

## Appendix 1

**Jonathan Murch, MA TCP, MRTPI**

## **Curriculum Vitae**

Jonathan is a Chartered Town Planner and has been working as a town planner in the private sector since 2001 when he started at Hephher Dixon Town Planning Consultants. In 2007 Hephher Dixon was acquired by Savills, where Jonathan worked within the Central London Planning Team. He was appointed as a Director in 2012. In October 2014 Jonathan left Savills and set up DaviesMurch.

Jonathan specialises in complicated residential led, mixed use urban regeneration projects and advises a range of clients including national house builders, affordable housing providers, private developers and individuals throughout London and the South East.

A summary of key project experience is provided below.

## **LB Merton Experience**

**46-76 Summerstown** - Demolition of existing buildings and the erection of a building of up to 10 storeys, plus basement, comprising 105 homes, with 20 car parking spaces, 194 cycle spaces, hard and soft landscaping and associated works.

**Albany House, 300 Burlington Road** - Demolition of the existing buildings and erection of a part four, part five storey building comprising 43 residential homes (C3 landuse), 25 car parking spaces, 66 cycle parking spaces, and associated landscaping.

**77-85 Hartfield Road, Wimbledon** - Demolition of the existing office and residential buildings and redevelopment of the site for a mixed-use scheme comprising 54 x residential units (use class C3) and office floorspace (use class B1) with associated car parking at basement level and landscaping.

**Wimbledon Chase Station (Pre-App Stage)** – Redevelopment of the station entrance and erection of a building of up to nine storeys for up to 70 residential units and commercial space.

## **Wider Experience**

**Free Wharf, Shoreham Harbour** - Redevelopment of the site to provide ten buildings, containing 540 new homes (of which two will be studios, 179 x one bed, 323 x two bed and 36 x three bed), 2,707sqm of commercial floorspace at ground floor level within use classes, A1 (retail), A3 (cafes and restaurants), B1 (business) and D1 (non-residential institutions). The development also includes 512 parking spaces, of which 438 will be for residents and 74 will be for the commercial space/ visitors, reconstruction of the river wall, construction of mooring pontoons and observation platform at the end of Humphrey's gap, provision of a riverside pedestrian/ cycle route, areas of semi-private and publicly accessible open space, internal access roads, 596 cycle parking spaces and associated ancillary areas.

**Homebase, North Finchley, London** - Demolition of the existing building and redevelopment of the site to provide 307 homes in a series of buildings up to nine storeys, car parking, cycle parking, hard and soft landscaping, and associated facilities.

**The Manning, Shoreham-on-Sea** - Redevelopment of the site known as The Mannings, including demolition of the existing building and structures and erection of a building ranging in height from three to six storeys providing 74 new homes, of which 28 are one bed, 40 are two bed and six are three bed. The proposal also includes 27 car parking spaces of which three are wheelchair accessible, 86 cycle parking spaces, amenity space, hard and soft landscaping and associated ancillary facilities.

**62 Hatcham Road and 140 Ilderton Road** - Application for full planning permission for mixed use redevelopment comprising: demolition of existing buildings and construction of a building ranging in height from four to nine storeys to provide 1,430 sqm (GIA) of commercial space (use class B1) at basement and ground floor, 86 residential dwellings above (35 x 1 bed, 35 x 2 bed and 16 x 3 bed), with associated amenity areas, cycle and disabled car parking and refuse/recycling stores.

**Land to the Rear of Times Square Shopping Centre, Sutton** - Development of the site to provide a mixed-use building comprising of basement, ground and ground floor mezzanine with 18 upper floors providing residential accommodation (C3 use class) and children's play facility, cycle parking and ancillary facilities.

## Appendix 2

# GREATER LONDON AUTHORITY

**Mr Jonathan Murch**  
Davies Murch  
3<sup>rd</sup> Floor, 86-90 Paul Street  
London EC2A 4NE

**Department: Planning**  
Our reference: GLA/4830  
Date: 22 October 2018

Dear Sir,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999 & 2007; Town & Country Planning (Mayor of London) Order 2008**

**Site: 268 Burlington Road & Tesco Car park**  
**Our reference: GLA/4830**

Further to the pre-planning application meeting held on 10 October 2018, I enclose a copy of the GLA's assessment which sets out our advice and matters which will need to be fully addressed before the application is submitted to the local planning authority.

The advice given by officers does not constitute a formal response or decision by the Mayor with regard to future planning applications. Any views or opinions expressed are without prejudice to the Mayor's formal consideration of the application.

Yours sincerely,



**John Finlayson**  
Head of Development Management

Cc: Lucy Simpson, TfL

**265 Burlington Road and Tesco car park  
in the London Borough of Merton**

**The proposal**

Redevelopment of existing vacant commercial building and part of existing car park serving the Tesco New Malden store to provide a comprehensive development of circa 450 new homes, commercial, community or employment floorspace, car and cycle parking and landscaping.

**The applicant**

The applicants are **TP Bennett** and **Redrow**, the architect is **RMA**, and the agent is **DaviesMurch**

**Context**

1 On 10 October 2018, a pre-planning application meeting was held at City Hall including the following attendees:

GLA Group:	Justine Mahanga Lyndon Fothergill James Keogh	Senior Strategic Planner, case officer Team Leader – Development Management Senior Strategic Planner – Urban Design
Applicant:	Ricardo Rossetti Jenny Offord Simon Bacon Vicki Odilli Colin Pullan Jon Murch	Redrow Redrow TP Bennett TP Bennett Lichfields DaviesMurch
LPA:	Paul McGarry Jonathan Lewis	LB Merton LB Merton

2 The advice given by officers does not constitute a formal response or decision by the Mayor with regard to future planning applications. Any views or opinions expressed are without prejudice to the Mayor’s formal consideration of the application.

**Site description**

3 The 1.21 hectare site comprises two parcels of land;

- *265 Burlington Road*: a vacant 1980’s commercial building arranged over two storeys with an interconnecting single storey commercial building at the rear and a warehouse to the side (total 3,737 sq.m. GIA); and,

- land to the south which includes an access and perimeter road and 80 car parking spaces which forms part of Tesco New Maiden customer parking.

4 The site is bound by Burlington Road (B282) to the east, a large Tesco superstore to the west, Pyl Brook and Raynes Park High School to the north and a predominantly residential area with small shops to the south. The wider context is generally characterised by low-density residential development to the east and large commercial premises to the west.

5 The site has no local planning policy designations, it does not lie within a conservation area and does not house any listed buildings. In terms of constraints, the site is located within Flood Zone 2 & 3 and within an archaeological priority area.

6 The nearest section of the Transport for London Road Network (TLRN) is the A3 Kingston Bypass, which runs west of the Tesco store in a north-south direction. The A298 Bushey Road which forms part of the Strategic Road Network (SRN) is located north of Raynes Park High School and runs in an east-west direction. The site is served by four bus routes, with the nearest bus stop location on Burlington Road approximately 100 metres from the site. Motspur Park over ground station is approximately 700 metres to the south and Raynes Park station is located to the north. The site achieves a public transport accessibility level (PTAL) of 2-3, (where 1 represents the lowest accessibility level, and 6 the highest).

## **Details of the proposal**

7 The proposals include approximately 430 residential units and 590 sq.m. of commercial floor space, in buildings ranging from 2 to 12 storeys, together with associated internal ground floor car parking (200 spaces), podium level communal amenity space, landscaping and public realm works.

8 The proposals will retain the existing access road from Burlington Road to the Tesco store. Loading bays are proposed along this road.

## **Strategic planning issues and relevant policies and guidance**

9 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Merton Core Planning Strategy (2011), Sites and Policies Plan and Policies Maps (2014), and the 2016 London Plan (Consolidated with Alterations since 2011).

10 The following are also relevant material considerations:

- The revised National Planning Policy Framework and National Planning Practice Guidance.
- Draft London Plan (consultation draft December 2017) with August 2018 amendments.

11 The relevant issues and corresponding policies are as follows:

- Employment uses *London Plan*
- Housing *London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*
- Affordable housing *London Plan; Housing SPG; Housing Strategy; Affordable Housing and Viability SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Transport & Parking *London Plan;*
- Climate change *London Plan; Sustainable Design and Construction SPG; London Environment Strategy.*

## **Summary of meeting discussion**

12 Following a presentation of the applicant's proposals for the site, meeting discussions covered strategic issues with respect to employment uses; housing; affordable housing; urban design; inclusive design; and climate change. Advice with respect to all main strategic issues is therefore provided under the associated sections below.

13 It is understood that an application is due to be submitted in spring 2018, and that it will be referred to the Mayor of London under Categories 1A, 1B(c), and 1C(c) of the Schedule to the 2008 Order:

- 1A. *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*
- 1C(c) *"Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London."*

## **Principle of development**

### Loss of car parking and commercial premises

14 The proposal will result in the loss of 80 car parking spaces from the existing Tesco customer car parking area (575 spaces retained). The redevelopment of part of the car park will bring benefits in reducing car trip generation and encouraging more sustainable modes of transport, in line with draft London Plan Policies T2 and T6. Subject to suitable mitigation of the potential impacts of displaced parking on neighbouring areas, the loss of the existing car park is therefore supported.

15 The existing commercial building at 265 Burlington Road will be demolished. The submission documents refer to no.265 as an office building at the rear and an interconnecting warehouse to the side. Whilst the scale and nature of the building is such that would lend itself to accommodate a warehouse or other light industrial use (such as storage), the applicant has advised that the lawful use of the building was Class B1a. Notwithstanding this, any planning application should provide further information regarding the lawful use of this building and the



occupation history. Any loss of industrial or commercial floorspace must be justified in planning policy terms or re-provided in accordance with draft London Plan Policy E7.

#### Proposed residential use

16 Policy H1 'Increasing housing supply' and Table 4.1 of the draft London Plan sets Merton an annualised average housing completion target of 1,328 units per year between 2019/20 and 2028/29 (increased from 411 in the current London Plan). The proposal to introduce residential use to this under-utilised site responds positively to draft London Plan policies to increase housing supply and optimise sites and is strongly supported.

#### Proposed community / employment use

17 The pre-application documents indicate that approximately 590 sq.m. of retail floorspace will be provided along the Burlington Road frontage. However, at the meeting it was advised that any retail in this location will compete with the existing Tesco store and as such, the proposed units will accommodate a community (Class D1, excluding places of worship) and / or office use (Class B1a). Whilst a community or small scale office use is supported in principle, this is subject to further information regarding the existing lawful use of the building. Any loss of employment or light industrial floorspace must be fully re-provided within the proposed development.

18 Given the location of the site along Burlington Road and the mixed character of the surrounding area, the site is considered appropriate for such uses. Specifically, the provision of community, workspace or employment floorspace along Burlington Road will ensure that the base of the building is well animated by active frontage. The proposed units will range in scale from 91 sq.m. to 210 sq.m. The final provision of floor space within each use class should be secured by the Council upon any planning consent.

## **Housing**

19 The following indicative breakdown was provided:

<b>Unit size</b>	<b>Total</b>	<b>% of units</b>
1 bed	113	26%
2 bed	269	63%
3 bed	48	11%
<b>Total</b>	<b>340</b>	<b>100%</b>

#### Affordable housing

20 The Mayor's Affordable Housing and Viability SPG and Policy H5 'Delivering affordable housing' of the draft London Plan sets a strategic target of 50% affordable housing. Policy H6 'Threshold approach to applications' identifies a minimum threshold of 35% (by habitable room) affordable housing on private land, whereby applications with an appropriate tenure split, without public subsidy, and meeting other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor, can follow the 'Fast Track Route' set out in the SPG; this means that they are not required to submit a viability assessment or be subject to a

late stage viability review. The SPG and the draft London Plan sets out a preferred tenure split of at least 30% low cost rent, with London Affordable Rent as the default level of rent, at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority.

21 In the event that the existing buildings include an established industrial use, the affordable housing must be increased to 50% or the proposal must demonstrate no net loss of industrial floorspace (Class B1(C), B2, B8) and provide 35% affordable homes, in order to qualify for the Fast Track Route.

22 The applicant has stated that 35% affordable housing (by habitable room) is proposed, with a tenure split of 60% Affordable Rent and 40% Shared Ownership (confirmed at meeting). In order to be considered under the Fast Track Route, the tenure split must meet London Plan and local policy requirement, which seeks a 60:40 split in favour of social /affordable rented housing. The applicant should also explore all other opportunities to further increase the affordable housing offer, such as making more efficient use of the land and GLA grant funding. Any increase in the provision of market sale residential units should also be reflected in a proportionate increase in affordable homes.

23 The applicant has not provided any detail regarding the affordable rent levels or the income thresholds associated with the intermediate units. The applicant must confirm that the proposed rent levels are in line with London Affordable Rent levels within the Mayor's Annual Monitoring Report (AMR) and benchmark rent levels must be detailed for each unit size. In accordance with paragraph 4.7.9 of the draft London Plan, the intermediate homes should be available to people on a range of incomes below the maximum household income, which is currently £90,000 and updated annually in the AMR. Once agreed, these ranges and rent levels must be secured within any S106 agreement.

24 The requirement for an early stage viability review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the Borough), as set out in the Mayor's Affordable Housing and Viability SPG and Policy H6 of the draft London Plan. Should the application not meet the Fast Track threshold, a late stage review (usually triggered at 75% of private sale) must also be secured. Further discussions will be required to determine appropriate review mechanisms for this scheme and GLA officers request early engagement into the wording of the draft S106 agreement to ensure that appropriate wording for review mechanisms, as well as obligations around phasing and delivery of affordable housing.

25 As part of any future submission, should a viability assessment be produced, the Council must publish it in accordance with the Mayor's Affordable Housing and Viability SPG and Policy H6 of the draft London Plan, to ensure transparency of information.

#### Housing choice

26 London Plan Policy 3.8 and draft London Plan Policy H12 encourage a full range of housing choice. Policy H12 'Housing size mix' of the draft London Plan states that boroughs should not set prescriptive dwelling size mix requirements for market and intermediate homes; and for low cost rent, boroughs should provide guidance on the size of units required to ensure affordable housing meets identified needs.

27 Of the 279 market sale units, 33% are one-bed, 62% are two-bed and 5% are three-bed. Given the nature of the site and the proximity to Motspur Park station, a predominantly

one and two-bedroom scheme does not raise any strategic concerns, subject to the final affordable offer and confirmation of internal sizes. In addition, the applicant has indicated that 40% of the affordable rented homes will be family-sized, which is supported. The final mix of affordable rented homes should be agreed with the Local Authority to reflect local needs.

#### Children's play space

28 Policy S4 'Play and informal recreation' of the draft London Plan and London Plan Policy 3.6 seek to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 square metres per child. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', together with a play space requirement calculator, available at: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/play-and-informal>.

29 The applicant indicated that on-site provision would be located at podium level. As part of any future planning submission, the applicant should demonstrate that the scheme has been designed to positively respond to the requirements of the draft London Plan and the SPG and that minimum requirements for genuinely useable play space are fully met, based on the child yield. An indication of the design of play space should be provided in the application materials. It should also be made clear that there are available facilities for older children in the surrounding area if these are not being provided on site, and contributions may be required to upgrade these facilities.

## **Urban design**

#### Density

30 Draft London Plan Policy D6 'Optimising housing density' requires developments to make the most efficient use of land and to optimise density, using an assessment of site context and a design-led approach to determine site capacity.

31 The proposal would have a density of approximately 280 units per hectare, which exceeds the top of the guidance ranges in Table 3.2 of the London Plan and the thresholds for increased scrutiny of design quality set out in draft London Plan Policy D6 (Part C), with reference to Policies D4 'Housing quality and standards' and D2 'Delivering good design'. As such, given the high density of the development, the housing and design quality must be of the highest standards and the application will be rigorously assessed in this respect. The applicant should positively engage with the Council's design review process, in addition to design review with GLA officers. The application must also include a management plan detailing day-to-day servicing and delivery arrangements and long-term maintenance implications, in accordance with paragraph 3.6.8 of the draft London Plan. The agreed maintenance plan should be secured by condition as part of any permission.

32 In summary, the density proposed may be acceptable, subject to the scheme meeting the requirements of draft London Plan Policies D2, D4 and D6, together with the provision of a significant proportion of affordable housing, and an appropriate employment offer.

#### Layout

33 The proposed development seeks to redevelop no. 265 Burlington Road and part of the Tesco store's customer parking, fronting Burlington Road. Whilst officers acknowledge that the

wider Tesco site is not locally allocated, a masterplan-lead, comprehensive approach to redevelopment should be considered. As discussed at the pre-application meeting, the partial redevelopment of the site must not prejudice the future redevelopment of the Tesco store. Accordingly, any planning application should demonstrate how the proposed development would sit within the potential wider development site, particularly regarding vehicular and pedestrian routes, the distribution of massing and the relationship with the rear facing elevations of the proposal.

34 It is proposed to construct two courtyard / perimeter blocks with frontages to Burlington Road, which is supported. The proposed blocks would however flank an existing internal road, which currently provides egress from the Tesco store to Burlington Road. The applicant has indicated that this road would continue to provide egress for the Tesco store and would also provide access to the internal car parking areas for both blocks. As discussed at the meeting, the location of this road, which dissects the two development parcels, raises concerns in terms of potential conflict between pedestrians and vehicles accessing the buildings. The location of the road also restricts the overall design quality and layout of the buildings. Accordingly, the applicant is strongly encouraged to investigate the potential of relocating this road. As discussed at the meeting, officers consider that the relocation of this road, adjacent to the southern boundary, would allow for a more comprehensive approach to design and layout.

35 The proposed courtyard block arrangement generally responds well to neighbouring sites and will create high levels of active commercial and residential frontage to Burlington Road. Notwithstanding this, the ground floor layout results in a significant amount of inactive frontage along the internal road and side elevations and rear elevations. There are further concerns regarding the locations of proposed Cores A & F, which are located along the flank elevations of the buildings, a significant distance from Burlington Road. Overall, officers consider that the ground floor layouts should be revised to address these concerns. The applicant should explore the possibility of extending the commercial uses around the return elevations to provide a defined active frontage to these areas. Given the scale of the ground floor internal parking area, it is also considered that the cycle parking and refuse storage could be located internally to occupy less of the external frontages. The rear elevations will be completely devoid of openings. Whilst it is noted that these elevations would sit adjacent to a service road, the applicant should consider the impact of this inactive frontage following any redevelopment of the Tesco store. An inactive impermeable frontage is not acceptable in this location.

36 The applicant should explore how the continuation of the active frontages along the side elevations and the use of landscaping could create attractive areas of public realm which activate these areas and promote natural surveillance to residential and commercial entrances. Options should be explored for the opening-up of the ground floor commercial unit within this space, to create a vibrant area of public realm. A comprehensive approach should be taken to pedestrian routes and areas of public realm throughout the site.

37 As discussed at the pre-application meeting, further detailed information is also required regarding the relationship between the southern blocks and the adjacent buildings.

38 GLA officers encourage a comprehensive approach to the redevelopment of the wider site, taking into consideration the future redevelopment potential of the Tesco store and car park. Overall, officers have concerns regarding the proposed ground floor layouts and the extent of inactive frontages. The proposal should seek to optimise the amount of efficient

employment space and residential accommodation this site can deliver whilst maintaining a high quality of design.

#### Height, scale and massing

39 The proposed 7-12 storey heights are generally supported. The proposal to break down the massing with a varied scale is also supported. However, as discussed at the meeting, there does not appear to be a clear rationale to support the distribution of heights and massing across the site. The applicant should consider incorporating a more consistent shoulder height, with taller elements strategically placed to emphasise the variation in heights. The taller elements should adopt a slender approach to massing. At present, with the exception of the seven storey block at the southern end, the fairly consistent distribution of heights adds to the perception of bulk and massing of the buildings.

40 Any application should be supported by key views and a townscape assessment to demonstrate how the proposal would sit within the surrounding context.

#### Architectural quality

41 The architecture remains at an early stage; however, a simple articulation is encouraged, with significant depth to window reveals and the use of high quality brick detailing. Varying tones of brick should also be considered to create visual interest and avoid a generic and homogenous appearance.

42 As previously discussed, given the high density of the development, the housing and design quality must be of the highest standards and the application will be rigorously assessed in this respect. It is acknowledged that the scheme will be presented at a design review panel later this month. The applicant should seek to incorporate the panel's comments within their final design.

#### Housing quality

43 Policy D4 of the draft London Plan sets out housing quality, space, and amenity standards.

44 Access cores are well distributed across the site, generally providing legible entrances at ground level and efficient core to unit ratios, with a good proportion of dual aspect units at upper levels. As advised at the meeting, daylight/sunlight and ADF testing should be undertaken to ensure sufficient daylight penetration is achieved to inward facing lower level units and courtyard amenity spaces.

45 In accordance with Policy D11 'Fire safety' of the draft London Plan, the Council should secure an informative requiring the submission of a fire statement, produced by a third party suitable qualified assessor, to be submitted to and agreed with the London Fire Brigade.

## Inclusive design

46 London Plan Policy 7.2 and draft London Plan Policy D3 'Inclusive design' seek to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum) ensuring that developments can be entered and used safely, easily and with dignity by all; are convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment; are designed to incorporate safe and dignified emergency evacuation for all building users; and where lifts are installed, as a minimum at least one lift per core should be a fire evacuation lift suitable to be used to evacuate people who require level access from the building.

47 Policy D5 'Accessible housing' (and Policy 3.8 of the London Plan) requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Typical flat layouts and plans of the wheelchair accessible homes should be included in the design and access statement to illustrate the relevant features. It should be clear on the plans where the wheelchair accessible homes are located and how many there are. These should be distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled. The Council should secure M4(2) and M4(3) requirements by condition as part of any permission.

## Transport

48 It is noted that the applicant attended a pre-application meeting with TfL on 4 October 2018 and a separate advice letter is due to follow. The following provides a summary of TfL comments:

49 A transport assessment (TA) will be required as part of the planning submission, in accordance with TfL's Transport Assessment Best Practice Guidance, available at: <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance>. The TA should contain a robust multi-modal trip generation assessment with public transport disseminated by mode. Depending on the likely cumulative development impact, TfL may seek mitigation measures and contributions to maintain or enhance the surrounding transport and highway network.

50 It is proposed to provide 222 car parking spaces, which would equate to a residential car parking ratio of 0.50 spaces per units. Whilst the car parking provision proposed accords with both the London Plan and draft London Plan, TfL would encourage the applicant to consider further reducing the car parking proposed due to the congested nature of the surrounding highway network and the to encourage active travel. Disabled car parking should be provided in accordance with the draft London Plan standards. Electric Vehicle Charging Points (EVCP) including passive provision should also be provided in accordance with London Plan standards.

51 Cycle parking should be provided in accordance with London Plan and draft London Plan standards. The specific number of spaces proposed, along with location should be detailed in the TA. Short-stay cycle parking should be located in close proximity to building entrances of all buildings to provide convenience and choice for all users.

52 The applicant should ensure that the 'Healthy Streets' approach is considered both throughout the site and within the local area, including pedestrian and cycle routes to all transport nodes. A Pedestrian and Cycle Environment Review System is also proposed to be undertaken for pedestrian and cycle routes to key public transport nodes and amenities.

53 A traffic survey, travel planning and servicing and construction management should be submitted in line with the parameters agreed with TfL.

## **Climate change**

### Energy

54 Energy assessment planning guidance is available on the GLA website (March 2016). This provides further information on the targets taking into account Part L 2013 of the building regulations. It also provides details on the information that should be submitted with the energy statement to be submitted at stage 1. See link for the latest guidance published in March 2016: <https://www.london.gov.uk/WHAT-WE-DO/PLANNING/PLANNING-APPLICATIONS-AND-DECISIONS/PRE-PLANNING-APPLICATION-MEETING-SERVICE-0>

55 The following targets are in effect for all Stage 1 schemes received by the Mayor, as set out in the revised energy assessment guidance:

- Residential developments – Zero carbon (as defined in section 5.2 of the Housing SPG) against Part L 2013
- Commercial/Non-domestic – 35% below Part L 2013

56 The carbon emission figures should be reported against Part L 2013 baseline. The March 2016 guidance provides details on presenting carbon emission information separately for domestic and non-domestic elements of the development in light of zero carbon target for domestic developments.

57 The applicant should commit to meeting Part L 2013 by efficiency measures alone for both domestic and non-domestic elements separately. Sample SAP full calculation worksheets (both DER and TER sheets) and BRUKL sheets including efficiency measures alone should be provided to support the savings claimed.

58 Evidence should be provided on how the demand for cooling and overheating risk will be minimised through passive design in line with Policy 5.9. The applicant should particularly consider how best to mitigate any restrictions posed by, for example, local air quality or noise issues, ground floor apartments and single aspect units. Dynamic overheating modelling in line with CIBSE Guidance TM52 and TM49 is recommended. An area weighted average for the actual and notional cooling demand should be provided and the applicant should demonstrate that the actual building's cooling demand is lower than the notional (MJ/m<sup>2</sup>).

59 A domestic overheating checklist is included in the GLA's energy guidance which should be completed and used to identify potential overheating risk and passive responses early in the design process. The completed checklist should be included in the appendix of the energy statement.

60 The applicant should investigate opportunities for connection to nearby district heating networks. Evidence of communication with the relevant parties (i.e. stakeholders, local authority energy officers) should be provided.

61 The site should be served by a single energy centre and the applicant should commit to providing a communal heating network suitable for connection to wider district networks now or in the future. All uses on the site should be connected to the communal heat network. A drawing/schematic indicating that all uses are connected to the communal network should be provided. A plan showing the size, internal layout and proposed location of the energy centre should be provided.

62 The applicant should follow the energy hierarchy when considering the potential for CHP and renewable energy technologies. Should a CHP be proposed, an Air Quality Assessment also be submitted, and the energy assessment should confirm that the NO<sub>x</sub> emission standards set out in the SPG on Sustainable Drainage and Construction will be met.

