);
- Confirmation of construction measures to reduce the impediment of sub-surface flow around the south site basement including the inclusion of viable flood paths either side of the basement;
- Confirmation that all raised thresholds will maintain a 300mm freeboard above predicted flood levels;
- Updated drainage strategy plan to show the dimensions of proposed SuDS, for both sites, with consideration of buffer distances from buildings and boundaries.
- Provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
- Provision of additional mitigation and/or clarification to ensure properties adjacent to Flood Zone 3 are not affected by watercourses (in accordance with the LLFA Response Statement (Price & Myers, 2016)).

The development shall be carried out in accordance with the approved strategy and retained thereafter.

*Reason: To ensure the provision of a sustainable development.*

27. 10% of the dwellings shall be designed to be Category 3 'wheelchair user dwellings' M4(3). The units shall be provided prior to any residential occupation of the building in either Phase 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*

28. 90% of the dwellings shall be designed to be Category 2 'accessible and adaptable' M4(2) and shall be provided prior to any residential occupation of the building in either Phase 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.*

29. Prior to the commencement of development in each Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
1. A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

*Reason: For the protection of controlled waters. The site is located over a Principal Aquifer and within SPZ1. It is possible that the site may be affected by historic contamination.*

30. If, during development in either Phase, contamination of a type not previously identified (and for which a remediation strategy has not been previously agreed by the Local Authority) is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

*Reason: There is always the potential for unexpected contamination to be identified during development groundworks. The LPA should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.*

31. Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include

results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.*

32. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

*Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.*

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.*

34. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any demolition, building or engineering operations, a Construction Method Statement and a Construction Logistics Plan (which shall include a site waste management plan) shall be submitted to the LPA for approval in writing. The documents shall include the following information for all phases of the development, which shall only be carried out as approved:-

- 1) hours of deliveries,
- 2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
- 3) facilities for the loading and unloading of plant and materials,
- 4) 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
- 5) 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 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.

*Reason: In order to ensure that the development does not prejudice the safety or free flow of pedestrians, operation of the tram system and vehicular traffic on the highway or cause undue inconvenience to other users, or adversely impact on the amenities of the occupiers of nearby properties.*

35. Unless otherwise previously agreed by the LPA in writing the development shall be carried out in accordance with the approved drawings and other documents submitted with the application.

Phase 1

A304\_PL\_001 Rev C,  
1272-CA-A-XX-DR-PL-095 Rev P3, 1272-CA-A-XX-DR-PL-096 Rev P2, 1272-CA-A-LG-DR-PL-099 Rev P1, 1272-CA-A-GF-DR-PL-100 Rev P3, 1272-CA-A-01-DR-PL-101 Rev P5, 1272-CA-A-02-DR-PL-102 Rev P5, 1272-CA-A-03-DR-PL-103 Rev P2, 1272-CA-A-04-DR-PL-104 Rev P2, 1272-CA-A-05-DR-PL-105 Rev P2, 1272-CA-A-RL-DR-PL-106 Rev P1, 1272-CA-A-RL-DR-PL-107 Rev P1, 1272-CA-A-XX-DR-SE-200 Rev P1, 1272-CA-A-XX-DR-SE-201 Rev P1, 1272-CA-A-XX-DR-EL-300 Rev P1, 1272-CA-A-XX-DR-EL-301 Rev P1, 1272-CA-A-XX-DR-EL-302 Rev P3, 1272-CA-A-XX-DR-EL-303 Rev P2, 1272-CA-A-XX-DR-EL-310 Rev P1, 1272-CA-A-XX-DR-EL-311 Rev P1, 1272-CA-A-XX-DR-EL-320 Rev P1, 423.01 Rev E, 423.02 Rev D, 423.03 Rev D, 423.04 Rev A, 423.05 Rev A, 423.06 Rev A, 423.07, 423.08, 423.09, A083346-SK037 and 13718-100 2DT (3).

Phase 2

A304\_PL\_001 Rev C, A304\_PL\_002 Rev A, A304\_PL\_003 Rev A, A304\_PL\_004, A304\_PL\_005 Rev A, A304\_PL\_006 Rev B, A304\_PL\_010 Rev A, A304\_PL\_011 Rev A, A304\_PL\_012 Rev B, A304\_PL\_013 Rev C, A304\_PL\_014 Rev C, A304\_PL\_015 Rev C, A304\_PL\_016 Rev A, A304\_P\_017 Rev A, A304\_PL\_018 Rev A, A304\_P\_019 Rev A, A304\_P\_020 Rev A, A304\_P\_021 Rev A, A304\_PL\_022 Rev A, A304\_PL\_023 Rev A, A304\_PL\_024 Rev A, A304\_PL\_025 Rev A, A304\_PL\_026 Rev A, A304\_PL\_027 Rev A, A304\_P\_028 Rev A, A304\_P\_029 Rev A, A304\_PL\_050, A304\_PL\_051, A304\_PL\_100, A304\_PL\_101, A304\_PL\_102, A304\_PL\_103, A304\_PL\_104, A304\_PL\_105, A304\_PL\_106, A304\_PL\_107, A304\_PL\_108, A304\_PL\_109, A304\_PL\_110, A304\_PL\_111, A304\_PL\_112, A304\_PL\_113, A304\_PL\_114, A304\_PL\_115, A304\_PL\_116, A304\_PL\_117 Rev B, A304\_PL\_130, A304\_PL\_131, A304\_PL\_132, A304\_PL\_133, A304\_PL\_150, A13392-T-01, and MSTE100 Rev 0.

*Reason: To ensure that an acceptable standard of development is provided and retained.*

36. The development shall be begun within three years of the date of the permission.

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

## **Conditions specifically related to Phase 2**

37. Prior to above ground works taking place on Phase 2, full details of the following shall be submitted to and approved in writing by the LPA:
- i. External facing materials including sample boards of all facing materials and finishes;
  - ii. Detail and sample of the precise colour and specification of the buff coloured Dryvit reconstituted stone tracery material;
  - iii. Full scale (1:1) mock ups of:
    - A typical bay of buff tracery showing a corner and typical joins between elements
    - A typical bay of tower curtain walling system
    - A panel of typical tower infill panel material
    - A panel of typical tower terracotta pier
    - A mock-up of the junction between panels of the main ground floor tower materials (red/brown/grey brick, terracotta pier, composite panel, ceramic tile)
    - A typical panel of brickwork ventilation
    - A typical panel of terracotta perforated feature brickwork panel (prayer room)
    - A panel of typical ceramic tile feature cladding
    - A panel of typical stainless steel perforated screens depicting imagery
    - A panel of typical dark grey polyester coated metal ventilation grill
    - A panel of the terracotta feature brickwork (perforated brick Flemish bond)
    - A panel of the terracotta feature brickwork (split projecting brick Flemish bond)
    - A typical panel of the red/brown/grey brickwork intended to be similar to Purley Library
    - A typical panel of the red/brown/grey brickwork (vertical stack bond triple course recessed 25mm)
    - A typical panel of the red/brown/grey brickwork (herringbone pattern recessed 75mm)
    - A typical panel of pink/brown brickwork (stretcher bond)
    - A panel of Banstead Road car park vent system
    - A typical panel of perforated brickwork as shown on elevation SS
  - iv. Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular accesses and all window-type reveals, heads and cills;
  - v. Details of junctions between all external facing materials at 1:5;
  - vi. Typical details of all balconies including fixing details;
  - vii. Sections through typical winter gardens at 1:10;
  - viii. Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
  - ix. Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
  - x. Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
  - xi. Details of rainwater goods;
  - xii. Details of the sprinkler fire suppression system in the tower.

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 2 and retained and maintained for the lifetime of the development.

*Reason: To ensure that the appearance of the development is acceptable*

38. Prior to any above ground slab construction works for Phase 2, a public arts feature strategy, including, but not limited to, selection of the artist, the final proposal, the detailed design of the proposals at 1:5 in plan, section, elevation, and samples of the materials to be used shall be submitted to the LPA for written approval. The public art shall be implemented in accordance with the approved details prior to occupation of the building and maintained for the lifetime of the development or as otherwise approved by the LPA.