#### Air quality

63 The application is for a major development that may have an impact on, or be affected by local air quality. As such an Air Quality Assessment will be expected to be submitted with the application. The air quality assessment may be as part of a wider environmental impact assessment, environmental statement or as a stand-alone document. The assessment should demonstrate how the development will comply with London Plan Policies 3.2, 5.3 and 7.14 as well as any local planning policies that are relevant to air quality.

### **Flood risk & sustainable drainage**

64 The site is primarily located in Flood Zone 2 and partially within Flood Zone 3. In accordance with the NPPF, a Flood Risk Assessment (FRA) is required to accompany the application. The FRA should assess all sources of flood risk and where the site is found to be at medium or high risk of flooding from at least one source, the FRA should also consider the need for flood resilience and emergency planning measures.

65 The drainage strategy should aim to reduce surface water discharge from the site to greenfield rates in accordance with London Plan Policy 5.13 and draft London Plan Policy SI.13. Where greenfield runoff rates are not feasible and robust justification is provided, a discharge rate of three times greenfield rate may be acceptable.

66 The drainage strategy should maximise opportunities to use Sustainable Drainage System (SuDS) measures at the top of the drainage hierarchy set out in London Plan Policy 5.13 (and draft London Plan Policy SI.13). Roofs and new public realm areas present an opportunity to integrate SuDS such as green and blue roofs, tree pits, and permeable paving into the landscape, providing amenity and water quality benefits.

67 In terms of water efficiency, the residential component of the development should achieve a water consumption of 105l/person/day and the non-residential components should achieve the equivalent of an 'excellent' rating on the water elements of BREEAM, in line with draft London Plan Policy SI.5. Water reuse should be considered for inclusion in the development to meet both water efficiency and sustainable drainage requirements.



## Conclusion

68 GLA officers welcome the opportunity to engage with the applicant on the emerging proposals for this site. The principle of the proposal is strongly supported, subject to the maximum reasonable provision of affordable homes. Comments relating to employment, affordable housing, housing, urban design, inclusive design, transport, and climate change must be addressed as part of any planning application submission coming forward.

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for further information, contact GLA Planning Unit:

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**Justine Mahanga, Senior Strategic Planner (Case Officer)**

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## Appendix 3



Our ref: 18/3322

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City Planning

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18 October 2018

Dear Colin

## **265 Burlington Road, LB Merton – TfL’s pre-application advice**

Thank you for participating in Transport for London’s (TfL) pre-planning application process, the aim of which is to ensure that development is successful in transport terms and in accordance with relevant London Plan policies. This letter concerns the recent meeting regarding the proposed redevelopment of 265 Burlington Road in the London Borough of Merton (LBM).

The following comments are made by Transport for London officers on a ‘without prejudice’ basis only and are intended to ensure that this development is successful in transport terms and in line with relevant London Plan policies. You should not interpret them as indicating any subsequent Mayoral decision on any planning application based on the proposed scheme. Furthermore, these comments also do not necessarily represent the views of the Greater London Authority.

Based on the information provided in the Transport Assessment Scoping Report (TASR) and meeting, it is understood that the proposal consists of:

- 446 residential units;
- 401sqm commercial floorspace; and
- 222 car parking spaces

Land on which 80 car parking spaces associated with the adjacent Tesco store, will also form part of the development site.

A pre-planning application meeting was held with TfL on the 4<sup>th</sup> October 2018 regarding the development proposals. The meeting was attended by the following:

Colin Romain  
Jonathan Crabb  
Bernard McDonagh  
Jon Murch

Mott MacDonald  
Mott MacDonald  
Redrow Homes  
Davies Murch

Sarath Attanayake

LB Merton

Lucy Simpson  
Giuliano Gianforte  
Grace Burke  
Fergus McGhee  
Michal Miklasz

TfL Spatial Planning  
TfL Network Sponsorship  
TfL Network Sponsorship  
TfL Bus Network Development  
TfL Modelling Liaison

This pre-application response is based on the information provided to date including the TASR and summarises the key points discussed at our meeting.

### **Site context**

The site is bound to the east by Burlington Road, commercial properties to the south, a Tesco Extra store to the west and Raynes Park High School to the north. The closest section of the Transport for London Road Network (TLRN) is the A3 Kingston Bypass which runs west of the Tesco store in a north-south direction. The A298 Bushey Road which forms part of the Strategic Road Network (SRN) is located north of Raynes Park High School and runs in an east-west direction.

Motspur Park rail station is located approximately 700m south of the application site and there are 4 bus routes within an acceptable walk distance. Based on TfL's Webcat toolkit the application site has a public transport accessibility level (PTAL) range of 2 to 3, on a scale of 1 to 6b where 6b is the most accessible.

The site is currently occupied by a vacant office building.

### **Transport Assessment**

The Transport Assessment (TA) should be undertaken in accordance with TfL's Transport Assessment Guidance, available from: <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance>. Further details on the specific requirements are set out below.

The draft London Plan was published on 29 November 2017 and sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. We will be expecting all new planning applications to give material consideration to the policies set out within this document, noting that the decision-maker is to determine the balance of weight to be given to adopted and draft policies.

### **Trip generation and mode split**

The TASR states that vehicle trip generation for the proposed use will be based on TRICS surveys and then Census data applied to the vehicle trip rates to allow multi-modal rates to be derived for each of the other travel categories. TfL would prefer that total person trips are derived from the TRICS data base and then Census data used to determine mode share. TRICS outputs will need to be included in the TA to ensure that the sites used are comparable.

Trip generation figures should be presented in the TA by mode, time, and directional flow, with the peak hour number of trips indicated separately, as set out in TfL's TA Best Practice Guidance. Any assessments should take into consideration the cumulative impacts of any recently approved developments within the vicinity of the site.

### **Site access**

There will be no direct vehicle access to the site from the TLRN.

The main vehicular access to the site is via Burlington Road located to the east of the development site. A secondary access is from the B282 Beverley Way, west of the site, which runs parallel to the A3 Kingston Bypass. This access links to the Burlington Road access through the Tesco car park, but only allows vehicles to egress the Tesco car park via Burlington Road. It is proposed to retain this link between the two accesses as part of the development proposals. TfL would recommend that physical measures are included within the design of the site access arrangements to prevent vehicles illegally entering the Tesco car park via Burlington Road.

### **Car parking**

It is proposed to provide 222 car parking spaces, which would equate to a residential car parking ratio of 0.50 spaces per units. Although it is noted that the car parking ratio may drop to 0.45 spaces per unit. Whilst the car parking provision proposed accords with both the London Plan and draft London Plan, TfL would encourage the applicant to consider further reducing the car parking provision due to the congested nature of the surrounding highway network and to encourage active travel. TfL also would recommend that disabled car parking is provided in accordance with the draft London Plan standards.

Electric Vehicle Charging Points (EVCP) including passive provision should also be provided in accordance with London Plan standards.

Provision for one car club space will be provided on site, with the potential for a second space should demand arise. TfL recommend that the applicant discusses the viability of providing car club spaces on site with a car club operator prior to submission. TfL would also recommend that three years free car club membership is secured for all new residents without a car parking space.

A Car Park Management statement should be submitted alongside the application which indicates how the car parking will be designed and managed, with reference to Transport for London guidance on car parking management and car park design.

### **Highway impact**

Please see separate Planning Application Local Modelling Overview (PALMO) which will be emailed separately to this letter, which summarises our responses on modelling expectations and operational constraints that are envisaged as a result of the proposed development.

In addition to taking into account committed developments identified by Merton, it is recommended that the applicant discusses these with Kingston also; the boundary of which is located in close proximity.

The TA should also give some consideration as to how vehicles would access Bushey Way from the development site.

### **Buses**

As stated above, there are currently four bus routes (K5, 131, 152 and 265) within an acceptable walking distance of the site with stops on Beverley Way, Bushey Road Bridge and West Barnes Lane. As detailed in TfL's Transport Assessment Guidance, the TA will need to provide bus trip generation figures by time and by direction, with the peak hour indicated separately. The trip generation figures by direction should consider the existing bus network. TfL will use this information to assess the impact of development, considering the cumulative impact of the development and will be able to confirm if any bus capacity enhancements are required.

A bus stop assessment should be undertaken for the closest two stops to the application site. Should the assessment identify any necessary improvements, these will need to be funded by the applicant.

### **Cycle parking**

Cycle parking should be provided in accordance with the London Plan and draft London Plan. The specific number of spaces proposed, along with location should be detailed in the TA.

Short-stay cycle parking should be located in close proximity to building entrances of all buildings to provide convenience and choice for all users.

All cycle parking spaces should also be easily accessible from adjacent cycle routes and appropriate signage preferably using the Legible London system, should be provided.

### **Pedestrian and cycle environment**

The redevelopment will see an increase in pedestrian and cycle trips to / from the site and the local area. The applicant should ensure that the Healthy Streets approach is considered both throughout the site and within the local area, including routes to all transport nodes. In terms of Healthy Streets the development proposals should:

- Demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance <http://content.tfl.gov.uk/healthy-streets-for-london.pdf>
- Reduce the dominance of vehicles on London's streets whether stationary or moving.
- Be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

A Pedestrian and Cycle Environment Review System audit will be undertaken for pedestrian and cycle routes to key public transport nodes and amenities. Any necessary improvements identified by the audit/assessment will need to be funded by the applicant.

### **Travel planning**

A residential travel plan will be submitted as part of the planning application. When preparing travel plans, reference should be made to TfL's travel plan guidance.

The Travel Plan should then be secured, delivered, monitored and funded through the Section 106 agreement.

### **Delivery and construction**

In order to minimise the impacts of construction and delivery vehicles, a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) should be delivered in line with TfL's guidance. An indicative programme of construction should be included in the CLP.

The TA will need to demonstrate how service vehicles manoeuvre on site and should confirm that the proposed development will not impact on deliveries to the Tesco store service area.

### **Community Infrastructure Levy**

In accordance with London Plan policy 8.3, *Community Infrastructure Levy*, the Mayor commenced CIL charging for developments on 1st April 2012. It is noted that the proposed development is within the London borough of Merton, where the Mayoral charge is £35 per square metre Gross Internal Area (GIA). Further details can be found at: <http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy>.

**Summary**

As discussed at our meeting and recorded herein there are a number of issues which require further discussions and action. TfL will welcome further involvement and discussion with the applicant and Merton Council in order to ensure agreement on as many issues as possible prior to the planning application being submitted.

I hope this provides a useful basis upon which to progress the preparation of the planning application and supporting TA and look forward to hearing from you shortly.

Should you wish to discuss any part of this letter, please contact myself or Lucy Simpson ([lucysimpson@tfl.gov.uk](mailto:lucysimpson@tfl.gov.uk) - 020 3054 7039).

Yours sincerely



Lucinda Turner  
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## Appendix 4



# Architectural Report

Tesco Site, 265 Burlington  
Road, New Malden, Surrey,  
KT3 4NE

E1180T0001

# Document Issues

Report Reference: E1180T0001 Architects Report

Name	Signature	Date
Originated by: <b>SWB</b>	<b>Simon Bacon</b>	21.10.20
Checked by: <b>SWB</b>	<b>Simon Bacon</b>	21.10.20
Approved by: <b>SWB</b>	<b>Simon Bacon</b>	21.10.20

Author/Amended by:	Date:	Version:
Simon Bacon	07 <sup>nd</sup> October 2020	FINAL DRAFT
Simon Bacon	21 <sup>st</sup> October 2020	FINAL ISSUE

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# 1.0 Introduction

1.1 My name is Simon William Bacon, I am a Director of TP Bennett LLP and Project Architect for this residential development. I have prepared this Architectural Statement on Behalf of the Redrow Homes Ltd, to the appeal against the non-determination of this Planning Application.

1.2 The purpose of this statement is to provide evidence in respect of the design matters relating to the appeal against the non-determination of the Planning Application 19/P2387 of the proposed development at 265 Burlington Road, New Malden, KT3 4NH and Land to the south forming the surface car park of the Tesco Store, in the London Borough of Merton (the 'Site'), and provide information outlining the development of the scheme.

1.3 The redevelopment of the Site, comprises:

“Demolition of the existing buildings and erection of two blocks of development ranging in height between seven and 15 storeys and comprising 456 new homes, of which 114 will be one beds, 290 will be two beds and 52 will be three beds. 499sqm of B1(a) office space will be accommodated at ground floor level along with 220 car parking spaces, 830 cycle parking spaces, a realigned junction onto Burlington Road, hard and soft landscaping and associated residential facilities. The application also includes minor changes to the layout and configuration of the retained Tesco car park.”

1.4 This statement explains the design principles and concepts that have been applied to the proposed development and demonstrates the steps taken to address design comments raised, by the London Borough of Merton (LB. Merton) and external consultees, with specific reference to the reasons set out by London Borough of Merton Planning Committee for the resolution to refuse the planning application based on massing height and density. It is intended to be read together with the Design and Access Statement which I have reviewed in preparing this statement and I confirm that I continue to stand by its content as a robust and fair analysis of the proposals which lead me to the conclusion that what is proposed is appropriate for the site and will result in high quality design.

1.5 My statement of truth is set out within the conclusion of this document, section 12, at the end of this report.



Figure 1\_View of proposal from Burlington Road

## 2.0 Clients Brief

2.1 T P Bennett were initially appointed by Redrow Ltd in July 2018, the owners of 265 Burlington Road and Land to the south currently forming surface car park of the Tesco Store, to prepare a residential led scheme for the redevelopment of the Site. The development Site consists of a two storey office building and distribution warehouse together with associated car parking facilities and 83 surface car parking spaces for Tesco store customers.

2.2 Whenever a new instruction is offered to myself and my firm, I will initially undertaken an assessment of the site in order to determine what the likely capacity of the site would be to accommodate the form of development which is being sought by the client, mindful of the site itself, any constraints and its townscape context. If the client's aspirations cannot be properly accommodate upon the site under consideration then the client will be advised of that and unless the client's aspirations were to be modified then the brief would not be advanced further. Throughout my career there have been many occasions where I have declined to advance a project further for that reason.

2.3 In this case Redrow's brief was to initially instruct T P Bennett to consider what could be appropriately delivered on the site, mindful of the nature of the site, its constraints and taking account that it is being delivered within a policy context which includes such things as the need to use land efficiently, reduce reliance on the private car etc.

2.4 Having carefully appraised the site and its context and constraints I advised Redrow that the site did indeed have capacity for the form of development that was envisaged and the brief was accepted and advanced to full design.

2.5 Our approach to the Burlington Road Redevelopment, has therefore considered the opportunities and constraints of the site, embraces the development principles set out in the London Plan, CS9 of the Merton Core Planning Strategy and Urban Design Strategy for Raynes Park (Policy N3.4) which incorporates Site RP3 Burlington Road, Tesco New Malden, KT3 4NH. Our approach is founded on a vision which provides for the creation of a new, vibrant and sustainable residential scheme, through a mix of private and affordable homes that will meet the identified housing needs of the borough which will add to the townscape in a positive way through being respectful to its context, without merely replicating existing built form.



Figure 2\_View of proposal looking West along new road joining Burlington Road



## 3.0 Application Scheme

3.1 The Redrow proposal, in the form which was ultimately submitted as a planning application is a development comprising high-quality design combining landscape and architectural design that enhances what is currently a vacant office building and surface car park with poorly defined street frontage producing an exemplar and comprehensive redevelopment to maximise the benefits to the local residents. In summary, the main strengths and ambitions of the proposal are to achieve:

- A mix of uses embracing commercial use classes with 456 new apartments, London Housing Supplementary Planning Guidance March 2016 compliant.
- Reinstating an active frontage and street scene along Burlington Road.
- Enhanced permeability and public realm and linkages to Pyl Brook.
- Secure by Design.
- A commercial offering, giving greater choice and employment opportunities to the local community.

3.2 The proposals will deliver:

3.2.1 7 to 15 storeys of residential accommodation at ground and podium level

3.2.2 456 residential apartments in a courtyard arrangement with communal landscaping above a residential parking level

3.2.3 40% by habitable room, affordable homes, primarily larger family homes to meet the boroughs needs

3.2.4 220 undercroft car parking spaces serving the residential accommodation

3.2.5 Secure private vehicle parking for residents accessed from Burlington Road

3.2.6 499m<sup>2</sup> of B1 commercial space with active frontages

3.2.7 Improved landscaping and pedestrian route along Pyl Brook

3.2.8 Improved pedestrian links and animated street frontage along Burlington Road

3.2.9 Maintaining 577 Tesco customer parking spaces to facilitate the ongoing operation of the existing store

3.3 The proposed development represents an efficient use and sustainable redevelopment of an under-used brownfield Site, which has been identified as being appropriate to accommodate change. The Burlington Road streetscape in particular will be enhanced by the contemporary design of the buildings with the articulation of the building façades and the careful mix and use of high-quality materials applied to the building.

3.4 As Mr Murch explains, Merton's need for new homes will only be provided by the intensification of existing Sites through redevelopment of larger Sites. This development will also have the potential to act a catalyst and benchmark for future residential developments to come forward both on the Burlington Road Site, as identified in the Draft Merton Local Plan for comprehensive redevelopment as well as along the wider road corridor.



Figure 3\_View of proposal looking East toward Burlington Road from Tesco car park

## 4.0 Height, Scale and Massing

4.1 The Site is comparatively unconstrained, in the sense of not being next to designative heritage assets or sensitive residential properties which might constrain the opportunity on site, therefore providing opportunity for a taller and denser development when compared to the existing surrounding residential offer.

4.2 The London Borough of Merton is under significant pressure for a step change in housing delivery, with increased emphasis placed upon the densification of underused brownfield sites in 'sustainable' locations. Underused supermarket car parks have been particularly identified by the New Draft London Plan as the type of site that should be used to deliver some of the new homes that London desperately needs.

4.3 Lichfields townscape analysis has shown that the Site and its immediate surroundings have very low townscape value. The collection of fragmented larger footprint buildings and extensive hard standing currently detracts from the townscape but is well-separated from the wider suburban residential areas by major roads and the railway. This area has always had a different character, with the demolished Printing and Engraving Works formerly providing a local landmark along the Burlington Road frontage.

4.4 The building heights have developed to produce more variation in height and therefore possess a more varied roof scape across the scheme, whilst improving the quality of the internal layouts. The tallest element of the development is to the west of the Site which steps, up from south to north from seven to fifteen storeys. There is a shoulder height to the development of seven storeys across the Site, which is to primarily reinforce the Burlington Road edge. There are however variations of two to three storeys along this eastern edge assisting in providing vertical variation between the buildings, so as to provide a building of interest and distinction.

4.5 The taller buildings are to the west of the site adjacent to the supermarket, stepping down from north to south in height and with pitched roofs to provide contrast to the lower buildings which have level parapets along Burlington Road.

4.6 This redevelopment presents an opportunity to define a positive new sense of place, drawing references from the past. The new buildings will define an active street frontage to Burlington Road, creating a new and distinctive place for the 21st century.

The buildings step up in scale to provide a positive termination of views along Burlington Road, Claremont Avenue and West Barnes Lane and enhance the legibility of Shannon Corner along the A3. The contrasting parapet geometry and heights provide articulation and variety, breaking down the massing. The poor townscape quality and separation provided by roads and railways presents a significant opportunity to enhance the area and make best use of land to deliver new homes.

4.7 Merton's emerging annual housing target requires intensified development to come forward to achieve the significant increase in homes that the Mayor of London is asking the borough to provide, whilst at the same time, delivering enough private units to viably subsidise the provision of affordable housing.

4.8 There is never only one solution for a site such as this, but rather a number of factors come together as part of an iterative process of design to deliver a building of stature and quality which will act as a positive adjunct to the area. Thus, it is a complex interplay of the site's constraints and opportunities, planning policy and housing targets that have led us to the building heights, massing and density of the current proposals.



Figure 4\_View of proposal looking East from the A3 over pass

## 5.0 Overlooking and Overshadowing

5.1 A range of consultation and engagement activities have been undertaken, at each phase of the overall scheme's development which have been documented both in the Statement of Community Involvement prepared by London Communications Agency and the Design and Access Statement.

5.2 Consultations took place with residents and in particular Raynes Park High School situated to the north of the site, who raised concerns with the impact of the development in relation to overlooking and overshadowing.

5.3 EB7, specialist in rights of light ('ROL') and sunlight and daylight issues, carried out a detailed assessment of the potential shading and daylight / sunlight effects of the proposed 265 Burlington Road development upon the land and classrooms of Raynes Park High School. The studies show no material shading to the most proximate open space neighbouring the school with almost 100% of the open space continuing to achieve in excess of 2+ hours of sunlight on the assessment date. (refer to appendix 1)

5.4 In respect of daylight and sunlight to the classrooms all spaces retain high Average Daylight Factor levels in line with or exceeding the targets for educational buildings. Direct sunlight levels to the spaces also remain high significantly exceeding the BRE target values.

5.5 The impact of the development on neighbouring residential properties would also not result in harm as the shadow cast would primarily be to the north of the site. The separation distances to neighbouring residential properties is sufficient to avoid any significantly harmful impact.

5.6 The separation distances to neighbouring dwellings are such that there would be no direct overlooking to any residential properties at a distance that would result in a material loss of privacy. The separation distance from the proposed buildings to Raynes Park High School, at its closest point, would be 33.7m. The Pyl brook stands between the site and the school to the north and the combination of the separation distance, in combination with the extensive tree screening to the northern side of Pyl Brook is such that there would be not be any meaningful overlooking of the school or its grounds, even in winter.

5.7 It is considered the proposal would not adversely impact upon the privacy of neighbouring properties.

5.8 However, the outcome of this consultation process has resulted in some changes to the application, which included reduction of building heights and additional screening at the north side of the development closest to Raynes Park High School. Those are collectively considered to create a better relationship with the Site's neighbours, and to thereby improve an already acceptable scheme Those changes are outline in detail within section 11.0 of this report.



Existing Scenario

Proposed Scenario

Area	Total Area (sq.m)	Existing area more than 2 hours (sq.m)	Existing % more than 2 hours	Proposed area more than 2 hours (sq.m)	Proposed % more than 2 hours	Retained (Pr/Ex)
1 - A1	1204.6	1204.6	100	1204.6	100	1.00
2 - A2	779.5	779.5	100	773.2	99.2	0.99

Sources of information

Survey SOLUTIONS

- 22753se-01.dwg
  - 22753se-02.dwg
  - 22753se-03.dwg
  - 22753se-04.dwg
  - 22753se-05.dwg
  - 22753se-06.dwg
  - 22753se-07.dwg
  - 22753se-08.dwg
  - 22753UG-01.dwg
- Received 05/10/2018

TP BENNET Architecture

- E1180\_X\_LVL 01.dwg
  - E1180\_X\_LVL 02-05.dwg
  - E1180\_X\_LVL 06.dwg
  - E1180\_X\_LVL 07.dwg
  - E1180\_X\_LVL 08.dwg
  - E1180\_X\_LVL 09.dwg
  - E1180\_X\_LVL 10.dwg
  - E1180\_X\_LVL 11.dwg
  - E1180\_X\_LVL 12.dwg
  - E1180\_X\_LVL 13.dwg
  - E1180\_X\_LVL 14.dwg
  - E1180D6300P1.dwg
  - E1180D6301P1.dwg
  - E1180D6302P1.dwg
  - E1180D6303P1.dwg
  - E1180D6304P1.dwg
  - E1180D2201P1.dwg
  - E1180D2204P1.dwg
- Received 20/05/2019

EB7 Ltd

Site Photographs  
 Ordnance Survey  
 Key:

Hours of sunlight on 21st March

Area of assessment

More than 2 hours of sunlight

Less than 2 hours of sunlight

NORTH



Project 265 Burlington Road,  
 New Malden

Title Sunlight Amenity Study  
 21st of March

Drawn BA Checked --

Date 10/10/2019 Project 3130

Rel no. 05 Prefix SA01 Page no. SA1

Figure 5\_Extract from EB7 Sunlight and Daylight Assessment in relation to Raynes Park High School

## 6.0 Consultation with London Borough of Merton

6.1 The scheme has been considered and reconsidered over a considerable period, with extensive dialogue between the design team and Merton LPA, during this time each of the architectural propositions which underlie the scheme were questioned and this has resulted in significant improvements to the architectural intent, creating a high quality new residential development. A series of meetings and presentations were held with the London Borough of Merton and political representatives. In addition, the Greater London Authority and Transport for London were consulted.

6.2 I set out below, in narrative form the various meetings which have taken place with the Council, including the concerns which have been raised. I set out in bold italics the design response to those concerns, which can be seen to have “evolved” over time.

### 6.3 First Pre-Application Presentation to LB Merton

6.4 A first pre-application meeting was held at Merton Council offices on the 13th September 2018. This first Pre-Application meeting was to establish and agree the following principle of the proposal:

6.4.10 Site Evaluation

6.4.11 Development Concept

6.4.12 Site Layout and Access

6.4.13 Amount and Usage

6.5 The key points raised during this pre-application meeting and how the design has then been revised in order to address these comments ahead of the second pre-application meeting is outlined below. ***Design teams responses in bold italics.***

### 6.6 Animation

6.6.14 Insufficient animation and active frontage to the ground floor. Also that the commercial units, or at least residential entrances, ought to be moved to the outside corners of the blocks.

***6.6.15 Increased commercial frontage along Burlington Road, activate corners where***

***possible, and increase the visibility of residential entrances.***

### 6.7 Height

6.7.16 LB. Merton did not have any policies relating to building heights for this area to act as a constraint, so the application would be assessed on a ‘design quality’ basis. Noting the following:

6.7.17 Affordable housing offer (noting the Council’s 40% policy requirement);

6.7.18 CIL/ s106 offer; and

6.7.19 Quality of design, which included quality of accommodation proposed in terms of daylight and sunlight, public realm, proportion of dual aspect accommodation and creating a distinctive character for the proposals.