*Reason: In the interests of the visual amenity of the area and in accordance with Croydon LP policy DM14*

39. Prior to the commencement of development of Phase 2 the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A13392-T-01 (and drawing numbered A304\_L\_00\_006 attached to the Section 106 as plan 5b). The agreed works shall include but not limited to, the provision of new accesses, removal of redundant crossovers, the proposed loading and drop off bays, cycle parking, footpaths and tree planting. These works shall be carried out prior to the occupation of Phase 2 and implemented in accordance with such approved details.

*Reason: To ensure that traffic generation can be accommodated on surrounding roads.*

40. Before Phase 2 opening for occupation, a car park management plan ("CPMP") shall be submitted to and approved in writing by the LPA. The operation of the car park shall be carried out in accordance with the details approved pursuant to this condition for the lifetime of the development.  
The approved CPMP may be updated from time to time provided the revised CPMP has been approved in writing by the LPA and the car parks shall be operated in accordance with any revised plan approved pursuant to this condition.

*Reason: To ensure that cars parking in the Development do so safely and that it does not interfere with the free flow of the highway.*

41. Petrol and oil interceptors shall be fitted and retained in all new car parking facilities within Phase 2 and retained thereafter.

*Reason: To prevent oil-polluted discharges from entering local watercourses.*

42. The windows on the north western elevation, serving Core A at first to third floor level of Phase 2 shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

*Reason: To protect the privacy of adjoining occupiers.*

43. Prior to the first occupation of Phase 2 details of any window cleaning equipment (including machine tracks) for the relevant part of that Phase shall be submitted to and approved in writing by the LPA. Window cleaning equipment shall be

provided and completed in accordance with the details approved pursuant to this condition prior to occupation of the relevant part of Phase 2. The window cleaning equipment shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the Development.

*Reason: To enhance the appearance of the roof of the Development and protect the visual amenities of the locality.*

44. Prior to the operation of the community facilities within Phase 2 the following details/documents shall be submitted to and approved in writing by the LPA –

- 1) Visitor Management strategy
- 2) Noise insulation details for exit doors, windows and walls to the multi-purpose hall.
- 3) Ventilation strategy for when the multi-purpose hall is in use (to ensure these doors and windows remain closed)

The development and community uses shall be carried out entirely in accordance with the provisions of the strategy prior to opening, for so long as the use remains in existence.

*Reason: To protect the residential amenities of adjoining occupiers and highway safety.*

45. All exit doors and windows serving the multi-purpose hall within Phase 2, at both first and second floor level, to remain closed while the room is in use.

*Reason: To protect the amenities of adjoining occupiers.*

46. No sound amplification equipment shall be used in the multi-purpose hall within Phase 2 until suitable noise limiting and cut out devices have been fitted to the electrical supply and the fire exit doors and windows. These devices should cut out the supply to amplified music should noise levels exceed levels, to be agreed by the Council in writing prior to sound amplification equipment being used on site, or when windows or the fire exit doors are opened. Such measures shall be retained for so long as the development remains in existence.

*Reason: To protect the amenities of adjoining occupiers*

47. Within one month following the installation of the noise limiting and cut out devices in the multi-purpose hall, in accordance with condition 46, a noise assessment shall be carried out to the written approval of the LPA assessing the effectiveness of these devices in safeguarding local residential amenity. The report shall identify any necessary additional remedial measures which shall be carried out to the written approval of the LPA within two months of the approval of the noise assessment. Such measures shall be retained for so long as the development remains in existence.

*Reason: To protect the amenities of adjoining occupiers.*

48. Community uses (including the Church) that involve amplified speech or music, or any sporting activity shall not be open to the public (which includes congregation) except:-

Mon-Thur	07:00 to 23:00
Fri-Sat	07:00 to 23:00
Sun	08:00 to 21:30
Bank Holiday	08:00 to 20:00

*Reason: To protect the amenities of adjoining occupiers*

49. Prior to the installation of any architectural lighting for Phase 2, a scheme for the night time illumination of the exterior of the buildings, including details of fixtures, fittings and operation, shall be submitted to and approved by the LPA in writing. Any night time illumination shall only be installed and completed in accordance with the details approved pursuant to this condition prior to first occupation and the night time illumination shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the development.

*Reason: To ensure an acceptable standard of development.*

50. The development shall be constructed to achieve a BREEAM 'Excellent' rating in accordance with the submitted BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to phase 2 occupation of the development.