***6.7.20 A more varied massing across the Site, particularly addressing Burlington Road with highest elements to the west. From 5 to 14 storeys with a 7 storey shoulder height.***

### 6.8 Massing

6.8.21 Buildings needed to be broken down more as massing is too blocky.

***6.8.22 The preliminary massing tabled was further developed and refined, with the building articulated in both vertical and horizontal planes.***

### 6.9 Single Aspect

6.9.23 A large proportion of single aspect flats was not acceptable, and a higher proportion of dual aspect flats needs to be provided.

***6.9.24 The massing, and plan form was revised to create a Typical level with 54 Apartments;***

***6.9.24.1. 29 Corner Apartments = 54% (Dual Aspect)***

***6.9.24.2. 18 Stepped Apartments = 33% (Dual Aspect)***

***6.9.24.3. 6 Through Apartments = 11% (Dual Aspect)***

***6.9.24.4. 1 East facing Apartment = 2% (Single Aspect)***

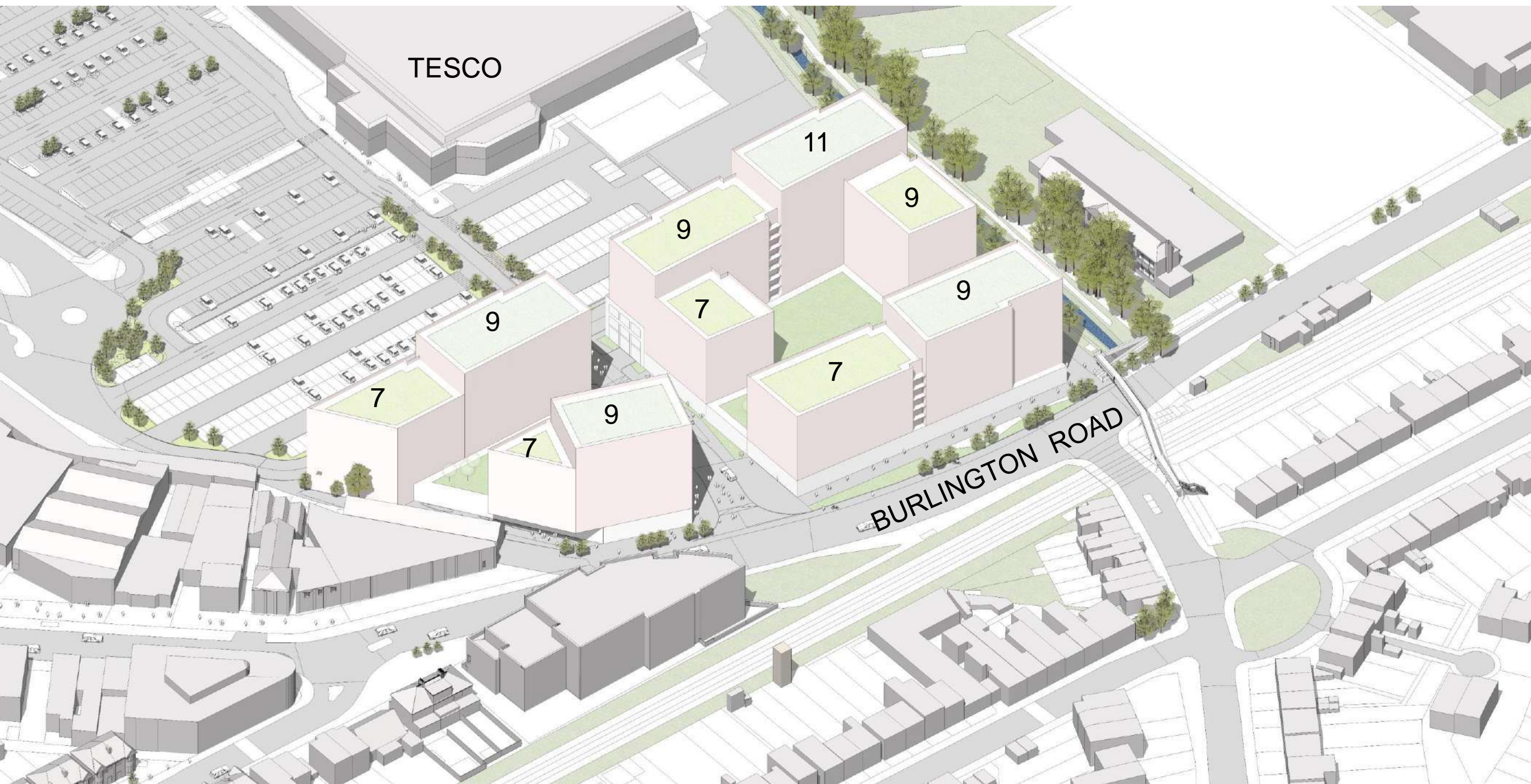


Figure 6\_Massing Model as tabled at the first pre-application meeting



## 6.0 Consultation with London Borough of Merton

### 6.10 Second Pre-Application Presentation to LB Merton

6.11 A second pre-application meeting was held at Merton Council offices on the 1st November 2018. This second Pre-Application was to establish and agree the following principles of the proposal:

6.11.25 Amendments addressing comments from the first pre-application with both LB. Merton and GLA

6.11.26 Massing and Height Development

6.11.27 Provenance & Architectural Expression

6.11.28 Landscape Design

6.12 The key points raised during this pre-application meeting and how the design has then been revised in order to address these comments ahead of the third pre-application meeting is outlined below. *Design teams responses in bold italics.*

### 6.13 Animation

6.13.29 Still insufficient animation and active frontage to the ground floor along the new access road, and the northern elevation facing Pyl Brook.

6.13.30 Create a Mews street with entrances along the brook side for duplex apartments or studios for animation/activity.

6.13.31 Review the landscaping and integration with Pyl Brook, including the bank profiles.

**6.13.32 Any accommodation to the northern elevation along the Pyl Brook could be of poor quality due to the single northern aspect. Additional dwellings here could also prevent natural ventilation of the undercroft car park and reduce parking numbers. Further developed landscape proposals.**

### 6.14 Layout

6.14.33 Concerns over the ground floor articulation addressing Burlington Road and access road.

**6.14.34 Design revised to better address Burlington Road and access road in line with response to similar comments from GLA.**

### 6.15 Massing

6.15.35 Roof scape to be more varied, to assist with the height.

**6.15.36 Reviewed potential typologies for expressing varied roof scape.**

### 6.16 Dual Aspect

6.16.37 LB. Merton does not consider a room with 90 degree window on an adjacent face of the building to dual aspect, and would only refer to an apartment on the external corner of a building or a 'through' apartment with façades on opposite sides of the building to be dual aspect.

**6.16.38 The London Plan residential design standards does not define what makes a dual aspect apartment, the angle required for dual aspect to adjacent walls or size of opening. In this way the residential units arranged with windows at 90 degrees that have two aspects in our development, should be considered dual aspect by definition.**

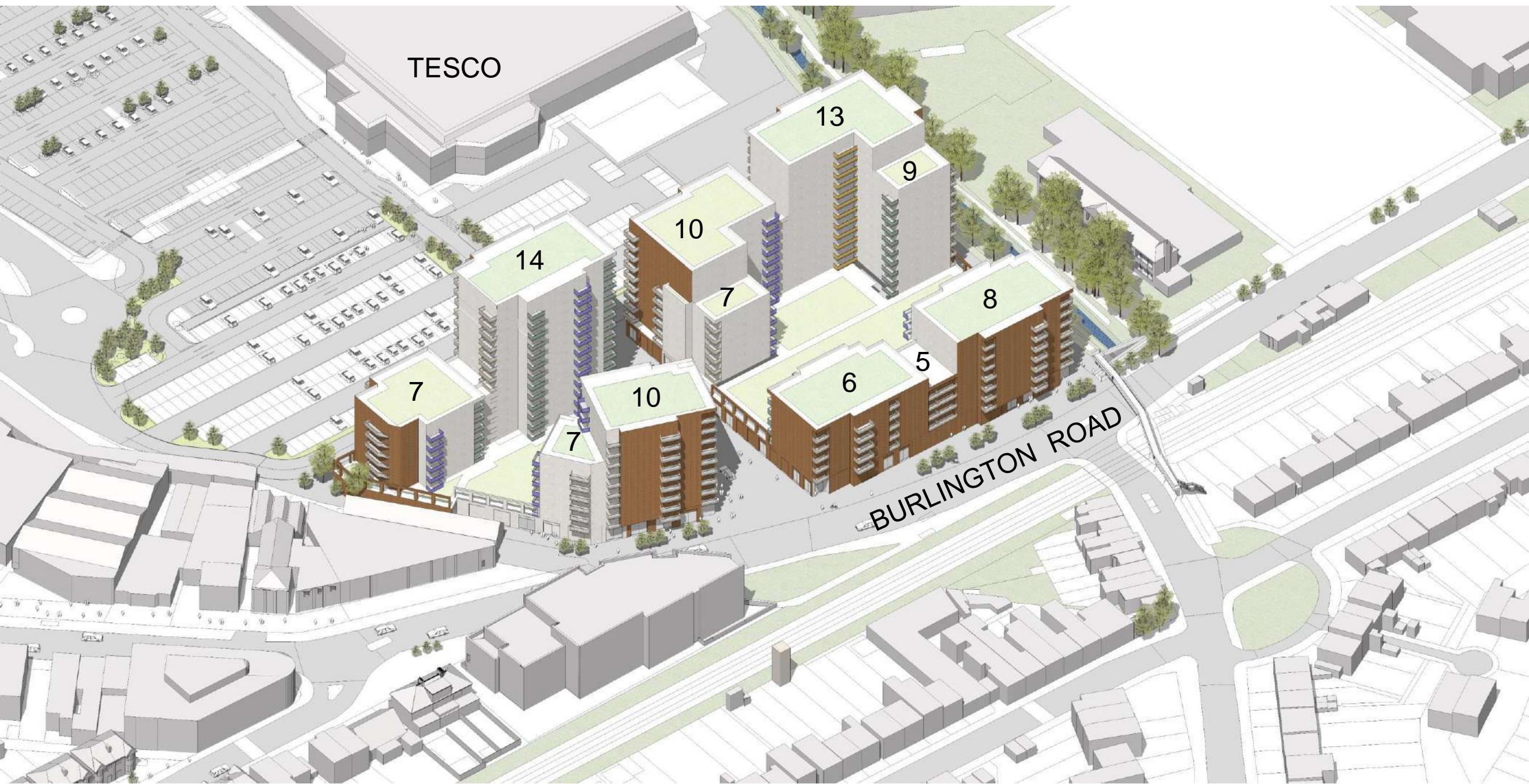


Figure 7\_Massing Model as tabled at the second pre-application meeting

## 6.0 Consultation with London Borough of Merton

### 6.17 Third Pre-Application Presentation to LB Merton

6.18 A third pre-application meeting was held at Merton Council offices on the 3rd December 2018. This third Pre-Application was to review final proposals and the DRP response, which included:

6.18.39 Masterplan and wider context

6.18.40 Affordable accommodation

6.18.41 Design development

6.19 The key points raised during this pre-application meeting and how the design has then been revised in order to address these comments ahead of the fourth pre-application meeting is outlined below. ***Design teams responses in bold italics.***

### 6.20 Context

6.20.42 The tabled presentation included a stronger and wider contextual analysis, and a stronger rationale for the design, layout and heights proposed.

**6.20.43 *DAS includes the wider contextual analysis and design rationale. Townscape and Visual Appraisal (TVIA) prepared by Lichfields to accompany the planning submission documents.***

### 6.21 Height

6.21.44 A different roofscape is essential to the scheme, particularly to the taller elements to create a more varied sky line.

**6.21.45 *We have introduced a varied pitched roof line to the taller buildings, this provides a more dynamic roof scape from all viewpoints, both long and short distance views. The views from the east combine the contrasting brickwork colour and parapet variation to provide a layered skyline with greater depth and hierarchy.***

### 6.22 Pyl Brook

6.22.46 To include active frontage and public access. Possible two storeys residential accommodation with entrances at ground floor. Review Sub-station location, to allow for future connectivity along Pyl Brook beyond the Site boundary to the west.

**6.22.47 *We have added two dual aspect apartments to the north elevation of the northern podium, opposite the Pyl Brook. The two storeys of accommodation create an active frontage along this northern elevation, providing a safer and more pleasant access to the Building A residential entrance, while retaining the natural ventilation to the car park behind.***

### 6.23 Affordable Accommodation

6.23.48 Review apartment numbers to achieve 40% affordable.

**6.23.49 *35% affordable accommodation has been provided, calculated by habitable rooms across the development. The split between affordable and intermediate accommodation is 63% to 37% respectively due to the larger format affordable rented accommodation all being housed within Building A. The affordable rented accommodation only has 2 bed and 3 bed apartments to suit the needs of the borough.***

### 6.24 Layout

6.24.50 Review relationship with existing industrial units and the building line along Burlington Road to the south.

**6.24.51 *The proposed building line continues the existing line from the workshop to the south on Burlington Road before stepping out to create a more visible building to the West Barnes Lane gateway.***



Figure 8\_Massing Model as tabled at the third pre-application meeting

## 6.0 Consultation with London Borough of Merton

### 6.25 Fourth Pre-Application Presentation to LB Merton

6.26 A fourth pre-application meeting was held at Merton Council offices on the 13th February 2019. This fourth Pre-Application was to review final proposals and give feedback on our responses, which included:

6.26.52 Affordable accommodation

6.26.53 Design development

6.27 The key points raised during this pre-application meeting and how the design has then been revised in order to address these comments ahead of the planning submission is outlined below. *Design teams responses in bold italics.*

### 6.28 Height

6.28.54 The revised pitch roofline to the taller buildings facing Tesco was a satisfactory design response to their roofscape concerns. The amended massing to accommodate the pitch roof and proposed storeys amendments to Buildings A,B,E,F and G was considered acceptable, as well as responding to the GLA's earlier comments.

**6.28.55 Progress detailed design of new roof typology.**

### 6.29 Podium Typology

6.29.56 Amendments of the articulation to the ground and first floor were welcomed, however it was felt this contrast/hierarchy with the upper levels could be expressed to a greater extent. In particular review:

- window design/size variation
- reveal design options
- combining the language of the ground and first floors

■ brick to window proportions

6.29.57 Colonnade to the southern block was tabled and received a positive response, this highlighted:

- the recessed ground floor
- design/lighting opportunity to soffit

■ realignment of the access road

■ opportunity for increase public realm to the north side of the access road

**6.29.58 TPB prepared a design response to each item raised by LPA which have been addressed in this DAS.**

### 6.30 Affordable Accommodation

6.30.59 Agreed on the amount and change mechanism for the level of affordable accommodation being proposed by Redrow:

- 35% by habitable room
- 60/40 split affordable rented/intermediate

**6.30.60 Progress with current proposals**

### 6.31 Layout

6.31.61 The perimeter of both blocks was also reviewed, in detail, at street level to ensure there was an acceptable level of potential animation to create active street frontages.

6.31.62 Northern Block (A)

- North-Acceptable with the introduction of the duplex accommodation
- East-Acceptable, as majority is active frontage

■ South-Opportunity to reconfigure refuse holding area to minimise length along access road.

■ West-Accepted as having no active frontage, however it was agreed there was potential for future introduction of commercial units, if the wider site was developed.

6.31.63 Southern Block (B)

- North-Acceptable, as majority is active frontage
- South/East-Concern over level of active frontage, TPB to review further opportunities

■ South-Not acceptable as main access in to core F or level of animation, TPB to review further alternative options for safer and easier resident access.

■ West-Accepted as having no active frontage, however the colonnade introduced further level of articulation.

**6.31.64 TPB to reviewed opportunity for further animation to the Northern Block South facing elevation, reconfiguring bin holding area and concierge to create further commercial accommodation. TPB propose to combine building E and F residential entrance lobby access from street level.**



Figure 9\_Massing Model as tabled at the fourth pre-application meeting

## 7.0 Consultation with GLA and Stage 1 Report

7.1 A pre-application meeting was held at GLA offices on the 10th October 2018. The main points raised are summarised below. The adjacent drawings illustrate the scheme as presented following design development in line with the comments raised in the previous pre-application meeting with LB. Merton.

7.2 The key points raised during this pre-application meeting and the subsequent GLA stage 1 report; and how the design has then been revised in order to address these comments ahead of the planning submission is outlined below. ***Again the Design team's responses are set out in bold italics.***

7.3 The GLA stage 1 Report concluded;

'GLA officers welcome the opportunity to engage with the applicant on the emerging proposals for this site. The principle of the proposal is strongly supported, subject to the maximum reasonable provision of affordable homes. Comments relating to employment, affordable housing, housing, urban design, inclusive design, transport, and climate change must

be addressed as part of any planning application submission coming forward.'

### 7.4 Loss of car parking and commercial premises

7.4.65 Fully support the principle but the team need to provide justification for loss of existing office.

***7.4.66 Justification for the loss of office use to be provided with planning submission. Commercial uses proposed along Burlington Road.***

### 7.5 Affordable housing

7.5.67 Support the affordable housing approach but provide details of rent levels etc. with application to ensure it is in line with Mayoral standards.

***7.5.68 Further details to be included with the planning submission.***

### 7.6 Height, scale and massing

7.6.69 No concerns regarding height, subject to the high quality of the proposed design.

***7.6.70 Planning submission will provide details of high-quality design.***

### 7.7 Flood risk & sustainable drainage

7.7.71 Need to achieve greenfield run-off rates for flooding.

***7.7.72 Confirmed within the surface water drainage strategy prepared by Ambiental.***

### 7.8 Layout

7.8.73 Want to see more activation of ground floor.

***7.8.74 Reviewed extent of animated ground floor frontage in line with similar feedback from LB. Merton, particularly along Burlington Road. As well as options that could allow ground floor activation to the west should the Masterplan for the entire area come forward.***

7.8.75 The access to the south block was queried as to whether it could come from Burlington Road adjacent to the industrial units (further to south than currently shown) to enable a more pedestrian friendly environment at the centre of the scheme.

***7.8.76 Response from Mott MacDonald to discount this option. 'We believe there would be several challenges associated with accessing the southern block from Burlington Road, the main of which would be forming an additional access point on the highway network (which may not be acceptable to LB. Merton)... and the position of this junction in relation to other junctions, the site opposite and the pedestrian crossing. It would also introduce an additional crossing point for pedestrians on the western side of Burlington Road.'***

7.8.77 Northern edge needs more surveillance - potentially have the commercial unit turn the corner.

***7.8.78 Adjusted the plan form of the northern commercial unit to wrap around the corner to increase surveillance. Reviewed the potential of including live/work units along the northern boundary in line with a similar request from LB. Merton.***

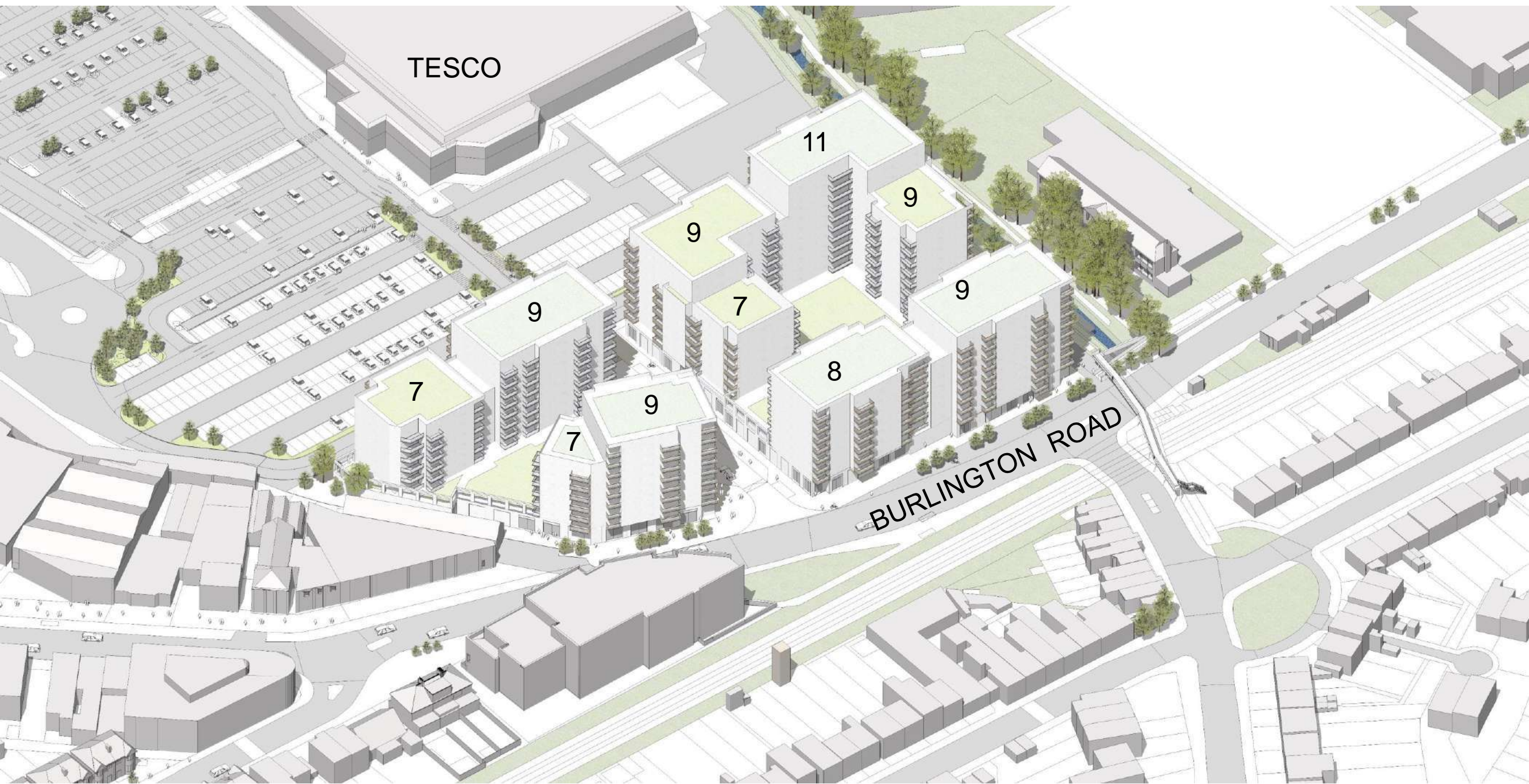


Figure 10\_Massing Model as tabled at the GLA pre-application meeting



## 7.0 Consultation with GLA and Stage I Report

### 7.9 Housing Quality

7.9.79 'Stepped' units may be counted as dual aspect if the façade forming corner windows is estimated to be circa 2000mm and benefits from an opening window to provide ventilation.

**7.9.80 For the 'stepped' dual aspect apartments we looked to increase the depth of the step in plan to provide larger windows to the perpendicular wall. We consider that the request that the step in a return wall with window should be a minimum of 2000mm for it to be classified as dual aspect is an arbitrary figure and has no formal design guidance associated with it.**

7.9.81 Quality of outlook for west facing units needs to be explored due to the proximity of the Tesco car park and service yard.

**7.9.82 The apartments at first floor directly adjacent to the Tesco service yard were removed and replaced with cycle stores and double-height energy centre so that the second floor apartments are well above the service yard below. The balcony balustrade to all first floor apartments is proposed with more visual screening, either with a denser patterned material, or a solid brick parapet on some external corners.**

### 7.10 Height, Scale and Massing

7.10.83 The proposed heights are generally supported, and there are no concerns about going higher if that allows for greater variation with lower elements creating a shoulder, and taller elements strategically placed to emphasise the variation in height.

7.10.84 Continued to explore the refinement of the proposed massing to create the lower shoulder height to the south and east along Burlington Road, with more variation to the buildings along the western edge.

7.10.85 GLA to identify key views they want testing from north and south and across car park.

**7.10.86 Key views identified and visuals produced within the TVIA prepared by Lichfields.**

7.10.87 Send over draft sustainability for comment.

**7.10.88 Strategy prepared by Hodkinson in line with the GLAs policies and issued by Davies Murch for GLA review.**

# PROPOSED CONCEPT MASSING

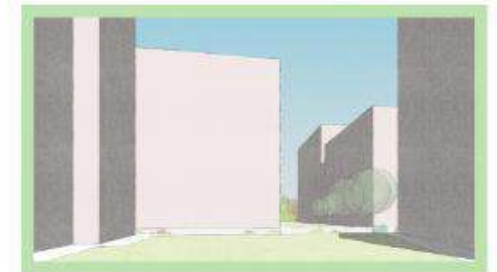
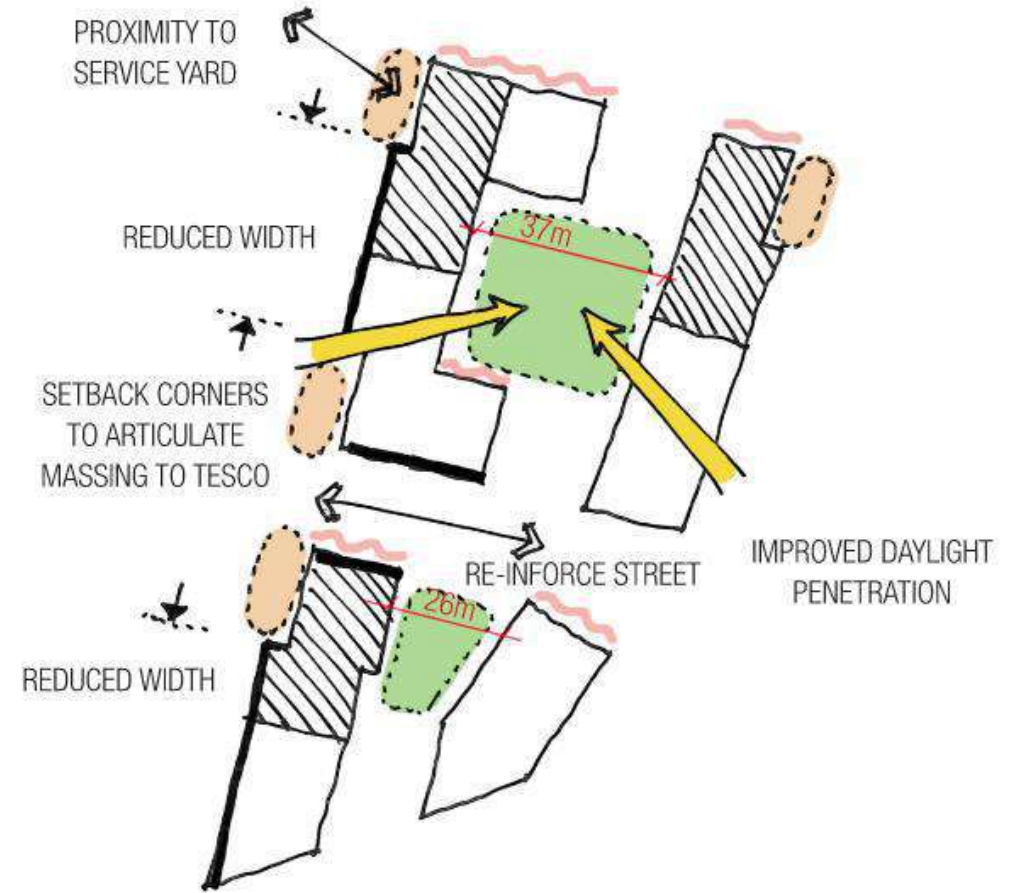
STEPPED VERTICALLY AND HORIZANTALLY



MASSING VIEW - LOOKING NORTH-EAST



MASSING STREET VIEW - LOOKING EAST



COURTYARD VIEW

Figure 11\_Proposals tabled at GLA pre-application meeting

## 8.0 Design Review Panel

8.1 Merton's Design Review Panel is made up of a group of independent professionals working in the built environment field. The Panel should provide impartial expert advice to applicants and local authorities on design issues in relation to important new development schemes and proposals for important public spaces, including both significant minor applications, major planning applications and pre-application development proposals.

8.2 The Design Review Panel also included the Planning Case Officer together with three councillors.

### 8.3 Panel Members Present:

8.3.89 Councillor Linda Kirby (Chair)

8.3.90 Jon Herbert \_Chartered Planner\_ Troy Planning +Design

8.3.91 Tim Long\_ Landscape Architecture, Urban Design and Town planning

8.3.92 Tony Michael\_ Not Known

8.3.93 Shahriar Nasser\_Architect\_ Belsize Architects

8.3.94 Juliette Scalbert \_Architect\_ Adam Khan Architects

8.3.95 Michael Whitwell\_ Architect\_ Mountford Pigott

### 8.4 Council Officers Present:

8.4.96 Paul Garrett

### 8.5 Councillors Present

8.5.97 Councillor David Dean

8.5.98 Councillor Simon McGrath

8.5.99 Councillor Nigel Benbow

8.6 Applicants are invited to give a 10 minute presentation of the proposals to the panel. This is then followed by a 30 minute discussion between the panel, each expressing their views and initial thoughts. During this time the panel may ask for

clarifications from the applicant, however there is no opportunity for the applicant to further explain the design rationale behind the proposals or indeed correct members of the panel, if they have misunderstood or interpreted the proposals.

8.7 As stated within the National Planning Policy Framework (NPPF), the Design Review Panel's feedback is a material consideration for local authorities and the planning inspectorate when determining planning applications.

8.8 The proposed development was presented to the Merton Design Review Panel (DRP) on the 22nd November 2018. The main points raised are summarised below with responses to each item raised. *Design teams responses in bold italics.*

### 8.9 Context

8.9.100 The tabled presentation to include a stronger and wider contextual analysis, and a stronger rationale for the design, layout and heights proposed.

**8.9.101 *DAS includes the wider contextual analysis and design rationale. Townscape and Visual Appraisal (TVIA) prepared by Lichfields to accompany the planning submission documents.***

### 8.10 Height

8.10.102 No proper rationale for the chosen storey heights, whether they be the proposed 7-14 storeys or any other range. There was no townscape or contextual justification for the heights chosen, and if this was considered acceptable.

8.10.103 TVIA prepared by Lichfields as noted above. Density/height of the development has been developed to its current form which includes:

- Potential future masterplan
- Unconstrained Site with opportunity for increased density
- Increase in density of recent residential development locally and changing street scape
- Quantum of affordable accommodation required by LB. Merton



Figure 12\_View of proposal looking North along Claremont Avenue

## 8.0 Design Review Panel

### 8.11 Podium Typology

8.11.105 Very poor interface with the street, dead frontage, places for concealment and lots of different building lines. This was exacerbated by the numerous service entrances etc. and made for a poor quality public realm. This was particularly evident with the retained access road to the supermarket and the heavily overshadowed and effectively dead frontage facing the Pyl Brook. It was suggested that one podium could be at grade, with parking underground, rather than forcing the creation of a podium. This would make it easier to address the dead frontage issues.

**8.11.106** *Developed layout to optimise active frontages and integration of new public realm in line with pre-application comments to achieve:*

■ **76% active frontage to Burlington Road**

■ **51% active frontage to Access Road**

***Underground parking is not a financially viable option for a residential development in this location.***

### 8.12 Apartment Mix

8.12.106 The low level of 10% family units was also questioned in terms of whether it met council housing policy.

**8.12.107** *Planning Statement prepared by Davies Murch addresses this comment in detail.*

### 8.13 Permeability

8.13.108 It was felt that there needed to be a much more permeable urban grain with multiple entrances in to the Site and a proper street network.

**8.13.109** *In order to maximise the potential of the Site redevelopment and taking into consideration the Site constraints an accommodation requirements, utilising the existing access into the Site and potential for access along Pyl Brook, was the appropriate level of permeability.*

### 8.14 Density

8.14.110 It was noted that the density was at the high end of the former London Plan density matrix for more accessible and urban locations, and the panel considered the density more appropriate to Vauxhall/Nine Elms development.

8.14.111 The London Plan density matrix states that the range should not be applied mechanically, and account needs to be taken of specific circumstances and context. The density proposed is considered acceptable by the GLA and the LB. Merton Planning officers. And the 448 homes proposed will go some way towards meeting the housing target of 1,328 units per year proposed by the draft London Plan for the Borough.

### 8.15 Dual Aspect

8.15.112 The Panel were also not convinced by the applicant's description of dual and single aspect dwellings as many units stated as dual aspect did not achieve the full benefits of dual aspect units. An effective 35% single aspect units was seen as an indicator that the development was too dense.

**8.15.113** *The London Plan residential design standards does not define what makes a dual aspect apartment, the angle required for dual aspect to adjacent walls or size of opening. In this way the residential units arranged with windows at 90 degrees that have two aspects in our development, should be considered dual aspect by definition.*



Figure 13\_ View of proposal along new road joining Burlington Road

## 8.0 Design Review Panel

### 8.16 Overall

8.17 I refer to Jonathan Murch's email dated Monday 26th November 2018, sent to the planning case officer in attendance and development control colleagues at London Borough of Merton, which sets out the applicants team response to the poor quality of the feedback, understanding of our proposals and current planning policy, which was received from the Design Review Panel.

8.18 I agree with the comments and content of this email. The format of the DRP was wholly unsatisfactory, being given only 10 minutes to present a scheme which had been developed in detail with a full professional design team, over a period of six months. It is simply not enough time. The presentation felt like it was a required formality rather than an informative dialogue between the design team and the panel. It is my experience that a DRP for a scheme of this size is best taking place in a workshop format to enable dialogue between the applicant team and the panel, over a period of a few hours to ensure that enough time is given to important matters. This would be a similar approach to those I have attended in the past run by CABE and Design South East. Most recently in September 2020, for a residential project in Slough Town Centre, which lasted over 4 hours.

8.19 Only one person was permitted to give the presentation and must not only convey the architectural intent of the proposed development but also all the technical design input from each of the relevant professional disciplines that requires co-ordination with a complex residential development of this size. e.g. wider townscape and contextual analysis prepared by Lichfields and flood risk assessment by Ambiental. The project team present at the review also included the residential developer, townscape, landscape and planning professionals who were not given an opportunity to present or respond to any of the panels comments

8.20 As much time was given over to the introductions between the design team and panel, as to the presentation itself. Stop watch in hand, the panel stopped our presentation dead on 10 minutes.

8.21 The design team was only permitted to present six A1 panels to cover the entirety of the project to date, which was less than that prepared for the public consultation which took place two months earlier.

8.22 As such, much of the information cannot be presented in any detail; overall vision, site analysis, the design concept, explanation of the evolution of the scheme due to site or technical constraints, each must be compacted into a few brief seconds.

8.23 Explanation of the detailed design process, rigorous optioneering and design explorations cannot be covered, which all give an essential background picture to the proposals. Details of the discussions and decision making that took place during the prior four pre-apps with LB Merton and GLA could also not be conveyed or explained.

8.24 The panel seemed to be out of touch with not only current national, local and contextual planning policy, but also realistic design challenges of a major project and viability, when providing 35 % affordable accommodation. Referring in detail and some length to the former London Plan Density Matrix, the panel did not seem to be aware of the site 'optimisation' requirements that are to replace the matrix in the draft London Plan. Critically, the optimisation policies provide the policy and design framework for high quality schemes that deliver the step change in housing and affordable housing required by the draft London Plan.

8.25 I felt the panel, lacked the understanding of the site, its surrounding context, and local demand for housing both private and affordable, within the borough, and the complexities that come with delivering such a major development.

8.25 Focussing on issues such as car parking strategies, lost opportunity of public realm to Pyl Brook and dead frontages along the retained supermarket access road, the panel didn't take the opportunity to ask for clarification or allow the design team to make clarifications during their 30 minutes of allotted time to summaries their thoughts, but it seemed had already draw their conclusions which were presented as a fait accompli.

8.26 Some of the comments made would have been contrary to the development plan and would not have been supported be officers (driverless cars), to help reduce the required levels of car parking. Whimsically suggesting that we should be designing for the future modes of transport, 'fully automated cars that arrive at the development and pick up the residents and dive off again'.

8.27 Criticism is an important part of the design process, but it must be constructive criticism. It seemed that most of their comments where neither constructive, relevant or even achievable. Examples of these included comments such as, the form and typology of the development was a long way from good practice, suggestion of an underground parking strategy and designing for unknown future private modes of transport.

8.28 Upon the design teams reflection of the Design Review Panel format and the quality of the comments received, it was decided that there would be no benefit to the proposals in returning for a subsequent review prior to the submission of the planning application. We would have been happy to re-present to the DRP if it was organised in a way that allowed time for a meaningful presentation of the scheme and dialogue between the project team and panel members.



Figure 14\_View of proposal along new road joining Burlington Road



## 9.0 Summary of key changes following consultation

### 9.1 Height

Created more varied heights across the development, forming a seven storey lower shoulder height to Burlington Road with taller buildings to the west edge of the site, while introducing a vertical variation in the massing to break up the overall scale.

### 9.2 Massing

Introduced a varied roof design to the taller buildings creating a more dynamic roofscape from both short and distant views.

### 9.3 Architectural Treatment

Improved the ground and first floor articulation to create a distinct plinth level, which introduces a clear hierarchy between the street level expression, and residential levels above.

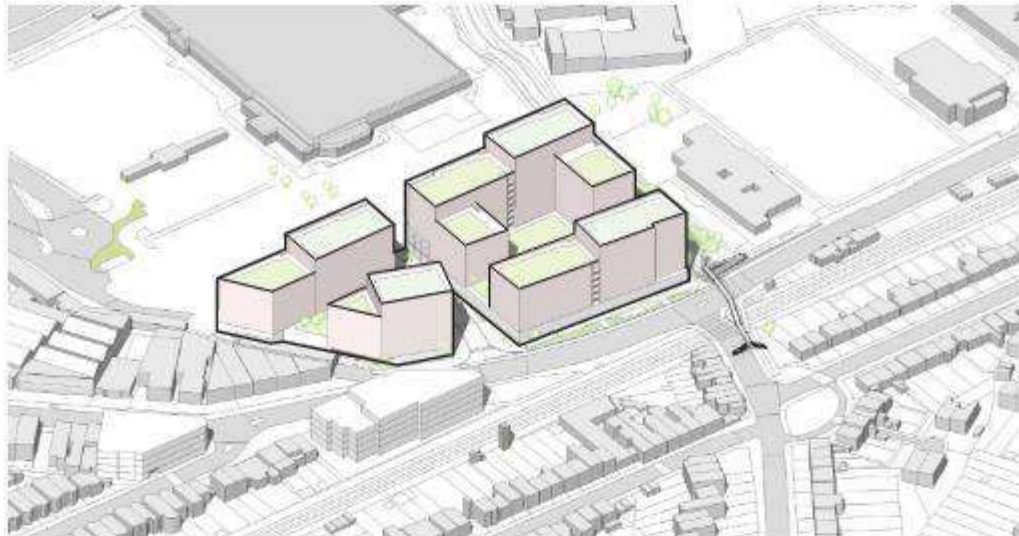


Figure 15\_Initial Concept massing model (Pre-App #1)



Figure 18\_Final Concept massing model (Pre-App #4)



Figure 16\_Initial verified view (Pre-App #1)



Figure 19\_Final view (Pre-App #4)



Figure 17\_Initial CGI illustrating ground and first floor articulation



Figure 20\_Final CGI illustrating ground and first floor articulation

## 9.0 Summary of key changes following consultation

### 9.4 Dual Aspect

The building footplate and cores were amended to create higher proportion of dual aspect apartments.

### 9.5 Active Façades

Increase the active frontages to the Burlington Road and the Access Road, creating more animated façades at street level, whilst balancing the requirements for Residential entrances, cycle and refuse storage.

### 9.6 Pyl Brook

Introduced duplex apartment to the northern elevation of Block A to create a more active frontage, safe and more pleasant access to the residential cores.



Figure 21\_Initial concept lay presented at Pre-App #1



Figure 24\_Final concept lay presented at Pre-App #4



Figure 22\_Initial CGI illustrating active façades along Burlington Road



Figure 25\_Final CGI illustrating active façades along Burlington Road



Figure 23\_Initial CGI illustrating façade along Pyl Brook



Figure 26\_Final CGI illustrating façade along Pyl Brook

## 10.0 Active frontages and design quality

10.1 The proposed ground floor layout was reviewed and critiqued numerous times throughout the design development process during both the Pre-App process and at the Design Review Panel.

10.2 Architectural treatment at the ground and first floor was designed to articulate a distinct plinth level, with a clear hierarchy between the street level expression, and residential levels above.

10.3 t p bennett developed a ground floor layout to optimise active frontages and integration of new public realm to achieve:

10.3.114.1. 76% active frontage to Burlington Road

10.3.114.2. 51% active frontage to Access Road

10.3.114.3. 64% active frontage to Pyl Brook

10.4 A fan-assisted natural ventilation strategy is proposed for the undercroft car park and therefore 2.5% of the car parks floor area is required in free area for ventilation in opposing elevations, which reduces the potential for further active frontages.

10.5 Concerns were expressed regarding the ground floor active frontage/ design quality and the contrast/hierarchy of the plinth level with the upper levels at the Design Review Panel 22nd November, Third Pre-application 3rd December 2018, and Fourth Pre-application 13th February 2019.

10.6 In response to these concerns a specific set of plinth level details were developed, improving the design quality and emphasising the active frontages at ground level. These included:

10.6.115 introduction of a colonnade to the southern block reinforces the ground and first floor expression and hierarchy. It also provides the opportunity for:

10.6.115.1. the recessed ground floor

10.6.115.2. design/lighting opportunity to soffit

10.6.115.3. realignment of the access road opportunity for increase public realm to the north side of the access road

10.6.116 corduroy brickwork coursing was introduced to create a tactile texture to the lower floors at human scale.

10.6.117 ground and first floor openings have been vertically linked on the elevations on either side of the central road to reinforce the double-height hierarchy of the base plinth.

10.6.118 first floor residential windows have been recessed to form deeper reveals

similar to the ground level reveals.

10.6.119 dark brick reveal detail has been added to first floor windows to reinforce the double height hierarchy of the base plinth.

10.6.120 two apartments introduced to the north elevation of the northern podium, opposite the Pyl Brook to create an active frontage, providing a safer and more pleasant access to the Building A residential entrance.

10.6.121 sub-station has been relocated to create pedestrian access along the Pyl Brook bank for improved visual and physical permeability.

10.7 Brick piers are expressed on the lower floors, grounding the weight of the building above and providing a streetscape at ground floor that is consistent with the architecture above. All the façade elements are connected by a podium and plinth which runs around the perimeter of the scheme. This two-storey plinth articulation ties the buildings together, providing a regular rhythm to the Burlington Road frontage and emphasising the active frontage along the realigned access road. Recessed panels of the dark grey brick between the brick piers and deeper window reveals reinforce this rhythm and two- storey articulation. The facade around the perimeter at ground floor level varies in design depending on the function i.e. shopfront, residential entrance, storage or car park ventilation panel:

10.7.122 Corduroy brick in feature panels of alternating red stock and dark grey brick or PPC Aluminium glazed shop front panel

10.7.123 Corduroy brick in feature brickwork ventilation pattern with red stock brick or PPC Aluminium full height louvred ventilation panels colour dark grey

10.7.124 PPC Aluminium full height feature pattern ventilation panels colour dark grey

10.8 The perimeter of both blocks was also reviewed, in detail with the LPA during the fourth Pre-Application, to ensure there was an acceptable level of potential animation at street level to create active frontages.

## Key

-  Corduroy brick in feature panels of alternating red stock and dark grey brick or PPC Aluminium glazed shop front
-  Corduroy brick in feature brickwork:ventilation pattern with red stock brick or PPC Aluminium full height louvred ventilation panels colour dark grey
-  Corduroy brick in PPC Aluminium glazed shop front with louvred ventilation panel above colour dark grey or PPC Aluminium full height louvred ventilation panels colour dark grey

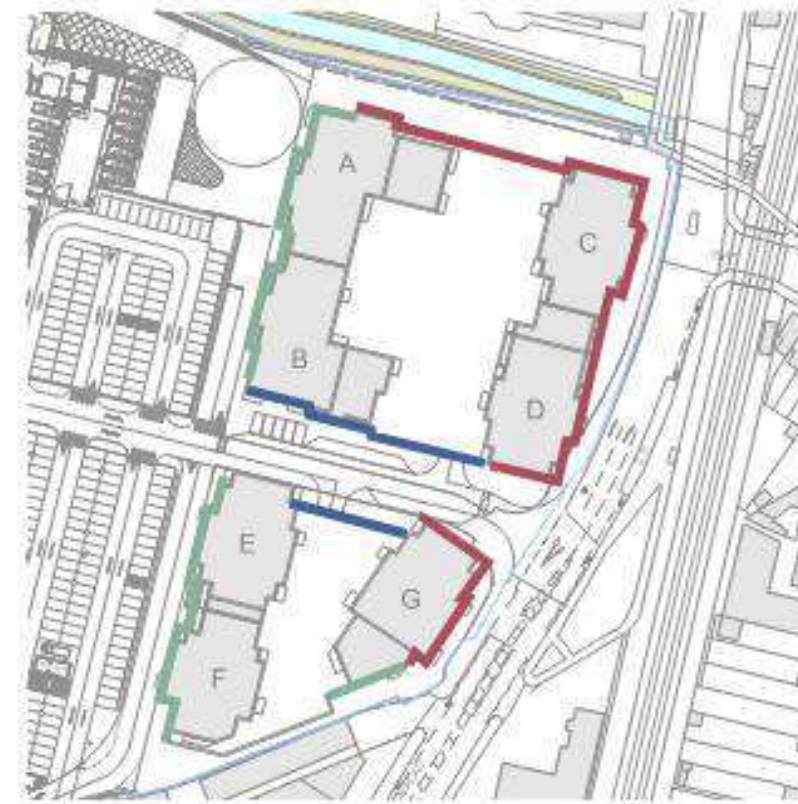


Figure 27\_Proposed active and animated frontage typologies

## 10.0 Active frontages and design quality

### 10.9 Northern Block

10.10 North facing elevation (facing Pyl Brook)\_ LPA considered acceptable with the introduction of the duplex accommodation and the relocation of the sub-station.

10.11 East facing elevation (facing Burlington Road) \_ LPA considered acceptable, as majority is active frontage.

10.12 South facing elevation (facing new access road) \_ Opportunity to reconfigure refuse holding area (TPB confirmed this exercise had been carried out and would result in the loss of parking spaces, thus not acceptable to Redrow/Tesco)

10.13 West facing elevation (facing Tesco car park)\_ LPA considered accepted as having no active frontage, however it was agreed there was potential for future introduction of commercial units, if the wider site was developed.

### 10.14 Southern Block

10.15 North\_ (facing new access road) \_ LPA considered acceptable, as majority is active frontage.

10.16 South/East facing elevation (facing Burlington Road) \_ Concern over level of active frontage, TPB to review further opportunities

10.17 South facing elevation (facing existing blank facade) Not acceptable as main access in to core F or level of animation. TPB to reviewed further and proposed alternative option for safer and easier resident access.

10.18 West facing elevation (facing Tesco car park)\_ Accepted as having no active frontage, however the colonnade introduced further level of articulation.

10.19 The planning officers summarised the final proposals that had been developed with the LPA with specific reference to the ground floor and plinth level articulation within their committee report.

10.20 (LBM Planning Report)

### 10.21 (7.6.22) Layout

10.22 (7.6.24) The proposed layout is such that there would be some active frontages at ground floor level, particularly along Burlington Road, whereby a new streetscape would be created. It is noted that within the site, there would be some areas of inactive

frontage, with bin stores and cycle stores fronting the street. However, these are interspersed with commercial units which would provide some animation and variety within the newly created street.

10.23 (7.6.25) A resident's concierge is located within the southern elevation of the block along the access road, providing active frontage, good surveillance and management of the adjacent servicing bays.

10.24 (7.6.26) Officers consider that the proposed layout is well thought out and based on sound urban design principles. It is considered the approach could enhance the character and vitality of the area.

### 10.25 (7.6.33) Frontage with Burlington Road

10.26 (7.6.34) The most visually prominent part of the site is arguably the interface with Burlington Road and the existing built form therein. Currently, the site is ground level car parking and a two-storey building. Therefore, a new street frontage would be created. The set back from the highway would allow for a relatively wide walkway, utilising both the existing public pavement and private land within the site.

10.27 (7.6.35) The space provided for landscaping here presents an opportunity to improve this part of the street and how it functions.

10.28 (7.6.37) The height of proposed buildings along Burlington Road (six- nine storeys) would provide a staggered transition to the taller buildings behind and it is considered that the street scene of Burlington Road would be significantly improved.



Figure 28\_Proposed active and animated frontage typologies



## 11.0 Planning submission addendum

11.1 The Addendum to the Design and Access Statement prepared in December 2019 (E1180BR0002) clarifies and illustrates the amendments that are proposed as a result of comments made on the application by Raynes Park High School, which neighbours the site to the north. The school does not object to the principle of development on the site, but raised concerns on several points, particularly in relation to the location of the proposed tallest building bordering their premises and the claimed potential for overlooking and overshadowing of the school property (which is disputed as described above).

11.2 The outcome of this process has resulted in the following changes to the application, which form part of this submission:

11.2.125 Redistribution of height within the scheme to reduce the height of the tallest building (building A), closest to the school, from 14 to 12 storeys of residential;

11.2.126 Increasing the height of building E, which now becomes the tallest building within the development, from 13 to 14 storeys of residential;

11.2.127 Increasing the height of building F from seven to eight storeys of residential;

11.2.128 Introducing privacy screens on the side of the balconies that have their primary aspect to the east on building A to reduce opportunities for overlooking towards the school;

11.2.129 Increasing the height of the railing of the balconies facing the school on building A to reduce opportunities for overlooking, particularly from the apartment facing the northern boundary.

.



Figure 29\_Proposed roofscape and building heights (June 2019 Submission)



Figure 30\_Proposed roofscape and building heights (December 2019 Submission)

## 11.0 Conclusion

12.1 I, Simon William Bacon, can confirm that this statement has been prepared consistent with my professional duties and in line with the code of conduct of my professional organisation. I am aware that my duty is to the inquiry, to provide my true and untrammelled professional view irrespective of by whom I am instructed. I can confirm that consistent with those duties that this statement is true to the best of my knowledge and belief. I stand-by the Design and Access Statement of May 2019 (E1180BR0001) and Addendum December 2019 (E1180BR0002) prepared by TP Bennett, which explains the design principles and concepts that have been applied to the proposed development and demonstrates the steps taken to appraise its context, and how the design considers that context..



Figure 31\_View of proposal looking North along Claremont Avenue

# Appendices

EB7 Sunlight & Daylight Assessment  
in relation to Raynes Park High School



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Jon Murch  
Davies Murch  
3rd Floor  
86-90 Paul Street  
London  
EC2A 4NE

14 October 2019

Dear Jon,

**Re: 265 Burlington Road, New Malden – Daylight, Sunlight and Shading to Raynes Park High School.  
Introduction**

This practice (eb7 Ltd) has been instructed to provide an assessment of the daylight and sunlight implications of the proposed development at 265 Burlington Road. A detailed assessment and report detailing both the external effects of the proposal as well as shading and internal daylight levels within the proposed scheme was produced dated 22nd May 2019 and submitted alongside the planning application for the proposals.

This addendum report has been produced to address queries raised by the Children, Schools and Families Department of L.B. Merton. In particular there were concerns that the effects to both the classrooms and open space of Raynes Park High School, across Pyl Brook to the north of the proposed scheme, were not covered in our study of May 2019.

Daylight and sunlight assessments are required as part of most planning applications, where the proposals may cause impact to neighbours' light (generally only residential), or where the proposed development includes new residential dwellings that have a requirement of daylight and sunlight. The guidance and methodology for the assessment of daylight, sunlight and overshadowing in relation to new developments is provided by the building research establishment's (BRE) guidance 'site layout planning for daylight and sunlight: a guide to good practice.'