*Reason: To ensure a sustainable standard of development.*

51. Prior to commencement of development for Phase 2, a scheme for the protection of the adjacent Listed Library during the demolition of the existing buildings and the construction of the Development shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to demolition and retained for the period of the demolition of the existing buildings and construction of the development.

*Reason: To ensure the protection of a Grade II Listed building.*

52. Prior to commencement of development for Phase 2, a construction methodology for works adjacent to the Listed Library shall be submitted to and approved by in writing the LPA. The approved scheme shall be implemented in accordance with the approved details and methodology.

*Reason: To ensure the protection of a Grade II Listed building.*

53. No occupation of Phase 2 shall commence until the approval of the LPA has been obtained with respect to a CCTV scheme for the publicly accessible areas. The scheme shall include details of fixtures and fittings and location of cameras. This shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.

*Reason: To enhance the appearance of the development and protect the visual amenities of the locality.*

54. Cranes used during the construction phase shall be provided with aviation warning lights in accordance with the following details:

1. For those which extend the maximum height (building plus crane mounted above it) to 150m / 492ft or more, aviation warning lighting shall be provided in accordance with Article 219 of the UK Air Navigation Order.

2. For those which extend the maximum height (building plus crane mounted above it) to 60-90m, low intensity steady red aviation warning lighting shall be provided
3. For those which extend the maximum height (building plus crane mounted above it) to between 90-150m high, medium intensity steady red aviation warning lighting shall be provided.

*Reason: To prevent an adverse environmental impact on aviation for reasons of safety.*

55. If 12 months after demolition of the buildings on Phase 2 rebuilding does not commence, the developer shall submit a strategy for meanwhile uses of the site which shall be submitted to the LPA for approval in writing to identify uses and activities on site. The approved strategy will be implemented in accordance with the approved details, which shall include a timetable for implementation of meanwhile uses.

*Reason: To protect the setting of the adjacent Listed building.*

56. Prior to above ground slab construction of Phase 2 a tree planting strategy for street trees (including, but not limited to the guying system and tree surrounds) shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of phase 2.

*Reason: To protect the residential amenities of adjoining occupiers and highway safety.*

57. Prior to above ground slab construction of Phase 2 a strategy for minimising the water use in relation to the church and community uses shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of the community use and shall be retained for the lifetime of the development.

*Reason: To ensure the efficient use of energy and water.*

58. Prior to commencement of development, details of how full fibre connectivity infrastructure is to be provided to the whole development are to be submitted and approved in writing by the local planning authority. The full fibre connectivity infrastructure is to be provided before any occupation takes place or in accordance with a programme to be approved.

*Reason: To ensure that full fibre connectivity infrastructure is provided in accordance with emerging London Plan policy SI6.*

## Annex 2- Schedule of Core Documents

File No.	Document name	Author	Date/Version	Vol.
CD1.1	Planning Application Cover Letter	Nexus Planning	May 2016 / -	1
CD1.2	Planning Forms and Certificates	Nexus Planning	May 2016 / -	1
CD1.3	CIL Liability Form	Nexus Planning	May 2016 / -	1
CD1.4	Planning Statement	Nexus Planning	May 2016 / -	1
CD1.5	Draft S106 Heads of Terms Agreement	Temple Bright	-	1
CD1.6	Draft Community Facilities Management Plan	Nexus Planning	-	1
CD1.7	Application Drawings – Island Site	Proctor & Matthews	April 2016 / -	1
CD1.8	Application Drawings – South Site	Capital Architecture	May 2016 / -	1
CD1.9	Landscape Plans (including amenity space proposals)	Philip Cave Associates	May 2016 / -	1
CD1.10	Design and Access Statement (including amenity space proposals)	Proctor and Matthews / Capital Architecture / Philip Cave Associates	May 2016 / -	1
CD1.11	Tree Survey Report	RGS	January 2016 / -	1
CD1.12	Statement of Community Involvement	Bellenden Consultants	March 2016 / -	1
CD1.13	Transport Assessment	WYG	May 2016 / 6	1
CD1.14	Residential Travel Plan	WYG	May 2016 / 2	2
CD1.15	Purley Baptist Centre Travel Plan	WYG	May 2016 / 2	2
CD1.16	Draft Construction Logistics Plan	WYG	April 2016 / 2	2
CD1.17	Sustainability and Energy Statement	Peter Brett Associates	March 2016 / B	2
CD1.18	Pedestrian Wind Assessment	Price and Myers	April 2016 / 1	2
CD1.19	Television Reception Analysis	G-Tech Surveys	March 2016 / 1	2
CD1.20	Flood Risk Assessment for the Island Site	Price and Myers	May 2016 / 3	2
CD1.21	Flood Risk Assessment for the South Site	Price and Myers	April 2016 / 4	2
CD1.22	Air Quality Assessment	Amec Foster Wheeler	March 2016 / 2	2
CD1.23	Noise Impact Assessment	Amec Foster Wheeler	April 2016 / 5	2
CD1.24	Land Quality / Contamination Assessment	Amec Foster Wheeler	March 2016 / 2	2
CD1.25	Archaeology Desktop Assessment	Amec Foster Wheeler	March 2016 / 3	2
CD1.26	Heritage Statement	Geoff Noble	May 2016 / -	2
CD1.27	Townscape and Visual Impact Assessment	Geoff Noble	May 2016 / -	2
CD1.28	Sunlight and Daylight Assessment	BLDA Consultancy	May 2016 / 2	2
CD1.29	Topographical Survey (Island Site)	Met Surveys	August 2016 / 0	2
CD1.30	Topographical Survey (South Site)	Met Surveys	May 2006 / 0	2
CD1.31	Viability Assessment	Douglas Birt Consulting	May 2016	2

**(2) Additional and Amended Application Documents**

File No.	Document name	Author	Date/Version	Vol.
CD2.1	Island Site Architectural Plans (Final Revisions)	Proctor & Matthews	Various	3
CD2.2	South Site Architectural Plans (Final Revisions)	Capital Architecture	Various	3
CD2.3	Landscape Plans (Final Revisions)	Philip Cave Assoc.	October 2016 / E	3
CD2.4	Flood Risk Assessments (Final Revisions for Island Site & South Site)	Price & Myers	October 2016 / 7	3
CD2.5	Sustainability & Energy Statement (final revision)	Peter Brett Associates	September 2016 / E	3
CD2.6	Daylight & Sunlight Addendum - 11 Banstead Rd.	BLDA	November 2016 / -	3
CD2.7	Tree Survey (final revision)	RGS	October 2016 / -	3
CD2.8	Pedestrian Wind Assessment – Addendum	Price & Myers	-	3
CD2.9	Transport Technical Note TN04 August 2016	WYG	August 2016	3
CD2.10	Transport Technical Note TN05 November 2016	WYG	November 2016	3

**(3) Final Plans for Call-In**

	Document name	Author	Date/Version	Vol.
CD3.1	Island Site Architectural Plans	Proctor & Matthews	Various	3
CD3.2	South Site Architectural Plans	Capital Architecture	Various	3
CD3.3	Landscape and Other Plans	Various	Various	3

**(4) Statements of Case**

	Document name	Author	Date/Version	Vol.
CD4.1	Applicant Statement of Case	Nexus Planning	May 2017	4
CD4.2	Council Statement of Case	Croydon Council	-	4
CD4.3	Rule 6 Party Statement of Case	Rule 6 Party	30 November 2017	4

**(5) Statements of Common Ground**

	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD5.1	Planning Statement of Common Ground	Nexus Planning and Croydon Council	December 2017	4
CD5.2	Transport Statement of Common Ground	Pell Frischmann and Croydon Council	December 2017	4
CD5.3	Updated Planning Statement of Common Ground	Nexus Planning and Croydon Council	October 2019	4
CD5.4	Updated Transport Statement of Common Ground	Pell Frischmann and Croydon Council	October 2019	4

**(6) Reports and Decision Notice**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD6.1	Croydon Committee Report and Minutes	Croydon Council	15 December 2016	4
CD6.2	Croydon Committee Report Addendum	Croydon Council	15 December 2016	4
CD6.3	Draft Planning Permission	Croydon Council	-	4