**Sunlight Amenity / Overshadowing Study**

The BRE guide defines criteria by which to assess the impact of a proposed development on neighbouring open spaces using the sunlight amenity test. This test quantifies the area of each space that receives at least two hours of sunlight on 21st March, in both the existing and the proposed situations. The 21st March is chosen as it represents the mid-point of the sun's position throughout the year.

The guidance suggests that, for a space to appear well-sunlit, at least 50% of its area should receive two or more hours of sunlight on the 21st March. If the space fails to meet the above, then the area receiving at least 2 hours of sunlight should not be reduced to less than 0.8 times its former area.

We have undertaken a Sunlight Amenity test in respect of the open spaces immediately to the south and west of the school buildings in closest proximity to the proposals. These areas predominantly appear to be parking spaces but they have been assessed as the closest open school land to the proposed development. The main amenity and sports facilities situated even further to the north and north west such that they will be unaffected by the proposals.

The results of the sunlight amenity study are attached at appendix 1. The results show that virtually all of the open land assessed will achieve in excess of 2+ hours of sunlight on March 21st and, as such, will be well-sunlit throughout the year. There is virtually no change in the area that is considered well-lit as a result of the proposal and no significant permanent shading. Overall the shading effects of the scheme in respect of the school land fully meet the BRE targets.

## **Daylight & Sunlight**

The school classrooms are lit by multiple large windows to ensure good daylight and sunlight availability within the rooms. To illustrate the overall quality of retained daylight and sunlight levels within the scheme we have considered both the Average Daylight Factor (ADF) which considers overall daylight quality within the space as well as the Annual Probable Sunlight Hour (APSH) assessment which considers sunlight availability to the classroom windows. The BREEAM credit HEA01 for visual comfort when considering daylighting within buildings proposes an ADF target of 2.0% for school classrooms. The BRE guidelines suggest that well sunlit rooms should receive at least 25% ASPH throughout the year with at least 5% of this enjoyed during the winter months.

The results of these assessments are located at appendix 2 alongside a 'window' map illustrating the windows that have been considered for assessment. The results of our study show that, whilst there are some reductions in daylight levels, average daylight factors remain high with all but one space retaining ADF levels meeting and, in many cases, significantly exceeding the 2.0% ADF level. A single space, identified as room R3 at ground floor level, is marginally more sensitive due to having smaller windows than the wings to either side. Whilst it is not clear whether this space is a classroom it achieves 1.9% ADF. This 0.1% deviation would be unnoticeable to the users and is not considered to be material. In terms of direct sunlighting all of the spaces receive over 60% APSH with high levels of winter sunlight well in excess of the 5% winter target. The school therefore will remain very well sunlit and fully meet the BRE guidance.

## **Conclusions**

This practice has undertaken a detailed assessment of the potential shading and daylight / sunlight effects of the proposed 265 Burlington Road development upon the land and classrooms of Raynes Park High School situated to the north of the site. Our studies show no material shading to the most proximate open

space neighbouring the school with almost 100% of the open space continuing to achieve in excess of 2+ hours of sunlight on the assessment date.

In respect of daylight and sunlight to the classrooms all spaces retain high Average Daylight Factor levels in line with or exceeding the targets for educational buildings. Direct sunlight levels to the spaces also remain high significantly exceeding the BRE target values.

I trust the above is useful in demonstrating the limited effects of the proposal upon the school buildings. Please feel free to contact me should you need anything further in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J.A. Lonergan', with a stylized flourish at the end.

Jonathan Lonergan

Director

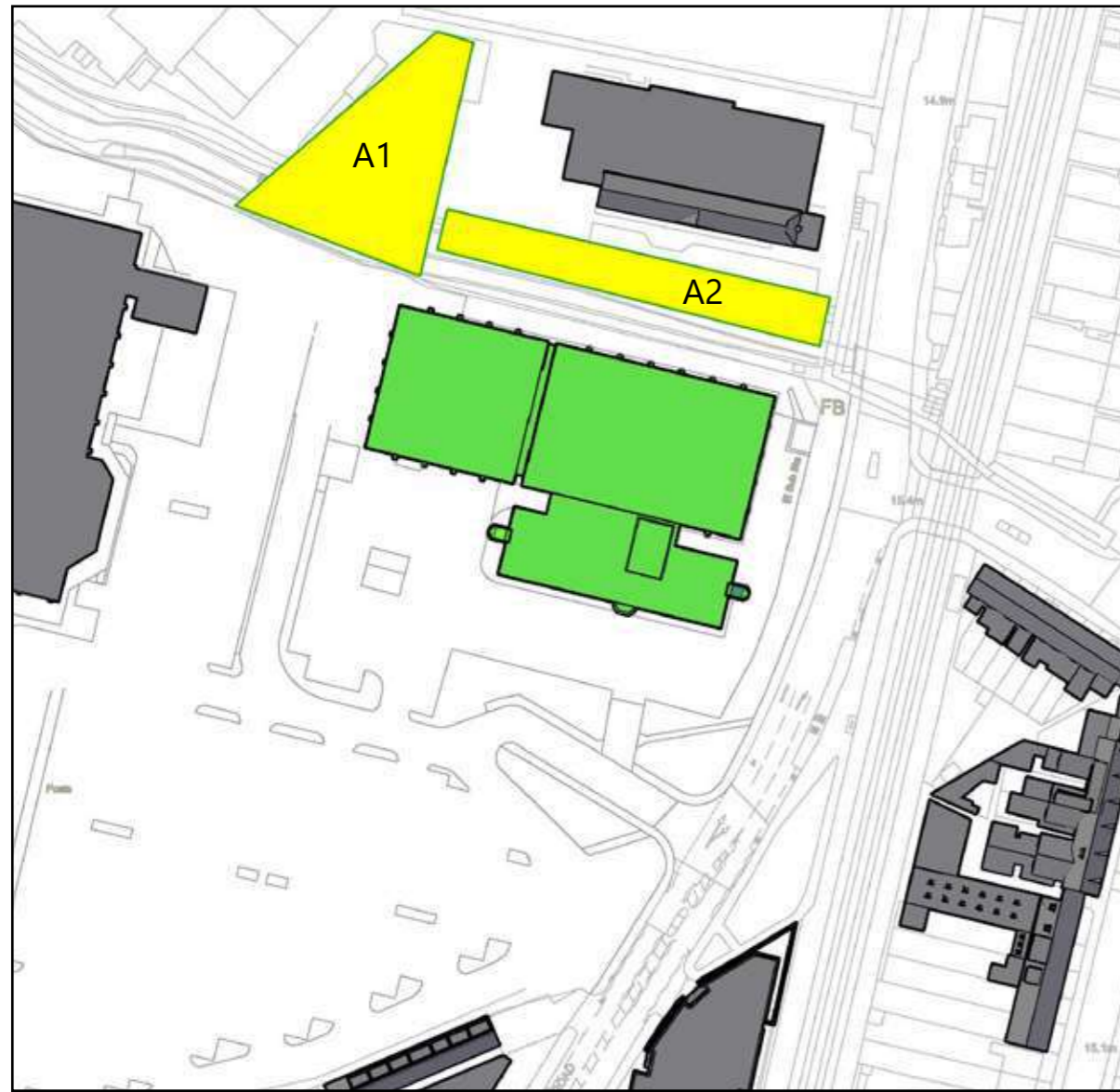
For and on behalf of EB7 Ltd





## Appendix 1

### Sunlight Amenity (Overshadowing) Study



Existing Scenario

Proposed Scenario

Area	Total Area (sq.m)	Existing area more than 2 hours (sq.m)	Existing % more than 2 hours	Proposed area more than 2 hours (sq.m)	Proposed % more than 2 hours	Retained (Pr/Ex)
1 - A1	1204.6	1204.6	100	1204.6	100	1.00
2 - A2	779.5	779.5	100	773.2	99.2	0.99

Sources of information

**Survey SOLUTIONS**

- 22753se-01.dwg
  - 22753se-02.dwg
  - 22753se-03.dwg
  - 22753se-04.dwg
  - 22753se-05.dwg
  - 22753se-06.dwg
  - 22753se-07.dwg
  - 22753se-08.dwg
  - 22753UG-01.dwg
- Received 05/10/2018

**TP BENNET Architecture**

- E1180\_X\_LVL 01.dwg
  - E1180\_X\_LVL 02-05.dwg
  - E1180\_X\_LVL 06.dwg
  - E1180\_X\_LVL 07.dwg
  - E1180\_X\_LVL 08.dwg
  - E1180\_X\_LVL 09.dwg
  - E1180\_X\_LVL 10.dwg
  - E1180\_X\_LVL 11.dwg
  - E1180\_X\_LVL 12.dwg
  - E1180\_X\_LVL 13.dwg
  - E1180\_X\_LVL 14.dwg
  - E1180D6300P1.dwg
  - E1180D6301P1.dwg
  - E1180D6302P1.dwg
  - E1180D6303P1.dwg
  - E1180D6304P1.dwg
  - E1180D2201P1.dwg
  - E1180D2204P1.dwg
- Received 20/05/2019

**EB7 Ltd**

Site Photographs  
 Ordnance Survey  
 Key:

Hours of sunlight on 21st March

Area of assessment

More than 2 hours of sunlight

Less than 2 hours of sunlight

NORTH



Project 265 Burlington Road,  
 New Malden

Title Sunlight Amenity Study  
 21st of March

Drawn BA Checked --

Date 10/10/2019 Project 3130

Rel no. 05 Prefix SA01 Page no. SA1



## Appendix 2

Daylight / Sunlight Results to Raynes Park High School



Sources of information

**Survey SOLUTIONS**

- 22753se-01.dwg
  - 22753se-02.dwg
  - 22753se-03.dwg
  - 22753se-04.dwg
  - 22753se-05.dwg
  - 22753se-06.dwg
  - 22753se-07.dwg
  - 22753se-08.dwg
  - 22753UG-01.dwg
- Received 05/10/2018

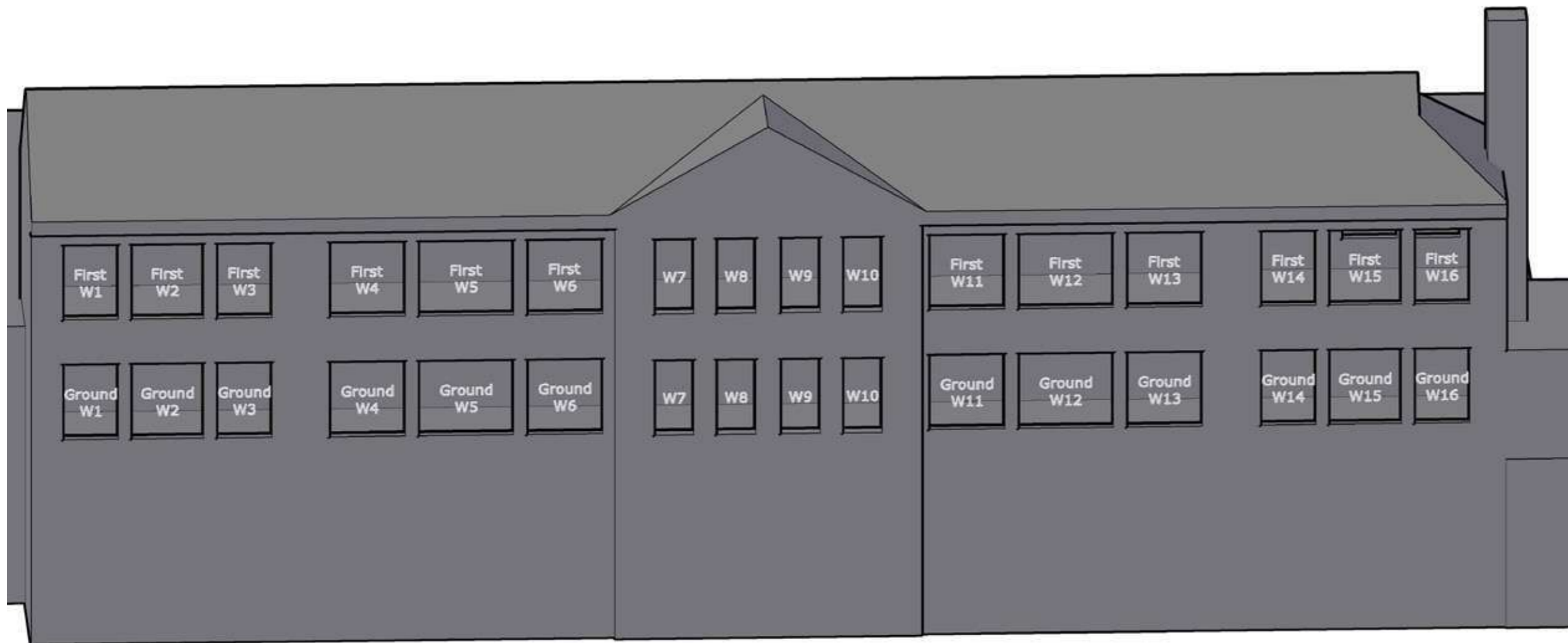
**TP BENNET Architecture**

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  - E1180A6110P1.dwg
  - E1180A6111P1.dwg
  - E1180A6113P1.dwg
  - E1180A6108P1.dwg
  - E1180A6107P1.dwg
  - E1180A6105P1.dwg
  - E1180A6102P3.dwg
  - E1180A6101P2.dwg
  - E1180A6100P3.dwg
- Received 19/10/2018

E1180\_265 Burlington Road NM\_Main Model.skp  
 Received 13/11/2018

**EB7 Ltd**

Site Photographs  
 Ordnance Survey



Project Land at Tesco  
 New Malden  
 KT3 6HP

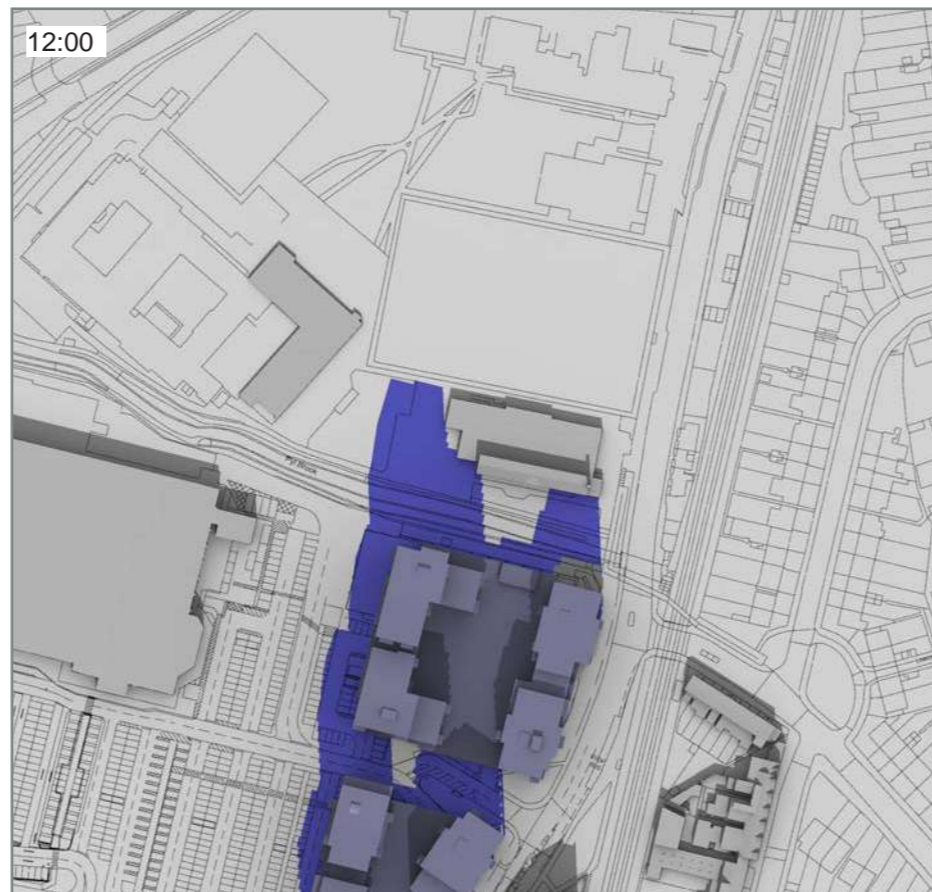
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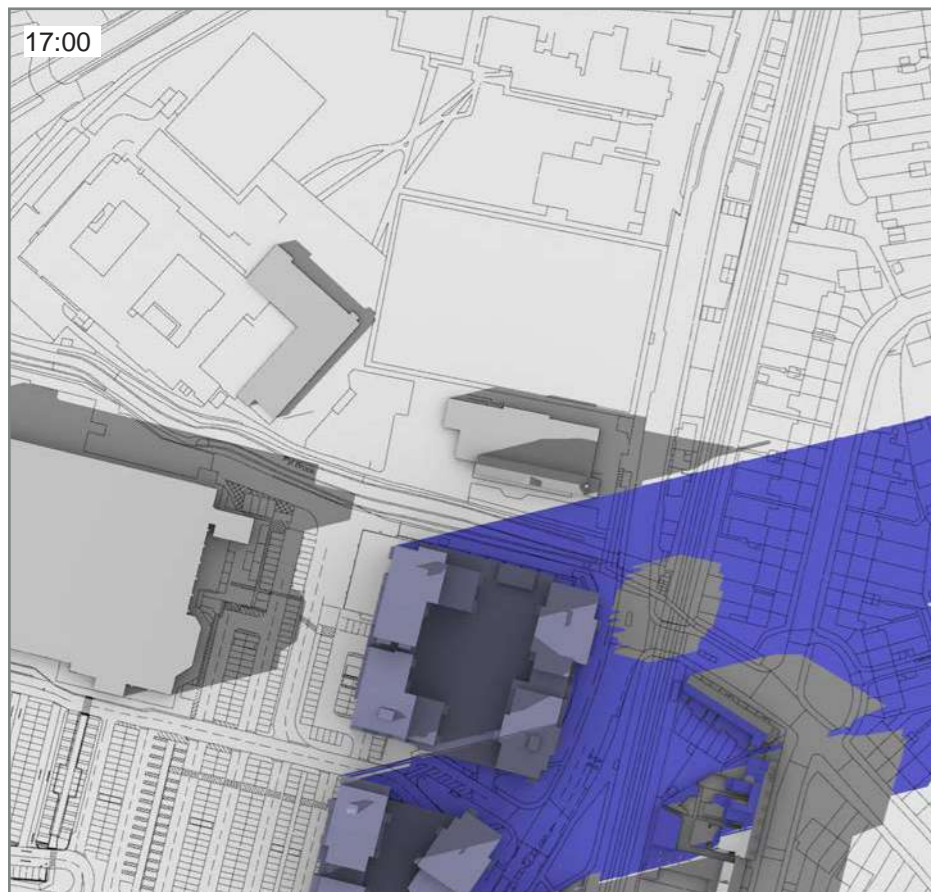
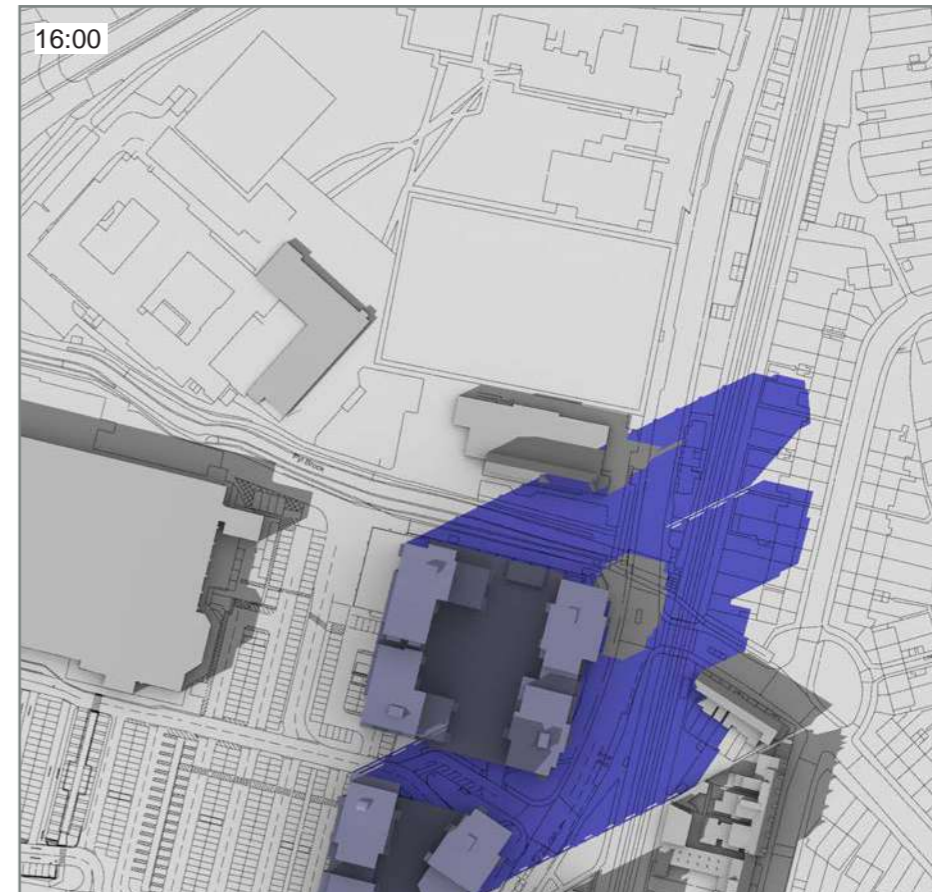
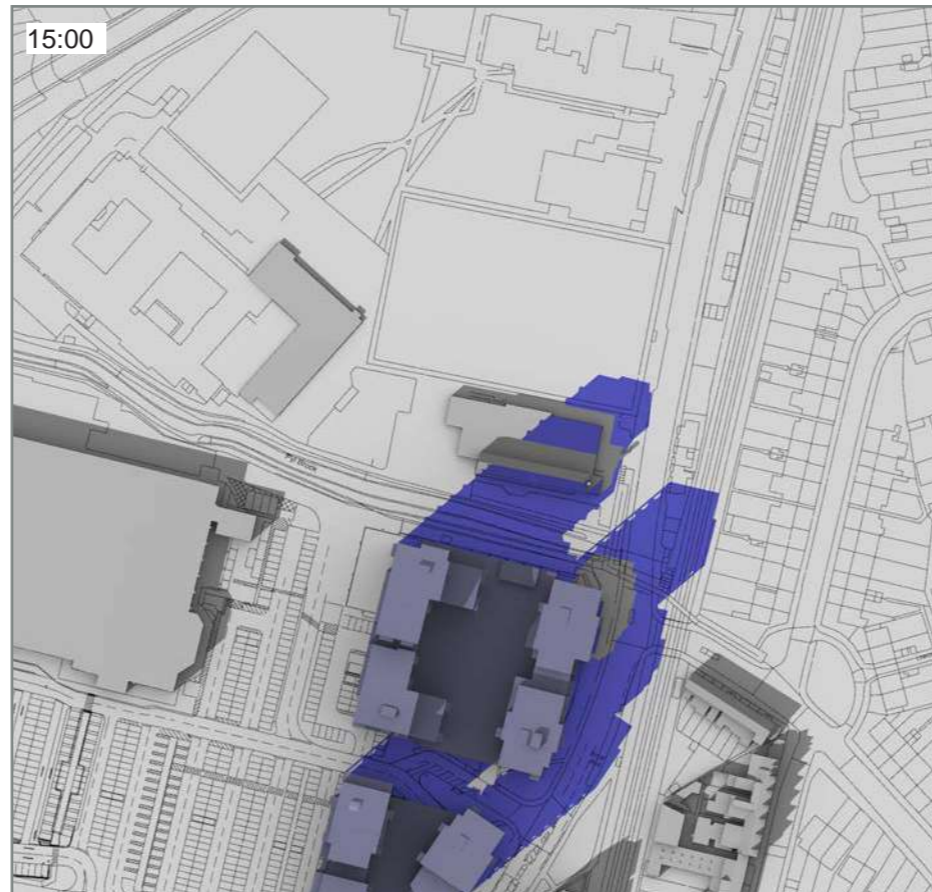
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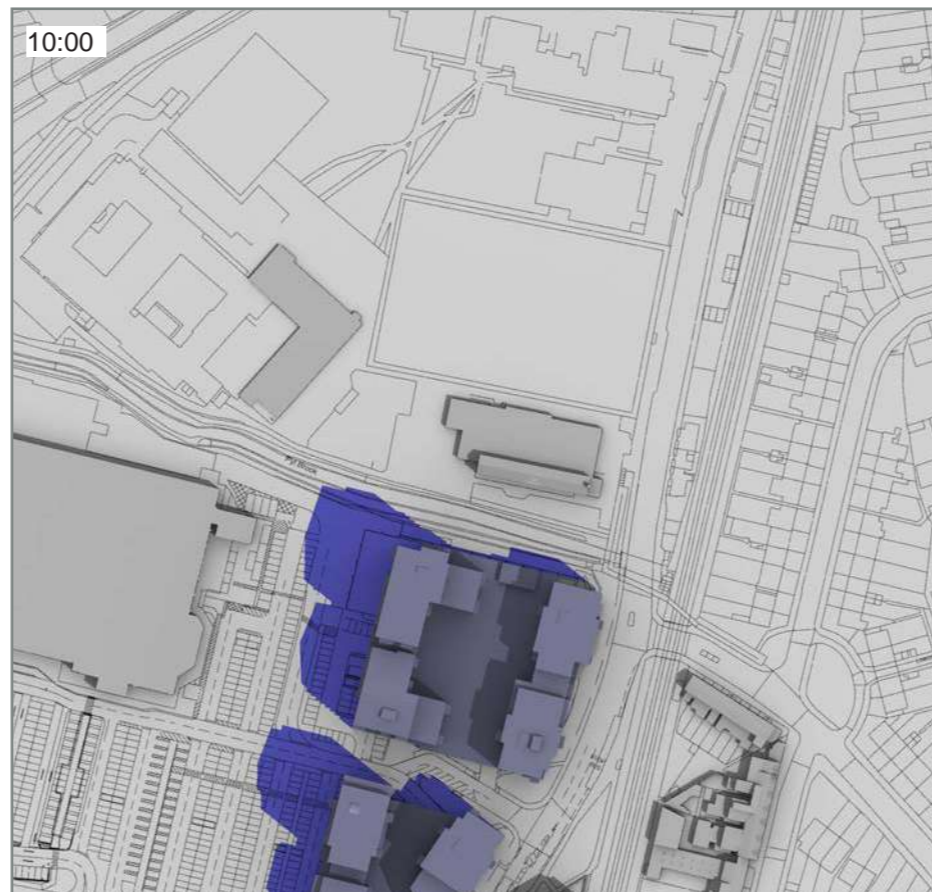
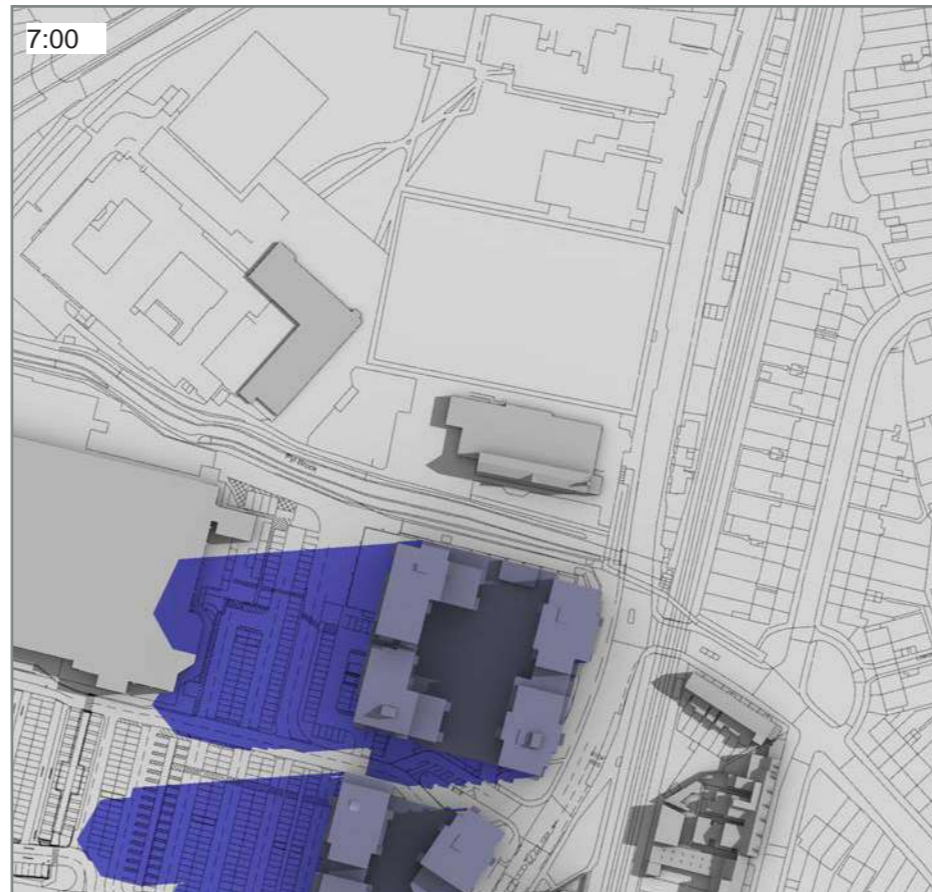
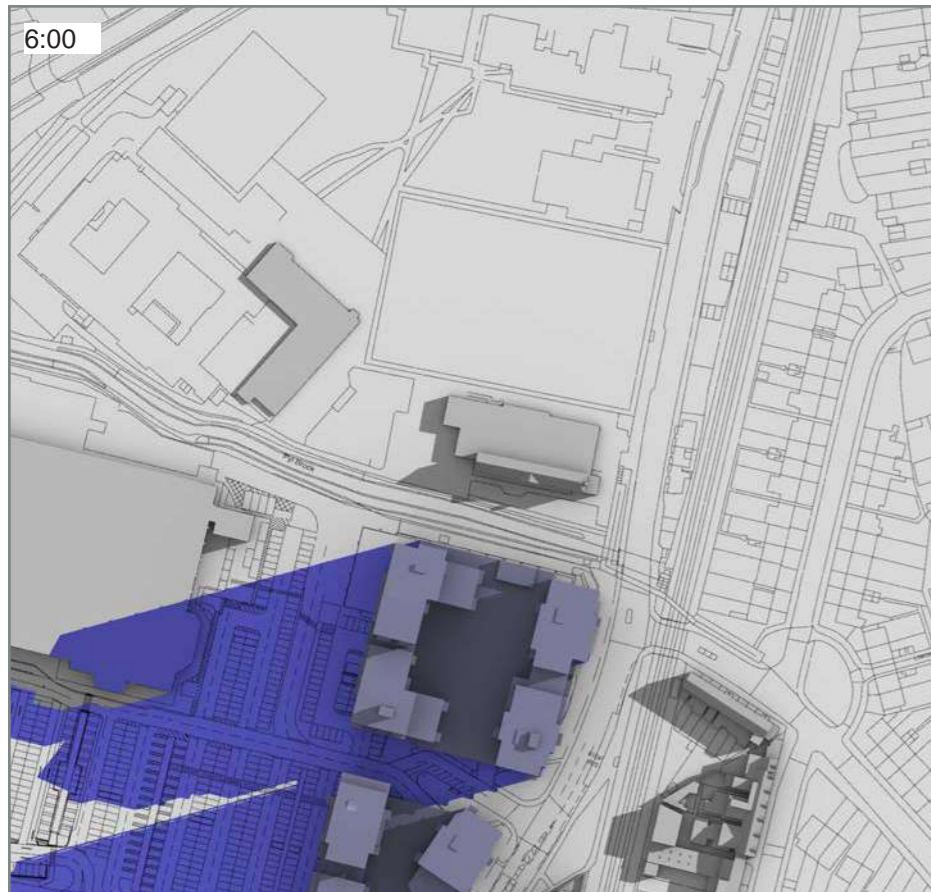
Date 14/10/2019 Project 3130