**(7) Statutory Consultee Representations**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD7.1	GLA Stage 1 Letter and Report	GLA	2 August 2016	4
CD7.2	GLA Stage 2 Letter and Report	GLA	14 March 2017	4
CD7.3	Historic England Representation	Historic England	23 June 2016	4
CD7.4	Environment Agency Representation	Environment Agency	29 July 2016	4
CD7.5	LLFA Representation	LLFA	14 November 2016	4
CD7.6	TfL Representation	Transport for London	14 July 2016	4
CD7.7	Thames Water Representation	Thames Water	7 July 2016	4
CD7.8	NPCU Representation	NPCU	22 July 2016	4

**(8) Third Party Comments**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD8.1	Local Organisation Letters	Various	Various	4
CD8.2	Local Politicians and MP Letters	Various	Various	4

**(9) Listed Building Consent Application**

File No.	Document name	Author	Date/Version	Vol.
CD9.1	Cover letter	Nexus Planning	29 September 2016	4
CD9.2	Site Location Plan	Proctor & Matthews	April 2016 / A	4
CD9.3	Listed Building Interface Plans	Proctor & Matthews	September 2016 / A	4
CD9.4	Heritage Statement Addendum	Geoff Noble	September 2016	4

**(10) Adopted Development Plan**

	Document name	Author	Date/Version	Vol.
CD10.1	Croydon Local Plan: Strategic Policies (CLP1)	Croydon Council	April 2013	5
CD10.2	Croydon Unitary Development Plan (Saved Policies)	Croydon Council	July 2006	5
CD10.3	London Plan	Mayor of London	March 2016	5
CD10.4	Croydon Local Plan CLP1 Policies Map	Croydon Council	-	5

**(11) Emerging Development Plan**

	Document name	Author	Date/Version	Vol.
CD11.1	Croydon Local Plan: Strategic Policies (CLP1.1) Partial Review – Main Modifications	Croydon Council	August 2017	6
CD11.2	Croydon Local Plan: Detailed Policies and Proposals (CLP2) – Main Modifications	Croydon Council	August 2017	6
CD11.3	Croydon Local Plan CLP1.1 Draft Policies Map – Main Modifications	Croydon Council	-	6
CD11.4	Croydon Local Plan CLP2 Draft Policies Map – Main Modifications	Croydon Council	-	6

**(12) Guidance Documents / Other Reports**

	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD12.1	National Planning Policy Framework	Department of Communities and Local Government	March 2012	7
CD12.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3)(extract)	Landscape Institute + IEMA	April 2013	7
CD12.3	The Setting of Heritage Assets: Good Practice Advice in Planning: 3	Historic England	March 2015	7
CD12.4	Historic England Tall Buildings Advice Note 4	Historic England	December 2015	7
CD12.5	Assessment of Local Designated Landmarks, Local Designated Views and Croydon Panoramas	Croydon Council	August 2016	7
CD12.6	Affordable Housing and Viability Supplementary Planning Guidance	Mayor of London	August 2017	7
CD12.7	Design South East Panel Letter	Design South East Panel	October 2015	7
CD12.8	The London Plan Housing Supplementary Planning Guidance	Mayor of London	March 2016	7
CD12.9	The London Mayors 'A City for all Londoners'	Mayor of London	October 2016	7
CD12.10	Housing White Paper 'Fixing our broken housing market'	Department for Communities and Local Government	7 February 2017	7
CD12.11	Croydon Borough Character Appraisal	Croydon Council	21 September 2015	7
CD12.12	Croydon Public Realm Design Guide	Croydon Council	23 April 2012	7
CD12.13	Croydon Conservation Area General Guidance SPD	Croydon Council	22 April 2013	7
CD12.14	Webb Estate and Upper Woodcote Village Conservation Area Appraisal and Management Plan SPD	Croydon Council	25 June 2007	7
CD12.15	Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017	Croydon Council	June 2017	7
CD12.16	Brighton Road (Purley) Local Area of Special Character Supplementary Planning Guidance	Croydon Council	27 September 1997	7
CD12.17	Local Heritage Areas 2016	Croydon Council	5 August 2016	7