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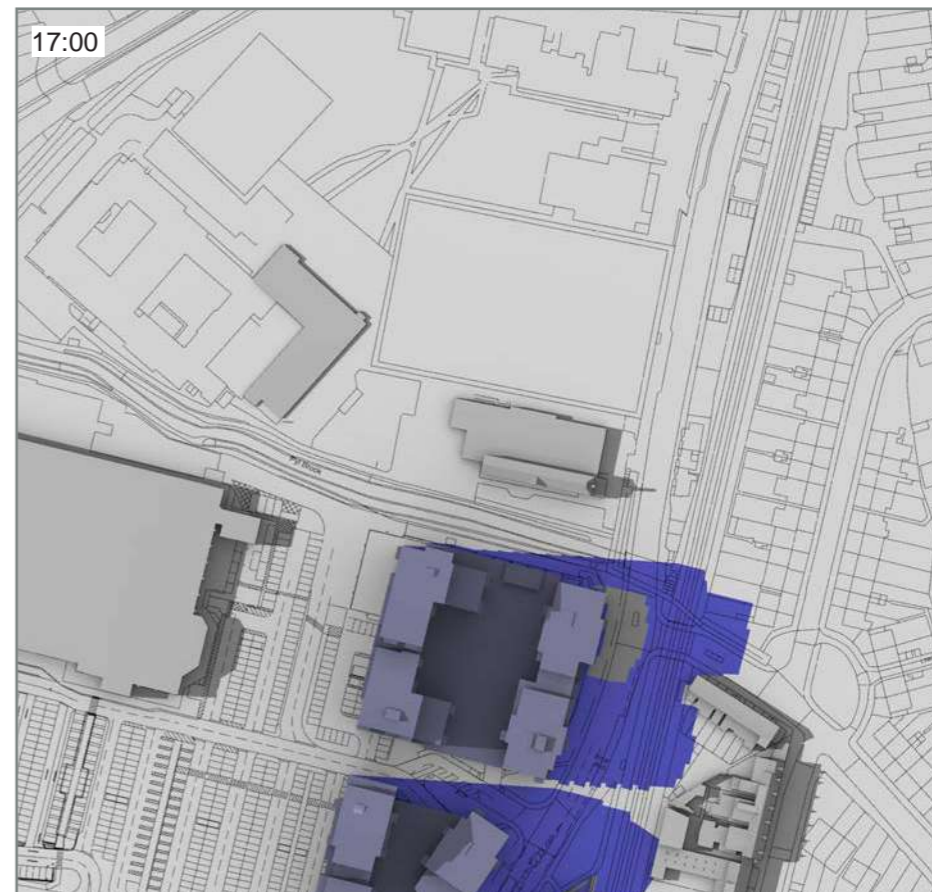
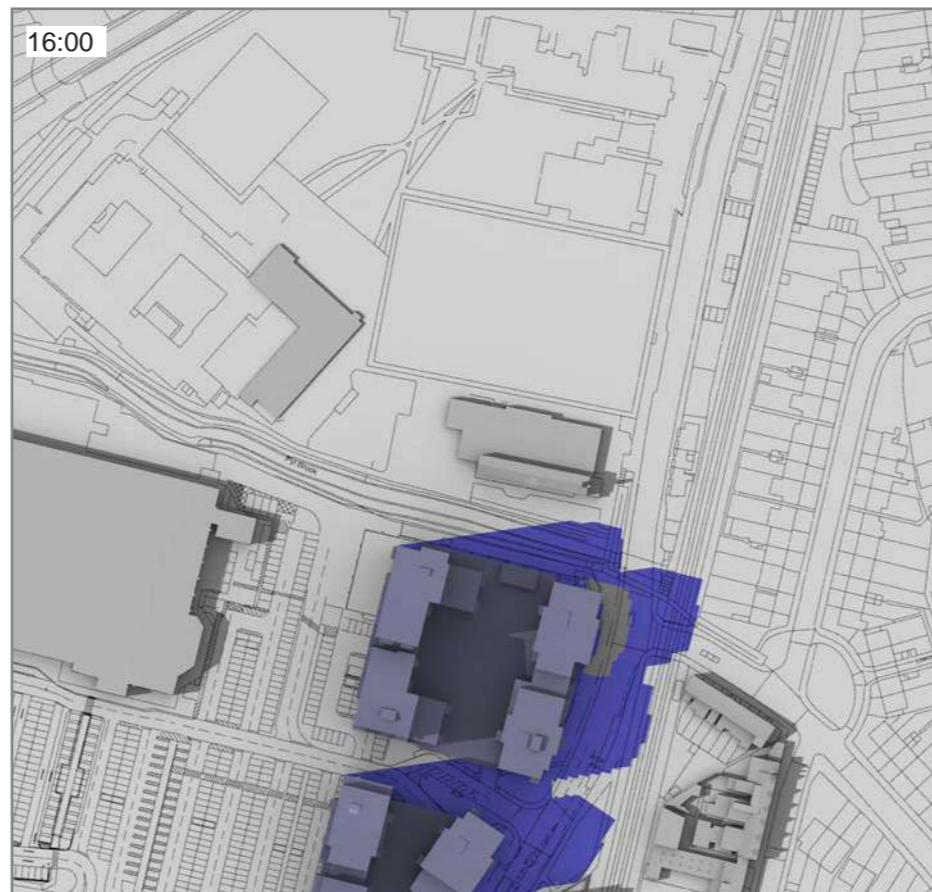
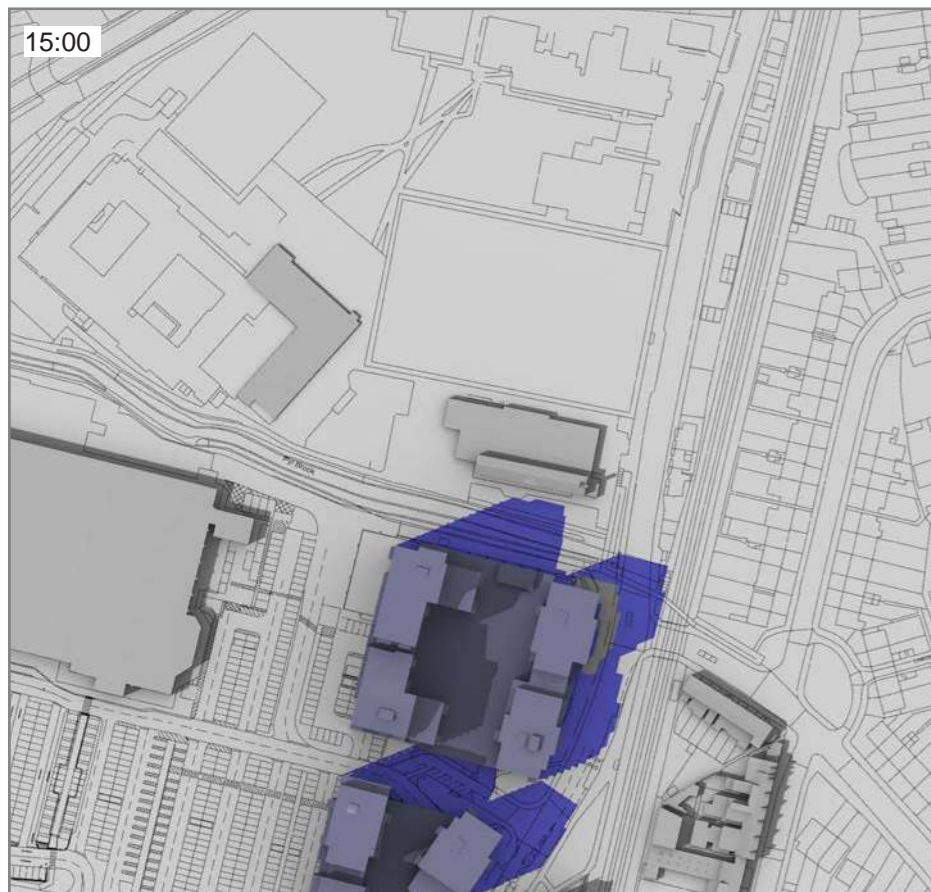
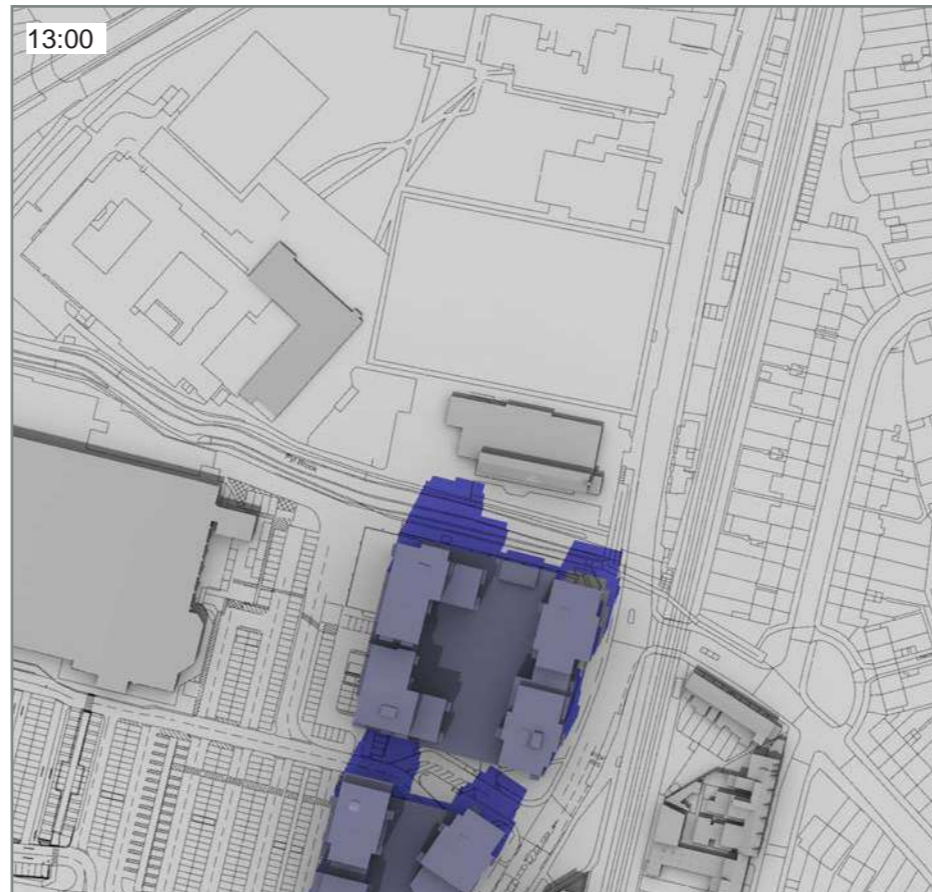
Address	Room	Window	Room Use	Existing ADF		Proposed ADF		Loss	Existing APSH		Proposed APSH		Total Retained	Winter Retained
				Window	Total	Window	Total		Total	Winter	Total	Winter		
<b>School</b>														
Ground	R1	W1	Class Room	1.1		0.7								
	R1	W2		1.4		1.0								
	R1	W3		1.1	3.6	0.7	2.5	1.2	84	28	61	13	0.7	0.5
Ground	R2	W4	Class Room	1.3		0.9								
	R2	W5		1.7		1.2								
	R2	W6		1.3	4.3	0.9	3.0	1.3	85	29	67	18	0.8	0.6
Ground	R3	W7	Class Room	0.7		0.5								
	R3	W8		0.7		0.5								
	R3	W9		0.7		0.5								
	R3	W10		0.7	2.7	0.5	1.9	0.8	85	29	68	19	0.8	0.7
Ground	R4	W11	Class Room	1.3		1.0								
	R4	W12		1.7		1.2								
	R4	W13		1.3	4.3	1.0	3.2	1.2	86	30	66	17	0.8	0.6
Ground	R5	W14	Class Room	1.1		0.8								
	R5	W15		1.4		1.1								
	R5	W16		1.1	3.6	0.8	2.7	0.9	86	30	67	15	0.8	0.5
First	R1	W1	Class Room	1.1		0.8								
	R1	W2		1.5		1.0								
	R1	W3		1.1	3.8	0.8	2.5	1.2	86	30	63	14	0.7	0.5
First	R2	W4	Class Room	1.4		0.9								
	R2	W5		1.7		1.2								
	R2	W6		1.4	4.4	1.0	3.1	1.4	86	30	69	19	0.8	0.6
First	R3	W7	Class Room	0.7		0.5								
	R3	W8		0.7		0.5								
	R3	W9		0.7		0.5								
	R3	W10		0.7	2.8	0.5	2.0	0.8	86	30	72	21	0.8	0.7
First	R4	W11	Class Room	1.4		1.0								
	R4	W12		1.7		1.3								
	R4	W13		1.4	4.5	1.0	3.3	1.2	86	30	70	19	0.8	0.6
First	R5	W14	Class Room	1.1		0.8								
	R5	W15		1.4		1.1								
	R5	W16		1.1		0.8								
	R5	W17		1.1		1.1								
	R5	W18		1.1	5.8	1.1	4.9	0.9	99	30	81	16	0.8	0.5



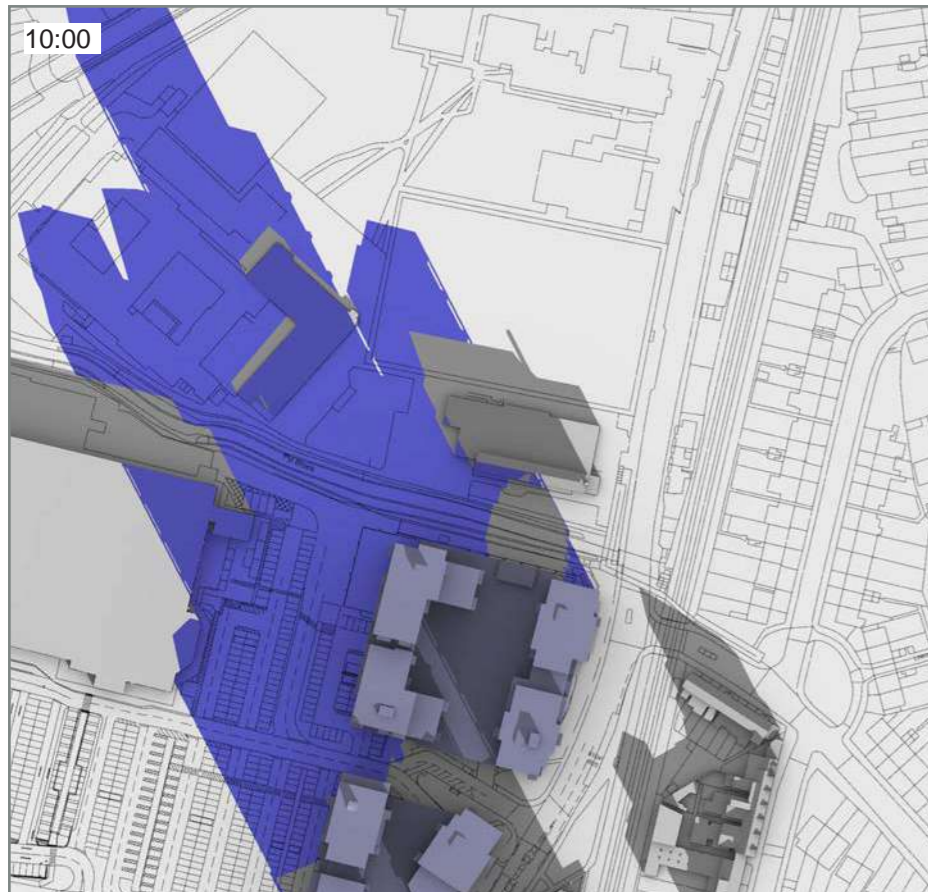












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## Appendix 5

and, effectively, through the SHLAA, the FALP has determined the extent to which individual Boroughs can contribute to meeting the strategic need for housing across London. Within the confines of the FALP's strategy there is little scope to do more.

22. I acknowledge that the NPPF requires each local planning authority to identify its own objectively assessed housing need. However, in my view, it is the role of the spatial development strategy to determine the overall level of need for London and to guide the distribution of new housing to meet that need. The Mayor points to the acceptance by previous EiP Panels that London constitutes a single housing market area with sub markets which span Borough boundaries. The Mayor also points to the findings of the High Court<sup>14</sup>, following a challenge to the Revised Early Minor Alterations to the London Plan, within which in his (undisputed) opinion, the Court accepted that although local variations exist, this did not compromise the view that London constitutes a single housing market area<sup>15</sup>.
23. Other than some fine tuning regarding local need relating to the size and type of property and tenure, there is no need, in my view, for each London Borough to duplicate the work done by the GLA and produce their own individual assessment of overall need. **IRC1** recommends that the FALP is changed to reflect this approach by removing references to London Boroughs needing to identify objectively assessed need with regard to the quantum of new housing in their areas.

### **Issue 3 – Whether the FALP's strategies, targets and policies will enable London Boroughs to meet the full, objectively assessed needs for market and affordable housing in Greater London.**

The overall need for new housing

24. The PPG advises that the starting point in assessing objectively assessed need for new housing should be the latest household projections produced by the Department of Communities and Local Government (DCLG)<sup>16</sup>. However, the PPG also recognises that DCLG's projections may require adjustment to reflect factors affecting local demography. The Mayor has chosen not to rely on DCLG's projections for reasons set out in detail in his statement to the EiP<sup>17</sup>. In brief, the Mayor considers that the methodology underpinning the Office for National Statistics (ONS) 2011 subnational population projections (SNPP) has led, in London, to distorted projections of births, deaths and internal migration flows.
25. The Mayor's approach to population projections was explained at the Technical Seminar and is set out in FA/KD/03g. The GLA's assessment is thorough, based on sound methodology and on logical assumptions. The Mayor's contention that the GLA's population projections have proven to be more accurate than the 2011 based SNPP when measured against the ONS mid-year population data is not disputed. DCLG's household projections for London are based on the 2011 based SNPP and, in the circumstances, I am satisfied that

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<sup>14</sup> FA/BD/99

<sup>15</sup> 01/Session 2, paragraphs 2b3

<sup>16</sup> Reference ID: 2a-015-20140306

<sup>17</sup> 01/Session 2, paragraphs 2a3 to 2a19

the Mayor is justified in carrying out his own assessment. The projections are also used by TfL, by many London Boroughs with regard to projected school rolls and to inform other Mayoral strategies. The benefits of using a consistent set of statistics to inform the wide range of plans and strategies being implemented across London weighs in favour of the Mayor's approach.

26. The GLA accepts that there is a significant degree of uncertainty regarding the impact of the recession and recovery on migration. Net domestic out migration from London fell from around 70-80,000 per annum (pa) pre 2008 to 32,000 pa the year after. Levels have begun to increase as the economy has recovered but the trend is difficult to predict. The reasons for this are set out in the SHMA<sup>18</sup> and are far too long and complicated to go into in detail here but are mainly due to difficulties in obtaining accurate/reliable data and the volatility of migration flows which can be affected significantly by changes in the economy, government policy and world events.
27. The SHMA considered three migration scenarios, one based on migration trends being unaffected by the economic recovery, the second assuming a return to pre-recession 'norms' and the third, mid-way between the other two representing a partial return to previous trends. These scenarios resulted in London's population being estimated to rise from 8.2m in 2011 to between 9.8m and 10.4m in 2036. The high and low variants are both plausible and the Mayor is criticised for choosing the central path. However, given the inherent uncertainties set out above and the tentative state of the economic recovery, it seems reasonable not to plan on the basis of the 'extremes'.
28. The central projection assumes that London's population in 2036 will be 10.11m. The GLA's demographers then applied the same methodologies and assumptions used by DCLG to formulate household projections. The outcome is that meeting London's objectively assessed need (including the backlog) over 10 years would require a build rate of 62,000 dwellings per annum (dpa). Meeting need over 20 years would require a rate of 49,000 dpa.
29. Concerns are raised by community groups that the SHMA does not take sufficient account of affordability and does not distinguish between affordable rent, social rent or take sufficient account of minority groups. However, the SHMA complies with the PPG with regard to the assessment of affordable housing and also includes assessments of groups such as students, the disabled and the elderly. The SHMA does not refer to market signals but does recognise the significant problems of affordability in London.
30. The GLA acknowledge that the projections are uncertain, particularly with respect to migration, and this is the main reason why a review of the Plan is planned to start in 2016. However, it seems to me, having considered all the evidence and the submissions, that they are reasonable and probably the best available assessment of objectively assessed housing need for London at this time.

Will the FALP deliver enough homes to meet the identified need?

31. Table 3.1 of the FALP sets targets for the London Boroughs which total 42,389 dpa, around 6,600 dpa short of what is necessary to meet objectively

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<sup>18</sup> FA/KD/09, paragraphs 3.10 to 3.34



assessed need over 20 years. The Mayor expressed confidence at the hearings that; by maximising opportunities in town centres, on surplus Strategic Industrial Land (SIL) and in Opportunity Areas, 49,000 dwellings a year could be granted planning permission but was unwilling to commit to increasing the target.

32. Paragraph 3.18 of the FALP warns London Boroughs that for their local plans to be found sound '*they must demonstrate they have sought to boost supply significantly by meeting the full objectively assessed needs for market and affordable housing in the housing market area*'. FSC3.1 and FSC3.3 introduce a requirement for London Boroughs to, amongst other things, meet the target set out in Table 3.1, relate this to their own assessment of need and address any gap between supply and need by seeking to exceed the target. It goes on to state that this should be done by, amongst other things, finding additional sources of supply and through the duty to co-operate.
33. The GLA's officers stated at the EiP that they would work with the Boroughs to increase supply and to ensure that local plans are in general conformity with the FALP. However, in order to be in general conformity with Table 3.1, Boroughs need only meet their individual targets. In the absence of any clear guidance as to exactly how and where the additional 6,600 dpa will be found it is difficult to see how a housing target in a local plan would not be in general conformity if it made provision for the figure in Table 3.1 and no more. There is no mechanism in the FALP to indicate how the 6,600 dpa would be apportioned or distributed. Without this I do not see how the Mayor can guarantee the delivery of the additional 6,600 dpa necessary to meet the identified need.
34. I say above why I do not consider that London Boroughs should be required to carry out their own assessments of overall need. I consider the SHLAA in more detail below but, for the reasons given, I find that it provides a reasonably accurate picture with regard to capacity. It is not easy to see, therefore, where London Boroughs would find additional sources of supply. Capacity could be increased but I have significant concerns regarding whether higher densities can or should always be sought or achieved<sup>19</sup>.
35. The PPG advises that the degree of co-operation between boroughs will depend on the extent to which strategic issues have already been addressed in the London Plan<sup>20</sup>. Further, given that the minimum targets in Table 3.1 are based on the SHLAA's estimate of capacity in each Borough, it is difficult to see how co-operation between them will increase supply. Table 3.19 of the SHLAA compares the capacity within Boroughs to the 2012 DCLG household projections. In all but 9 Boroughs the projections exceed capacity with a total annual shortfall of 10,200. Outer Boroughs could seek help from their neighbours beyond the GLA boundaries but the FALP is not predicated on such an approach.

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<sup>19</sup> Higher than the densities set out in the Sustainable Density Quality (SRQ) Density Matrix (London Plan Table 3.2, unchanged by the FALP)

<sup>20</sup> Reference ID: 9-007-20140306

## The Strategic Housing Land Availability Assessment

36. The figures in Table 3.1 derive from the SHLAA. The SHLAA is London wide, it is a huge undertaking and given the number of sites, it would be unrealistic to expect 100% accuracy. Questions are raised with regard to the treatment of small sites and the assumptions made about the delivery and timing of others. The Mayor worked with the London Boroughs and others in the production of the SHLAA and its results are generally supported. It is argued that the estimates for small sites do not take local conservation and character designations into account. However, the estimates are based on the figures for such development over a 10 year period and, unless local designations are new, should have taken their impact on development into account. The 10 year trend also includes the recession and, in the absence of any alternative London wide analysis, I consider the small sites figures in the SHLAA to be a reasonable assessment of capacity. With regard to large sites, I have neither heard nor read anything to lead me to question the Mayor's assertion that the assumed capacity figures are policy compliant<sup>21</sup> and that the SHLAA incorporates sensitivity testing. Consequently, I consider that the SHLAA provides a reasonable estimate of capacity.
37. It is not enough to identify capacity. Delivery is critical to meeting the pressing need for new housing in London and one must consider whether and when these sites will deliver the number of homes envisaged in the SHLAA. The SHLAA identifies sites with planning permission and those allocated in development plans. Although it is reasonable to consider sites with planning permission as commitments, the Mayor's 'Barriers to Housing Delivery – Update' of July 2014<sup>22</sup> looked at sites of 20 dwellings or more and reports that only about half of the total number of dwellings granted planning permission every year are built. This can also be seen in Table 3.20 of the SHLAA which shows average completions between 2004-2012 of 24,694 pa compared to an average of 58,167 dwellings permitted each year.
38. The average rate of 24,694 between 2004 and 2012 included the pre-recession boom years. The average rate only fell to 23,281 between 2008-2012 indicating that the recession did not hit the house building industry in London as hard as it did elsewhere (and also indicates that the average pre-recession rates can't have been much higher than 24,694). This puts an annual target of 42,000 dpa in context and illustrates that achieving it would represent a significant increase above historical levels.
39. The SHLAA includes a sophisticated phasing system which identifies committed, allocated and other high probability sites in phases 2 and 3 (2015 to 2025, Phase 1 being up to 2015). However, most of the sites in the SHLAA are previously developed. Many are occupied by existing uses and/or are contaminated or have other constraints such as multiple ownerships or environmental issues<sup>23</sup>. It will take time for these obstacles to be overcome (and money). Opportunity Areas provide a large chunk of the capacity but will not be delivered quickly. Further, the new targets in Table 3.1 will also need to be worked through to new allocations in Borough's Local Plans.

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<sup>21</sup> For example; amenity, open space and social infrastructure requirements, environmental or heritage matters and flood risk.

<sup>22</sup> FA/BD/103

<sup>23</sup> FA/KD/10

40. Even if it can be achieved, 49,000 dpa meets objectively assessed needs (and backlog) over 20 years. The PPG states that local planning authorities should aim to deal with any undersupply in 5 years<sup>24</sup>. No build rate figure is given to indicate how many new homes would be needed to address the undersupply in 5 years but, as stated above, the rate would need to be 62,000 dpa to meet London's needs in 10 years. That is the total need to 2025 not just undersupply but it is highly likely that the number of homes required to meet need and the undersupply in 5 years would be greater than 49,000 dpa.
41. Reaching 49,000 dpa requires densities to be increased. The Mayor argues that an increase in one PTAL level<sup>25</sup> justifies an increase in assumed density. That may be so but it depends on the infrastructure being put in place to improve accessibility. I heard and have no doubt that TfL are working hard to improve London's transport system but it will not be achieved overnight nor will all areas benefit. The impact on increasing densities on townscapes<sup>26</sup>, existing communities and on social and physical infrastructure also needs to be considered.
42. It cannot be assumed, in my view, that it will be appropriate to increase densities over the existing Density Matrix guidelines in all cases. Town centres are accessible locations but each has its own character which new development should respect. Opportunity Areas and large sites have the potential to determine their own character and identity but they should still have regard to their surroundings. Meeting the pressing need for housing in London will require new, innovative and possibly unpopular solutions but care must be taken not to damage its environment such that it becomes an unpleasant place to visit, live and work.

#### Affordable Housing

43. The FALP makes few changes to the London Plan's policies relating to affordable housing. The most significant being; increasing the annual target from 13,200 to 17,000 affordable homes per year, changes to the income thresholds and the application of eligibility criteria for intermediate housing and requiring developers to submit appraisals to demonstrate that they are maximising the provision of affordable housing. The definition of affordable housing is not changed and is not a matter for the EiP.
44. The Mayor acknowledges that the FALP target falls short of the need for 25,600 affordable dpa identified in the SHMA. There are calls to increase the target and to require developers to accept higher proportions of affordable houses but the target must be realistic and viable and plans must be deliverable<sup>27</sup>. The Viability Assessment which accompanies the SHLAA<sup>28</sup> assumed, amongst other things, that affordable housing would be provided in accordance with existing policy requirements. 17,000 dpa represents about 40% of the 42,389 dpa target set in Table 3.1 which is consistent with the proportion set in the current plan (overall target; 32,210 - affordable housing target; 13,200). The viability assessment is a high level study and there may

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<sup>24</sup> Reference ID: 3-035-20140306

<sup>25</sup> Public Transport Accessibility Level

<sup>26</sup> Including the historic environment

<sup>27</sup> NPPF, paragraphs 173 to 177

<sup>28</sup> FA/KD/11

be opportunities for achieving more. However, I am satisfied that the assessment demonstrates that the 17,000 dpa target can be achieved without putting the delivery of housing at risk.

45. The FALP increases the upper income limit for eligibility for intermediate housing from £64,300 to £66,000 for one and two bed homes and from £77,200 to 80,000 for 3+ beds. In both cases the lower end of the range is unchanged at £18,100. The upper thresholds are set by dividing the lower quartile London house price by 3.5 (a typical mortgage multiplier).
46. The Mayor accepted at the EiP that in certain parts of London people earning below the upper threshold could afford housing on the open market. The NPPF defines affordable housing as '*social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market*<sup>29</sup>. It goes on to state that; '*Eligibility is determined with regard to local incomes and local house prices*'. The income eligibility thresholds set in the FALP are based on London wide house prices and, although the GLA argue that there are safeguards in place to prevent affordable housing 'tourism', the approach to intermediate housing in the FALP does not accord with national guidance.
47. The FALP deletes text which allowed eligibility criteria to be set locally to recognise the individual characteristics of local housing markets. London Boroughs would still be able to set local criteria but I consider that the deleted text provides greater clarity and should be reinstated with the FALP thresholds becoming the default position where local income criteria are not set (**IRC2**). Where local eligibility criteria are set the FALP limits their application to 3 months from the point of initial marketing. Some London Boroughs contend that 3 months is too short but I agree with the Mayor that it is important that homes that can meet a need do not stand empty. Boroughs should, through Section 106 Agreements, be able to require developers to notify them in advance of or agree a date for marketing and ensure that local people are aware. However, I do agree that Boroughs should be able to apply local eligibility criteria at the point of re sale or re let (**IRC2**)<sup>30</sup>.
48. The requirement for developers to provide appraisals to demonstrate that schemes maximise the provision of affordable housing is welcomed. I understand the frustrations expressed by many representors but it is not possible to require developers to divulge commercially confidential information.

#### Housing for the elderly

49. According to '*Assessing Potential Demand for Older Persons Housing in London*'<sup>31</sup> there is an annual net requirement for 3,900 specialist homes for the elderly (2015 to 2025). The authors used data from the 2011 census to produce individual benchmarks for each London Borough and these are set out in Table A5.1. The table also gives an indication of tenure split.

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<sup>29</sup> Annex 2: Glossary

<sup>30</sup> I asked further questions regarding intermediate housing after the close of the hearings. See FA/EX/77.

<sup>31</sup> FA/KD/13

50. The data supporting the benchmarks is challenged and I have seen evidence from one London Borough which indicates that the number of care home beds in its area may have been underestimated. However, there can be no doubt that we have an aging population and the Mayor's study reports a lack of new schemes and that a significant amount of the existing affordable rented stock is not fit to house frail older people. Further, the indicative benchmarks in Table 5.1 have been produced to inform the production of local plans and are not targets. The glossary to the FALP includes a definition of specialist housing for older people which should aid Boroughs both in formulating their strategies and in monitoring. It is right, in my view, that the FALP should provide strategic guidance in this regard and require London Boroughs to identify and address the needs of the elderly.

#### Student accommodation

51. The Mayor's Academic Forum<sup>32</sup> considered issues including student numbers, types of provision and distribution and made a number of recommendations to be carried forward into the FALP<sup>33</sup>. Not all the members of the Forum agreed with its recommendations and I heard from some who consider the requirement for between 20,000 to 31,000 (2015 to 2025) bed spaces to be too low. I appreciate that the data used by the Forum is around two years old. However, its recommendations are based on a thorough analysis of past and current student numbers, population projections and an evidence based assumption of the proportion of the student population that would be accommodated in purpose built accommodation<sup>34</sup>. I have seen no equally thorough analysis and am satisfied that the FALP's target is supported by reliable evidence.
52. The FALP encourages a dispersal of student accommodation away from the areas of greater concentration in central London. I appreciate the advantages of students living close to their place of learning but student housing has the potential to contribute to the regeneration and diversification of town centres and to the FALP's aim of addressing London's housing needs by increasing densities in town centres. Student accommodation operates differently to normal rented accommodation and securing and providing affordable student housing provides unique challenges. However, I don't doubt there is a need and it is not for the FALP to set out the detailed mechanisms for securing affordable student accommodation.

#### Other matters

##### Housing Standards Review

53. In response to a suggestion from the Secretary of State<sup>35</sup> the Mayor proposes a minor change to the Overview and Introduction chapter of the Plan to indicate that a minor alteration will be made at the appropriate time to align the Plan with the Review<sup>36</sup>.

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<sup>32</sup> The Forum includes representatives from universities, London Boroughs and providers of student accommodation.

<sup>33</sup> FA/KD/14

<sup>34</sup> For a more detailed explanation of the approach see FA/BD/14 or 01/Session 4, paragraphs 4b1 to 4b20

<sup>35</sup> FA/EX/67

<sup>36</sup> FA/EX/65

## London's Living Spaces and Places

54. The FALP's housing target and the need to provide the schools, jobs, health services and other infrastructure to support this increase in new homes will put significant stress on London's existing built environment and its communities. The Plan includes policies which seek to protect local character, heritage assets, open spaces and to create attractive lifetime neighbourhoods<sup>37</sup> with the facilities communities need and, in theory, therefore, the FALP includes the tools to ensure that growth is properly managed. However, the Mayor's representative conceded at the EiP hearings that there would be winners and losers. I am concerned that the strategy of accommodating the development necessary for London's growth within its existing built confines<sup>38</sup> will place unacceptable pressures on the city's communities and environment.

## Conclusions

55. I am satisfied that the Mayor's population and household projections, SHMA and SHLAA are based on good evidence and robust methodology. The household projections and the SHMA point to the urgent need to address the requirement for new housing in London. The GLA is exploring ways to address the need and through the FALP seeking to provide a solution. In addition to the measures described above the Mayor is seeking to reduce the number of vacant homes and encouraging alternative sources of supply such as self build and the private rented sector which can deliver houses faster than traditional build for sale schemes. This is to be supported as is the focus on regeneration and meeting London's needs through the development of brownfield land. However, the strategy has significant and potentially serious implications for delivery and for existing communities which will have to face the consequences of intensifying development in the existing built up area.
56. The targets set in Table 3.1 will not provide sufficient housing to meet objectively assessed need and I am not persuaded that the FALP can ensure that the additional 6,600 dpa will be delivered. Nor do I consider that the Mayor can rely on paragraph 47 of the NPPF or the duty to co-operate to make London Boroughs provide more. It is not enough to grant planning permissions, homes have to be built and the target rate of 42,000 dpa is significantly higher than has been achieved since 2004 and the boom years before the recession.
57. The evidence before me strongly suggests that the existing London Plan strategy will not deliver sufficient homes to meet objectively assessed need. The Mayor has committed to a review of the London Plan in 2016 but I do not consider that London can afford to wait until then and recommend that a review commences as soon as the FALP is adopted in 2015 (**IRC3**). In my view, the Mayor needs to explore options beyond the existing philosophy of the London Plan. That may, in the absence of a wider regional strategy to assess the options for growth and to plan and co-ordinate that growth, include engaging local planning authorities beyond the GLA's boundaries in discussions regarding the evolution of our capital city.

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<sup>37</sup> Including significant changes to Policy 7.15 relating to managing the impact of noise, which subject to the Mayor's proposed changes, I support.

<sup>38</sup> FA/EX/08; Deputy Mayor's Opening Address

58. Non adoption of the FALP would result in the retention of the existing housing targets in the London Plan (32,210 dpa<sup>39</sup>) which are woefully short of what is needed. Despite my reservations, therefore, I consider that, subject to a commitment to an immediate review, the FALP should be adopted as not to do so would perpetuate the existing under delivery by not requiring Boroughs to increase supply.

**Issue 4 – Whether the FALP's strategies and policies enable London Boroughs to meet the need for employment in Greater London.**

59. The FALP does not set a target for employment but predicts that the number of jobs could increase from 4.9m in 2011 to 5.8m in 2036<sup>40</sup>. Community groups question the assumptions made in arriving at this figure and the reliance on a survey carried out in 2009 (a more recent study relating to offices was published in 2014). The Mayor acknowledges that predicting levels of employment is not easy but, based on historical trend data, is confident that the projected level of growth over the plan period is as accurate as it can be. With regard to the 2014 office study, uncertainties over forecasts for office floor space and density assumptions led the GLA to conclude that it was safer to rely on the long term trends. I have neither heard nor seen anything to lead me to doubt the Mayor's assertion that past historical projections have performed reasonably well. Further, The City of London and industry representatives support the FALP projection.
60. Historic data also captures the interconnections between the different sectors of London's complex economy. I have seen no evidence to show that the FALP ignores small businesses or the contribution they make. I heard complaints that small businesses are being squeezed out but the London Plan encourages and supports diversity, small businesses and local economies and the provision of suitable work spaces in terms of type, size and cost. Representatives argue that the Mayor does not have an understanding of micro economies and the benefits arising from small businesses being located close together. However, I have seen nothing to suggest that the projections are not based on data relating to the whole economy. Further, the FALP is a strategic plan. The NPPF requires local planning authorities, in preparing local plans, to demonstrate an understanding of the needs of businesses in their area and I see nothing in the FALP to prevent them from doing this.
61. Policy 4.4, which seeks to ensure the provision of a sufficient stock of land and premises is not proposed to be changed but a change to paragraph 4.23 would allow the release of surplus industrial land. This accords with national policy<sup>41</sup> and the need for housing is such that it would be wrong to prevent the re use of industrial land which has no reasonable prospect of being used for employment.
62. In response to the loss of small scale offices to higher value residential and the recommendations of the London Office Review Panel, Policy 4.3 is proposed to be altered to enable Boroughs to protect small scale offices within the Central Activities Zone (CAZ). The policy would also require residential development in the CAZ to compensate for the loss of offices by contributing

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<sup>39</sup> Table 3.1; 2011 London Plan

<sup>40</sup> Paragraph 1.24

<sup>41</sup> NPPF, paragraph 22

## Appendix 6



**Is the need for 66,000 additional homes per year identified by the Strategic Housing Market Assessment (SHMA) justified and has it been properly calculated for market and affordable housing having regard to national policy and guidance?**

127. The SHMA<sup>69</sup> identifies a need for 66,000 additional homes per year 2016 and 2041 and closely follows the methodology of the 2013 version which was endorsed by the FALP Inspector<sup>70</sup>. The need identified then was for 49,000 homes a year. The latest SHMA does not follow the guidance in the PPG on *Housing and economic needs assessments* on objectively assessed need. Instead it uses the GLA's population projections with a 10 years period to assess migration (the central variant). This is translated into household growth including the number and size of households expected in 2041 as well as the size and tenure of homes. The net stock approach then compares the number of future homes required with current provision. Finally, backlog housing need is added to incorporate, for example, concealed households.

128. Establishing future need for housing is not an exact science and the PPG acknowledges that no single approach will provide a definitive answer. There are therefore a number of ways that this could be tackled and it seems reasonable to draw upon the data available to the Mayor and to build on previous iterations. There is no evidence that any particular factor has been omitted. The SHMA methodology would not be consistent with other planning authorities in the wider south east. However, the PPG does not expect this but rather refers to local changes and the approach taken is transparent in accordance with paragraph 005. That said, the SHMA has explained how out migration into that area has been considered to provide a basis for future planning in the region and the GLA has provided populations and household projections for local authorities outside London<sup>71</sup>.

129. The methodology of the SHMA has not been extensively questioned. Nevertheless, we are satisfied that the apparent internal inconsistency in the data between population projections, total household projections and household type projections has been accounted for and that need has not been exaggerated as a result<sup>72</sup>. Recent 2017-based trend projection results indicate that household formation over 25 years is slowing compared to the previous year from an annualised growth of 48,000 to 46,000 for the central projection<sup>73</sup>. However, it would not be prudent to base an overall assessment of need on a short-term fluctuation.

130. The identified backlog of 209,000 households in need of additional homes would be met over 25 years. Clearly any individual should not be expected to wait that long for their needs to be met. Those in this category are especially those in need of social rented accommodation who may have protected characteristics. But that is not what is meant because the net stock model relates to the overall flow of households in and out of housing need over time and the total backlog will be cleared when need is reduced to zero.

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<sup>69</sup> NLP/HOU/001.

<sup>70</sup> Paragraph 30 of NLP/GD/06.

<sup>71</sup> NLP/DEM/002.

<sup>72</sup> NLP/EX/23.

<sup>73</sup> NLP/DEM/005.

Nevertheless previous Plans have sought to address this more quickly. However, dealing with it by 2041 would be at a rate of 8/9,000 homes per year which would be in excess of the figure of 5,000 homes identified in the 2013 SHMA. In the Mayor's view this is realistic. Furthermore, it is consistent with paragraph 159 of the NPPF which refers to meeting need over the plan period and so there is no justification for increasing the assessed need to take further account of this matter.

131. Owing to the transitional arrangements for spatial development strategies the local housing need assessment referred to in the 2019 NPPF is not directly relevant to the current calculation of need in London. Furthermore, whilst the 2016 household projections post-date the SHMA, the PPG provides that a change in the housing situation does not automatically mean that assessments are rendered out-of-date. There are too many uncertainties surrounding the implications of Brexit for it to be factored in.
132. The Mayor's argument is that increasing the total housing figures to assist in delivering more affordable homes would be unhelpful given the capacity-based approach to the setting of housing targets. We accept this. So whilst this option has been considered in accordance with the PPG<sup>74</sup> it would be unlikely to be effective.

### *Conclusion*

133. The SHMA dates back to November 2017 but given that there has to be a single starting point its findings are the best and most reliable ones for plan making in the London Plan to be based on. Therefore the need for 66,000 additional homes per year identified by the SHMA is justified and has been properly calculated for market and affordable housing having regard to national policy and guidance.

### **Will the housing policies achieve the Good Growth objectives in policies GG1, GG2, GG3 and GG4 relating to building strong and healthy communities, making the best use of land, creating a healthy city and delivering the homes Londoners need?**

134. In general terms the housing policies seek to implement the Good Growth objectives and are reflective of them. Nevertheless, a number of general themes emerged throughout the examination along the lines that the Mayor should do more to ensure that the homes Londoners need are delivered; additional monitoring is required especially data on overcrowding; there is an over-emphasis on housing numbers which will not provide the right sort of homes for people in neighbourhood communities; there is a need for more affordable housing and provision of social rented housing in particular and insufficient attention is given to health impacts.
135. The above concerns will largely be addressed under the relevant policy headings. However, at this stage it should be recorded that many of the actions required to provide suitable housing for the growing population are outside the scope of a spatial development strategy and that the planning

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<sup>74</sup> PPG ID-2a-029-20140306.

system is only one part of the equation. Nevertheless, the Mayor has other policies and programmes designed to support housing delivery, many of which are contained within the *Housing Strategy*<sup>75</sup>. Details of interventions in the land market; infrastructure; the home building industry; affordable housing; construction skills; precision-manufactured housing and skills and capacity in local government were provided<sup>76</sup>. The extent of these initiatives is impressive and we formed the view that the Mayor is doing his utmost, given the limitations on his powers and resources, to stimulate the construction of suitable housing. This range of measures will go towards ensuring that the “ambitious” build-out rates mentioned in GG4E are achieved.

### *Conclusion*

136. In general terms the housing policies reflect the Good Growth objectives of the Plan but these are considered in more detail in the following sections.

### **Are the overall 10 year housing target for London and the targets for the individual boroughs and corporations set out in Policy H1 A and in Table 4.1 justified and deliverable?**

*Does Policy H1 set an effective strategic context for the preparation of local plans and neighbourhood plans?*

137. Policy H1 sets the 10 year housing targets which boroughs should plan for. Otherwise it contains a series of practical steps for the boroughs to take and properly sets the scene for increasing housing supply. In particular it refers to a number of sources of capacity where the potential for housing delivery should be optimised.

138. One of these applies to sites within Public transport access level (“PTAL”) 3-6 or within 800m of a station or town centre boundary. It seems sensible to focus development on accessible hubs even if that would not inevitably lead to lesser car use or ownership. But at least it would give an opportunity to reduce the number of car-borne journeys. Moreover, it is reasonable and justified to spread that net fairly widely rather than omit areas with lower PTALs that are nonetheless close to stations or town centres or to use a central point for outward measurement rather than the outer boundary.

139. According to the *Strategic Housing Land Availability Assessment (SHLAA)*<sup>77</sup> existing industrial sites account for over 161,000 homes on both designated (31,600) and non-designated sites (129,500) and about 40% of the total large site capacity. They are therefore expected to make a significant contribution to housing supply. Nevertheless, such land is also important for the economy and for those that work there. However, the SHLAA has taken account of the findings of the *London Industrial Land Demand Study*<sup>78</sup> to ensure that the approach to both land uses is compatible. There is therefore no reason to exclude such opportunities from Policy H1. We deal with the implications for industrial land supply later in this report.

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<sup>75</sup> NLP/HOU/017.

<sup>76</sup> NLP/EX/20.

<sup>77</sup> NLP/HOU/002.

<sup>78</sup> NLP/EC/003.