**(13) Miscellaneous**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD13.1	Representations on Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options)	Nexus Planning	17 December 2015	8
CD13.2	Correspondence from NPCU to Nexus Planning and Croydon Council	NPCU	12 April 2017	8
CD13.3	Correspondence from PINS to Nexus Planning	PINS	28 April 2017	8
CD13.4	Stage 1 GLA Applicant Response	Nexus Planning	17 September 2016	8
CD13.5	Stage 2 GLA Applicant Response	Nexus Planning	28 October 2016	8
CD13.6	Stage 3 GLA Applicant Response	Peter Brett Associates	9 November 2016	8
CD13.7	LLFA Applicant First Response	Price & Myers	-	8
CD13.8	LLFA Applicant Second Response	Price & Myers	-	8
CD13.9	Review of Financial Viability and Planning Obligations Report Update (May 2016)'	BNP Paribas Real Estate	September 2016	8
CD13.10	Viability Exercise Letter to Croydon Council	Douglas Birt Consulting	18 October 2017	8
CD13.11	Response to Viability Exercise Letter to Croydon Council	BNP Paribas Real Estate	November 2017	8
CD13.12	Croydon Strategic Housing Market Assessment	Croydon Council	June 2015	8

**(14) Proofs of Evidence for First Inquiry**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD14.1	Proof of Evidence of Andrew Matthews	Andrew Matthews	November 2017	9
CD14.2	Proof of Evidence of Geoff Noble	Geoff Noble	November 2017	9
CD14.3	Appendices to Proof of Evidence of Geoff Noble	Geoff Noble	November 2017	9
CD14.4	Proof of Evidence of Victoria Balboa	Victoria Balboa	November 2017	9
CD14.5	Proof of Evidence of Rob Pearson	Rob Pearson	November 2017	9
CD14.6	Appendices to Proof of Evidence of Rob Pearson	Rob Pearson	November 2017	9
CD14.7	Proof of Evidence of Vincent Lacovara	Vincent Lacovara	-	10
CD14.8	Appendices to Proof of Evidence of Vincent Lacovara	Vincent Lacovara	November 2017	10
CD14.9	Summary of Proof of Evidence of Vincent Lacovara	Vincent Lacovara	November 2017	10
CD14.10	Proof of Evidence of Ronald Burton	Ronald Burton	-	10
CD14.11	Summary of Proof of Evidence of Ronald Burton	Ronald Burton	-	10
CD14.12	Proof of Evidence of James White	James White	-	10
CD14.13	Appendices to Proof of Evidence of James White	James White	-	10
CD14.14	Summary of Proof of Evidence of James White	James White	-	10
CD14.15	Proof of Evidence of Rule 6 Party	Rule 6 Party	20 November 2017	10
CD14.16	Appendices to Proof of Evidence of Rule 6 Party	Rule 6 Party	-	10
CD14.17	Proof of Evidence of James Collins	James Collins	-	10
CD14.18	Appendices to Proof of Evidence of James Collins	James Collins	-	10

**(15) January 2018 Inquiry Documents**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD15.1	Statement of Clive Simmonds	Clive Simmonds	-	11
CD15.2	Opening Statement on behalf of the Applicants	Christopher Katkowski QC and Andrew Byass	9 January 2018	11
CD15.3	Opening Statement on behalf of the LPA	Stephen Morgan	9 January 2018	11
CD15.4	Presentation to inquiry by Andrew Matthews	Andrew Matthews	January 2018	9
CD15.5a-b	Draft Agreement under s106 of the T&CP Act	Various	2018	11
CD15.6	Photograph from Farthing Down	Applicant's witness team	-	11
CD15.7a-d	Draft suggested conditions	Croydon Council	-	11
CD15.8	Applicants' comments on matters raised by RAs' statement of case	Applicant's witness team	-	11
CD15.9	Headline summary of ownership and transaction structure from Stephenson Harwood	Stephenson Harwood	10 January 2010	11
CD15.10	Letter in support dated 15 January 2018 from Partners Advocacy	Partners Advocacy	11 January 2018	11
CD15.11	Note on financial benefits to Purley District Centre	Nexus Planning (Rob Pearson)	9 January 2018	11
CD15.12	<i>Switch off that engine.</i> Croydon Council leaflet on engine idling powers	Croydon Council	-	11
CD15.13	Applicants' supplementary points in response to Inspector's questions	Applicant's witness team	-	11
CD15.14	Complete set of full size plans	Proctor & Matthews	-	11
CD15.15	Letter dated 15 January 2018 from Douglas Birt Consulting	Doug Birt Consulting	15 January 2018	11
CD15.16	Letter dated 15 January 2018 from BNP Paribas Real Estate	BNP Paribas Real Estate	15 January 2018	11
CD15.17	Air quality note dated 15 January 2018	Ben Warren	15 January 2018	11
CD15.18	Purley Baptist Centre New Facility Usage dated 15 January 2018	Purley Baptist Church	15 January 2018	11
CD15.19	Judgment in <i>Khodari</i>		11 May 2017	11
CD15.20	Statements by interested parties	Various	-	11
CD15.21	Site visit routes	Various	-	11
CD15.22	Further notes from the LPA regarding: affordable housing review mechanism; air	Croydon Council	-	11

File No.	Document name	Author	Date/Version	Vol.
	quality ventilation systems, and; policies relating to places of worship			
CD15.23	Letter dated 16 January 2018 from Douglas Birt Consulting	Doug Birt Consulting	16 January 2018	11
CD15.24	Email exchange dated 16 January 2018 regarding sprinklers	Various	16 January 2018	11
CD15.25	Letter dated 16 January 2018 from BNP Paribas Real Estate	BNP Paribas Real Estate	16 January 2018	11
CD15.26	Email dated 16 January 2018 from the LPA confirming agreement to the s106 amendments	Various	15 January 2018	11
CD15.27	Closing submissions on behalf of the Joint Residents' Associations	Joint Residents' Associations	17 January 2019	11
CD15.28	Closing submissions on behalf of the LPA	Stephen Morgan	17 January 2018	11
CD15.29	Closing submissions on behalf of the Applicants	Christopher Katkowski QC and Andrew Byass	17 January 2018	11
CD15.30	Completed S106 Agreement dated 30 April 2018	Various	30 April 2018	11

**(16) Post January 2018 Inquiry Documents**

<b>File No.</b>	<b>Document name</b>	<b>Author</b>	<b>Date/Version</b>	<b>Vol.</b>
CD16.1	National Planning Policy Framework	Ministry of Housing, Communities and Local Government	February 2019	12
CD16.2	Croydon Local Plan	Croydon Council	2018	12
CD16.3	draft London Plan - Consolidated Suggested Changes Version July 2019	GLA	July 2019	13
CD16.4	Applicants' Statement of Case	Nexus Planning	June 2019	13
CD16.5	Council Statement of Case	Croydon Council		13
CD16.6	Note to Inspector (all parties)	Various	28 June 2018	13
CD16.7	Quashed Secretary of State Decision	Ministry of Housing, Communities and Local Government	3 December 2018	13
CD16.8	Report of First Inspector	David Nicholson	1 May 2018	13
CD16.9	National Design Guide	Ministry of Housing, Communities and Local Government	September 2019	13
CD16.10	Ministerial statement by the Secretary of State for Housing, Communities and Local Government	Robert Jenrick	1 October 2019	13
CD16.11	Appeal Reference APP/L5240/W/18/3213708 for 11-17 Banstead Road	Andrew McGlone	27 March 2019	14
CD16.12	Planning Decision reference 18/04742/FUL for 1-9 Foxley Lane	Croydon Council	17 May 2019	14
CD16.13	Committee Report for Planning Decision reference 18/04742/FUL	Croydon Council	14 February 2019	14
CD16.14	Updated Croydon Public Realm Design Guide	Croydon Council	2019	14
CD16.15	London Plan Panel Report	Members of the Panel appointed by the Secretary of State	October 2019	14
CD16.16	London Plan Panel Recommendations	Members of the Panel appointed by the Secretary of State	October 2019	14
CD16.17	Fire Safety Overview for Island Site	Bureau Veritas	25 October 2019	14
CD16.18	Fire Safety Overview for South Site	Bureau Veritas	25 October 2019	14

File No.	Document name	Author	Date/Version	Vol.
CD16.19	Letter dated 25 October 2019 from Douglas Birt Consulting	Douglas Birt Consulting	25 October 2019	14
CD16.20	Air Quality Assessment Addendum	Wood Environment and Infrastructure Solutions UK Ltd	October 2019	14
CD16.21	Speech by Minister of State	Minister of State	16 September 2019	14



# Ministry of Housing, Communities & Local Government

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

## 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.