140. There is also reference to the redevelopment of low-density retail parks which might have implications for bulky goods operators. However, the identification of sites in this way does not mean that such uses will inevitably be lost as their future retention can be considered as part of individual proposals.
141. Overall the types of site set out in Policy H1B(2) provide a reasonable and justifiable framework for the preparation of borough plans by drawing attention to the most likely places to increase housing supply whilst allowing for local discretion.
142. Policy H1D refers to the publication of housing trajectories by the boroughs. The targets are set by the Mayor and he is best placed to provide an overview of completions made and identified capacity across London. Because of this and as part of the plan, monitor and manage approach we consider that the Mayor should take a greater role in this respect than is indicated in the Plan. This would be especially useful if shortfalls should occur. No changes to the text of the policies is required but the Mayor should make a commitment in the supporting text to Policy H1. Therefore as **PR6** we recommend that the Mayor has a greater involvement in compiling London-wide trajectories and subsequent monitoring.

### *Conclusion*

143. Leaving aside the question of the targets themselves, the provisions of Policy H1 generally provide an effective strategic context for the preparation of local plans and neighbourhood plans.

*Are the assumptions and analysis regarding site suitability, availability and achievability and development capacity for large sites in the Strategic Housing and Employment Land Availability Assessment reasonable and realistic?*

144. The SHLAA was devised in conjunction with the boroughs using a similar method to the 2013 version. It considered 11,600 large sites and identifies capacity for some 400,000 dwellings from that source between 2019 and 2029. These findings feed into the 10 year housing targets for net housing completions for the individual boroughs in Table 4.1.
145. This is a comprehensive study that has been informed by experience of previous exercises. We therefore broadly accept its conclusions about the extent of deliverable large site capacity. Individual boroughs will make actual site allocations but it is the only evidence to inform the target and the relative apportionment between different parts of London.
146. Density assumptions are based on the matrix in the current London Plan as a default but upward adjustments have been made to reflect trends in Opportunity Areas. Checking by the boroughs has reduced the original assumptions at over a third of the included sites which helps give them robustness. Furthermore, such densities are not necessarily incompatible with the delivery of family housing. Compared to past trends the allowance made for estate regeneration is very low so that this source is not overly relied on. This is reasonable.

147. A very small proportion of sites (1%) are referred to as 'low probability'. These are included as in the past some sites have come forward which were not otherwise accounted for. However, it is not entirely clear how this number of sites have been derived and whether sufficient account has been taken of sites that were expected to be developed but have not. In addition, the methodology uses a probability model which applies constraints to sites and so reduces the expected capacity by a given percentage. This gives an overall aggregate whilst recognising that some of those sites will yield completions but others will not. Such an approach should not be followed when making specific site allocations but is reasonable here given the strategic nature of the exercise undertaken. The 'discounts' applied are based on observation of past trends but the rationale for them is not clear and neither is it apparent that this approach has been vindicated by events. Nevertheless the outcomes following previous SHLAAs may not be known for some time.
148. For the Mayor it was said that consideration was being given to developing a 'rolling' SHLAA rather than undertaking a single exercise. We support that but also consider that further consideration should be given to refining the methodology and that the results following previous SHLAAs should be provided. Nevertheless, almost 75% of the large sites within the 10 year capacity are either permitted or existing site allocations. This gives a considerable degree of confidence about the deliverability. Indeed, overall we are satisfied that the assumptions and analysis regarding site suitability, availability, achievability and development capacity for large sites is reasonable. Therefore the figure of 400,000 housing units and the distribution between the boroughs can be relied upon as a target for future planning.
149. Table 4.1 does not set specific targets for different types of housing for individual boroughs. This is a justified approach as these are contained within other policies in the Plan concerned with affordable housing. Furthermore, it allows boroughs the opportunity to set their own targets based on their assessment of local need.
150. The assessment of housing need is over the entire plan period but the housing targets themselves are for 10 years until 2029. This covers the time when local planning authorities are expected to identify a supply of deliverable and developable sites in line with NPPF paragraph 47. Furthermore, London is a dynamic land market and most new development will be on re-cycled land. Given that they are derived from an assessment of capacity, setting realistic targets over a longer time span would be problematic given that circumstances might change unexpectedly. It cannot be assumed that the current apportionment will remain after 2029 especially in relation to sources in Opportunity Areas and on industrial land.
151. Therefore simply 'rolling forward' the existing targets beyond 2029 would not be effective. Paragraph 4.1.8D gives guidance to the Boroughs about how to calculate targets after that date. Whilst this does not provide absolute certainty it nonetheless provides a framework for future plan-making at borough level although it should be adjusted to refer to evidence of any identified local housing capacity [PR7]. Simply applying the local needs housing assessment after that date through this Plan would not properly reflect the capacity issues in London.

152. Once the London Plan is published its targets will take precedence over those in existing borough plans even if these have been recently adopted<sup>79</sup>. There is concern that this is likely to create difficulties in terms of immediately meeting the requirement for a five year supply of deliverable housing sites. However, national policy does not make any allowance for a transitional period where a spatial development strategy sets an apportioned housing target. Paragraph 4.1.8B also refers to a gradual increase and encourages Boroughs to set out a realistic stepped delivery target over ten years where this is necessary.

### *Conclusion*

153. The general approach to devising the housing targets and the contribution that large sites would make is therefore justified. However, an important component of the total figures is the contribution expected from small sites and this is dealt with next.

*Are the approach to small sites, the presumption in favour of small housing developments of between 1 and 25 homes and the targets in Table 4.2 justified and deliverable and will the policy be effective?*

154. The Mayor's further suggested changes divide policy H2 into two parts in order to distinguish between the general approach to small sites (now H2) and the presumption in favour of small housing developments (now H2A). The report will refer to them as such. In addition, the provisions relating to the monitoring of housing targets have been incorporated into the supporting text. We support this since these give direction as to how monitoring is to be undertaken rather than setting a policy relating to the development and use of land. Moreover, policy H2 clarifies that small sites are to be treated as a component part of the overall housing target and confirms that the proportion of housing from large and small sites may fluctuate over the plan period.

155. The SHLAA assessed the capacity for small sites. By applying certain parameters in addition to existing trend-based windfalls it is estimated that there is capacity for some 24,500 units per year over 10 years from sites of less than 0.25 hectares. This approach is policy-led rather than being based on any case studies or pilots. The outcome has nonetheless been translated into specific targets for the individual Boroughs as well as informing the policy criteria. This includes the presumption in favour of small housing developments of between 1 and 25 homes in certain circumstances.

156. The modelling and the policies herald a new approach to both increasing and diversifying possible sources of housing in the light of the growing need. The Mayor's contention is that a different and more positive mindset is required to move away from some of the more restrictive policies that are in place in borough plans. Moreover, in order to realise the untapped potential especially in outer London, it is not enough to simply rely on past trends. Rather a bolder and transformational approach is required.

157. Paragraph 48 of the NPPF establishes that compelling evidence is required in order to allow for windfall sites in the five-year supply. However, creating a new policy direction will not be possible if it is simply based on what has

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<sup>79</sup> Section 38(5) of the 2004 Act.

happened in the past. Furthermore, the SHLAA is not an exact assessment of supply but rather one of theoretical capacity and so paragraph 48 does not directly apply. Similarly, for this purpose, there is no reason why residential gardens should not be included.

158. However, the methodology adopted applies a growth assumption purely on the basis of a reasonable estimate. This is the number of occasions that intensification is expected to occur within the existing stock each year. Whilst 1% outside conservation areas is a modest figure on the face of it (equivalent to 1 case for every 100 existing houses) there is no empirical basis for its use and it appears to have been adopted randomly. Indeed, the findings of the West London SHLAA<sup>80</sup> indicates that activity as a proportion of existing dwelling stock is markedly below 1%. For net completions for all schemes between 1 and 25 units within 800m of town centres or stations between 2008 and 2015 these range from 0.21% to 0.36% for the individual Boroughs.
159. The SHLAA excludes properties that are already converted to flats on the basis that bringing these forward is more complicated. However, the evidence from west London is that around 37% of recorded conversion schemes involve flatted property. In this way the SHLAA under-estimates one potential source of supply. On the other hand, all heritage assets, including conservation areas, are excluded from the presumption although this only accounts for about 3% of expected modelled capacity. But broadly these considerations can be taken to even themselves out.
160. After the growth assumption the SHLAA then uses a net growth factor to calculate the yield from each source in order to calculate the number of homes likely to come forward. Values of 2.23 are adopted for detached and semi-detached areas and 1.34 for terraced areas based on a large London-wide sample. This gives robustness to the figures and they correlate well with the west London average of 2.37. There is concern that net losses have not been accounted for. Residential garden land was not included per se but given that this is an estimate of capacity there is no reason to exclude it definitively from the assessment. Overall this aspect of the modelling is appropriate.
161. Nevertheless, in addition to the arbitrary growth assumption our second major misgiving about the approach to small sites and small housing development relates to the large scale of change envisaged. The consequence of this is to question whether the targets are realistically achievable. The short answer is that they would not be and hence they are not justified. To put this in context the targets in Table 4.2 amount to an increase in small site delivery of over 250% in outer London boroughs. At its most extreme the target for Bexley is almost 700% higher. Furthermore in Sutton, for example, 79% of the overall target is attributed to small sites. Across London as a whole, historic completions from this source between 2003 and 2017 have averaged 15,300 per annum compared to the new target of 24,500. The targets therefore require a massive 'uplift' in delivery especially in outer London which is highly unlikely to occur based on the available evidence.
162. For the Mayor it is said that the new policy is intended to re-shape attitudes and that by always looking backwards nothing would change. There is some

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<sup>80</sup> NLP/AD/18 Part B Report para 7.71.

force in this and the market and other required ingredients may respond positively to a shift in policy. But there is little first-hand evidence of an appetite to implement these changes and so such a view appears to be hopeful rather than in any way likely.

163. Indeed, there are a range of factors that may inhibit delivery. These include whether sites are available to come forward; the unsuitability of some areas for intensification given the variety of housing typologies across London; whether owner occupiers would wish to release land; the impediments to assembling and bringing sites forward quickly; the lack of development finance; the insufficiency of small and medium sized builders, labour and building materials and the impact on borough resources in identifying and considering the number of sites required.
164. Some question the viability of such forms of development. The LPVS tested 8 small sites case studies. The majority were not viable in value band E and neither were 2 typologies within value band D. These value bands predominate in the outer boroughs where such development is likely to be concentrated. Whilst some parts of outer London may have higher values, including areas in and around town centres, there is no evidence to indicate how exactly this might affect viability. Development values in outer London may also be rising but the PPG<sup>81</sup> indicates that policies should not be based on an expectation of future rises in land values for at least the first 5 years of the Plan. The main finding of the LPVS is therefore that not many small sites in outer London are viable and it is unreasonable to assume that this will change in the short term. These considerations also indicate that small developments are unlikely to materialise to the extent anticipated.
165. Indeed, all of the above factors will dampen the Mayor's intentions. The difficulty is that whilst the policy approach is aspirational its delivery is not realistic. In some cases the imposition of such large increases in this element of the target is heavy-handed and not helped by the lack of detailed engagement with the boroughs in deciding the small site capacity methodology. As some suggested a more nuanced approach might have borne fruit.
166. If left in their current form, policies H2, H2A and Table 4.2 would not positively contribute to the Good Growth objectives that underlie the Plan. For some boroughs, especially those in outer London, the small sites element means that the overall housing target would simply be unobtainable over 10 years. This would have implications for achieving a 5 year supply and could lead to unplanned development. There is also a legitimate concern that this eventuality would lead to an over attention on the number of units to be delivered rather than achieving the right sort of development in the right place. We understand that the policy is intended to be a clear signal that previous approaches need to change and that boroughs need to be pro-active in maximising the contribution that small sites can make. However, the policy approach goes too far too soon.
167. There are various cumulative impacts that need to be considered in relation to small sites. These include the consequences for the special character of an

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<sup>81</sup> PPG ID 10-008-20140306.



area including green cover and tree canopies, for health and social infrastructure and for transport. However, by identifying the quantum of development and by focussing it on accessible areas there is no reason why infrastructure cannot be planned for. Small sites may not produce many affordable housing units but given that housing numbers generally will increase and the other mechanisms available this is not a reason to not support them. There is insufficient evidence to indicate that the policy would impact excessively on those living in rented accommodation. The policy may nonetheless lead to a reduction in family housing due to conversions and the delivery of small units that may not respond to the required mix of sizes.

168. The presumption in favour of small housing development in policy H2A is intended to give the policy some potency. However, as a device it is cumbersome and requires qualification in part C of policy H2A as well as exceptions in parts D and E such that its impact is diluted and the task for the decision-maker overly complicated. Furthermore, there is insufficient evidence to treat all forms of residential development across all of London within PTALs 3-6 or within 800m of a station or town centre boundary as acceptable in principle. In particular, whilst paragraph 53 of the NPPF does not preclude development on residential gardens there is no evidence that a blanket presumption in favour of infill development within the curtilage of a house is justified even if limited in area.
169. Part F of policy H2A refers to boroughs using a tariff approach to affordable housing requirements for schemes of nine homes or fewer. Whilst an approach that departs from the Written Ministerial Statement of 2014 and the PPG has been accepted in some boroughs there is no evidence that small sites are a major source of supply in all of them. It may well be that on-site provision in such circumstances is not feasible but there is no justification for imposing a policy provision to that end. As such, this is not justified. Although individual boroughs are not precluded from bringing forward their own policies in this respect if this is warranted and having regard to paragraph 63 of the 2019 NPPF.

*Conclusions on overall 10 year housing target for London and the targets for the individual boroughs and corporations*

170. So where does this leave things? Briefly the modelling of small sites is insufficiently accurate to give a true picture of the likely available capacity. As such, it does not provide a reliable input to the overall targets. In turn, the specific presumption in favour in policy H2A cannot be supported and this policy should be deleted. This is recommended by **PR11**. There nevertheless needs to be a revised small site component of the overall target and also a policy to underline the important contribution that small sites can make.
171. The latter would be achieved by policy H2 following the further suggested changes. It puts an emphasis on small sites and provides an indication to the boroughs of the factors to consider in devising their own policies in this respect. The policy also allows boroughs to decide whether they wish to use design codes given the resource implications involved.

172. Various options have been put forward as alternative figures for Table 4.2<sup>82</sup>. Simply relying on past trends would not capture the potential from this source or set a challenge to develop new ways of bringing forward sites of this kind. Applying a percentage uplift to the more reliable 12 year trend would reflect history but may not reflect where future capacity is likely to exist and could produce different spatial outcomes. The Mayor has also produced alternative models using growth assumptions of 0.8%, 0.5% and 0.3%. Whilst there are misgivings about the methodology this would take better account of where the potential for small site development is most likely to exist.
173. In setting a revised target we consider that an annual growth rate of 0.3% is most likely to reflect the realistic output from small sites. This is because it relates closely to the evidence about the existing position that we heard from the boroughs and also because of the identified impediments to delivery. This is perhaps a cautious line to take but there would be nothing to prevent boroughs from adopting their own positive policies about small sites or higher targets and if we have under-estimated the potential then such developments could come forward anyway. Recommendations **PR8** and **PR10** and Appendices A and B are made accordingly in order to adjust the small sites target from 245,730 to 119,250 over ten years in Table 4.2 and the overall housing target in Table 4.1 as a consequence.
174. The upshot is that the overall target is just under 523,000 homes across the 10 year period or just over 52,000 homes each year compared to 649,300 or 65,000 homes per annum in the Plan. The contribution of small sites amounts to about 12,000 per annum. This includes both modelled sites with an annual growth rate of 0.3% and other windfall sites and, in future, can be taken to be a reliable source of supply for the purposes of paragraph 70 of the 2019 NPPF as an expected future trend. This should be confirmed in the supporting text as recommended by [**PR9**].
175. Given the failure to meet, by some margin, the identified annual need for housing of 66,000 units we did consider during the examination in public whether this Plan should be paused for further work to be done. Alternatively, we considered whether we should determine that it does not meet the tests of soundness and so should be withdrawn. The Regulations make no provision for either eventuality but rather assume that recommendations will be contained in this report. In any event, it is evident that either course of action would lead to a considerable delay creating uncertainty and thwarting the publication of other strategic policies. There would also be a “knock-on” effect for new borough plans.
176. Furthermore, the question of supply is based on capacity and given that this would be maximised as far as realistically possible it is difficult to see how the number of deliverable housing units could be increased without consideration being given to a review of the Green Belt or further exploration of potential with local authorities within the wider South East. This would all take time and in our view it is better to proceed on the basis of an adopted plan rather than one that is in limbo.

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<sup>82</sup> NLP/EX/26.

177. Of course, it is a major concern that the targets are so far below the assessed need. However, the evidence simply does not justify the reliance placed by the Mayor on small sites to fill the gap between the two and we are sceptical about the delivery from this source. This Plan does not provide the key to unlocking any potential. To accept the targets attributed to many of the boroughs would be setting up the Plan to fail. It is likely that some of them would be unable to demonstrate a 5 year supply of housing sites as the Housing Delivery Test would apply to individual boroughs and so result in adverse impacts. The Plan would also impose undesirable consequences on Londoners as plan-making at local level would struggle to achieve unrealistic expectations.

### *Conclusion*

178. In summary, the presumption in favour of small housing developments of between 1 and 25 homes and the targets in Table 4.2 are neither justified nor deliverable. However, these deficiencies would be rectified by our recommendations so that the approach to small sites would be effective. Overall the recommended 10 year housing target of 52,285 per annum would be higher than the existing London Plan and above the 45,505 units completed in 2016/2017<sup>83</sup>. It is therefore right to say that boroughs should use all the tools at their disposal to ensure homes are actually built. But we consider that as recommended, and with the support of the Mayor, it should be deliverable and that both the overall target and those for the individual boroughs and corporations are justified.

### **Does Policy H16 make adequate provision for meeting the need for gypsy and traveller accommodation including pitch provision?**

179. National policy for traveller sites is contained in the *Planning Policy for Traveller Sites* (PPTS). A review by the *Equalities and Human Rights Commission* has previously highlighted some of the inequalities experienced by gypsies and travellers which are underpinned by a lack of suitable secure accommodation. This also gives rise to a number of negative impacts for this ethnic group who have protected characteristics<sup>84</sup>.

180. A needs assessment for London was undertaken in 2007 (Fordham study). Taking the midpoint figure for each borough (excluding Bexley) the total need for pitches between 2007 and 2017 was just under 500. Since 2008 10 public pitches in total have been delivered across 3 boroughs. This excludes private sites and 10 permanent pitches have been added in Bromley, for example, over that period. There is also some dispute over the methodology of the Fordham study. But even allowing for those factors the delivery of sites in relation to need has been very slow. As a consequence, whatever the exact figures, there is clearly a significant immediate need for further provision across London.

181. The undertaking of individual need assessments by boroughs has been patchy with about a third not having done so over the last 10 years. The policy requires that boroughs with post-2008 needs assessments should update these as part of their plan-making. Those without an assessment since 2008

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<sup>83</sup> NLP/MO/001.

<sup>84</sup> Referred to in the *Gypsy and Traveller Accommodation Topic Paper* (NLP/TP/02).

## Appendix 7



Ministry of Housing,  
Communities &  
Local Government

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**Rt Hon Robert Jenrick**  
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13 March 2020

Dear Sadiq,

Thank you for sending me your Intention to Publish version of the London Plan (the Plan).

Every part of the country must take responsibility to build the homes their communities need. We must build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl so that we can protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land.

Housing delivery in London under your mayoralty has been deeply disappointing, over the last three years housing delivery has averaged just 37,000 a year; falling short of the existing Plan target and well below your assessment of housing need. Over the same period, other Mayors such as in the West Midlands have gripped their local need for housing and recognised the opportunities this brings, leading significant increases in the delivery of homes.

Since you became Mayor, the price of an average new build home in London has increased by around £45,000, reaching £515,000 in 2018, 14 times average earnings. Clearly, the housing delivery shortfall you have overseen has led to worsening affordability for Londoners; and things are not improving, with housing starts falling a further 28 per cent last year compared to the previous.

Critical strategic sites have stalled, epitomised by your Development Corporation in Old Oak and Park Royal being forced to turn away £250 million of Government funding because of your inability to work successfully with the main landowner. You also turned away £1 billion of investment we offered to deliver Affordable Homes, because of the support and oversight that would accompany this. You have put a series of onerous conditions on estate regeneration schemes for them to be eligible for grant-funding, such as the requirement for residents' ballots. In attaching such conditions, you are jeopardising housing delivery and this approach will make it significantly more difficult to deliver the Plan's targets and homes needed.

Following the Planning Inspectorate's investigation of your Plan, they only deem your Plan credible to deliver 52,000 homes a year. This is significantly below your own identified need of around 66,000 homes and well below what most commentators think is the real need of London. As I have set out, the shortfall between housing need in London and the homes your Plan delivers has significant consequences for Londoners.

Leaving tens of thousands of homes a year needed but unplanned for will exacerbate the affordability challenges within and around the capital; making renting more expensive and setting back the

aspirations of Londoners to get on the housing ladder, make tackling homelessness and rough sleeping more challenging and harm the economic success of London.

Everyone should have the chance to save for and buy their own home so they can have a stake in society. In the short run this requires a proactive stance in building homes for ownership, including Shared Ownership and First Homes, and in parallel delivering a consistently high level of housing supply of all tenures. You should also be looking to deliver homes which people of different ages, backgrounds and situations in life can live in. Your Plan tilts away from this, towards one-bed flats at the expense of all else, driving people out of our capital when they want to have a family.

Your Plan added layers of complexity that will make development more difficult unnecessarily; with policies on things as small as bed linen. Prescription to this degree makes the planning process more cumbersome and difficult to navigate; in turn meaning less developments come forward and those that do progress slowly. One may have sympathy with some of individual policies in your Plan, but in aggregate this approach is inconsistent with the pro-development stance we should be taking and ultimately only serves to make Londoners worse off.

This challenging environment is exacerbated by your empty threats of rent controls, which by law you cannot introduce without Government consent. As we all know, evidence from around the world shows that rent controls lead to landlords leaving the market, poorer quality housing and soaring rents for anyone not covered by the controls.

I had expected you to set the framework for a step change in housing delivery, paving the way for further increases given the next London Plan will need to assess housing need by using the Local Housing Need methodology. This has not materialised, as you have not taken the tough choices necessary to bring enough land into the system to build the homes needed.

Having considered your Plan at length my conclusion is that the necessary decisions to bring more land into the planning system have not been taken, the added complexity will reduce appetite for development further and slow down the system, and throughout the Plan you have directly contradicted national policy. As you know, by law you must have regard to the need for your strategies to be consistent with national policies.

For these reasons I am left with no choice but to exercise my powers to direct changes.

Your Plan must be brought to the minimum level I would expect to deliver the homes to start serving Londoners in the way they deserve. However, this must be the baseline and given this, I ask that you start considering the next London Plan immediately and how this will meet the higher level and broader housing needs of London.

## **Directions**

Due to the number of the inconsistencies with national policy and missed opportunities to increase housing delivery, I am exercising my powers under section 337 of the Greater London Authority Act 1999 to direct that you cannot publish the London Plan until you have incorporated the Directions I have set out at **Annex 1**. Should you consider alternative changes to policy to address my concerns, I am also content to consider these.

In addition to the attached Directions, I am taking this opportunity to highlight some of the specific areas where I think your Plan has fallen short of best serving Londoners.

Ambition: It is important that both Government and you as Mayor are seen to be leaders in supporting ambitious approaches to planning and development; and I am concerned that your Plan actively discourages ambitious boroughs. I am therefore Directing you to work constructively with ambitious London Boroughs and my Department to encourage and support the delivery of boroughs which strive to deliver more housing.

Small sites policy: The lack of credibility the Panel of Inspectors were able to attribute to your small sites policies resulted in a drop in the Plan's housing requirement of 12,713 homes per year. This was due to a combination of unattractive policies, such as 'garden grabbing' by opening up residential gardens for development, and unrealistic assumptions about the contribution of policies to the small sites target. I hope that where your small sites policies are appropriate, you are doing all you can to ensure sites are brought forward.

Industrial land: Planning clearly requires a judgement to be made about how to use land most efficiently, enabling sufficient provision for housing, employment and amenity. The Inspectors considered your industrial land policies to be unrealistic; taking an over-restrictive stance to hinder Boroughs' abilities to choose more optimal uses for industrial sites where housing is in high demand. I am directing you to take a more proportionate stance - removing the 'no net loss' requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply.

The mix of housing: Such a significant reduction in the overall housing requirement makes the need for the provision of an appropriate dwelling mix across London more acute. I am concerned that your Plan will be to the detriment of family sized dwellings which are and will continue to be needed across London. This is not just in relation to their provision but also their loss, particularly where family sized dwellings are subdivided into flats or redeveloped entirely. I am therefore Directing you to ensure this is a consideration of London Boroughs when preparing policies and taking decisions in relation to dwelling mix.

Optimising density: It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites; maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them.

Aviation: As you are aware, the Court of Appeal recently handed down judgment in the judicial review claims relating to the Airports National Policy Statement. The government is carefully considering the complex judgment and so does not consider it appropriate to make any direction in relation to Policy T8 Aviation at the present time. This is without prejudice to my power to make a direction under section 337 at any time before publication of the spatial development strategy, including in relation to Policy T8 Aviation.

Next steps: I look forward to receiving a revised version of your Intention to Publish Plan, containing the modifications necessary to conform with these Directions, for approval in accordance with section 337(8) of the Greater London Authority Act 1999.

## **Future Housing Delivery in London**

I would like you to commit to maximising delivery in London, including through taking proactive steps to surpass the housing requirement in your Plan. This must include:

- Supporting ambitious boroughs to go beyond your Plan targets to bring them closer to delivering housing demand;
- A programme of work, with my Department, to kick-start stalled strategic sites; including bringing forward later-stage strategic land from your Strategic Housing Land Availability Assessment. If you are unable to persuade me that you can deliver the most significant sites, such as Old Oak Common, I will consider all options for ensuring delivery;
- Collaborating with public agencies to identify new sources of housing supply, including developing a more active role for Homes England;
- Actively encouraging appropriate density, including optimising new capacity above and around stations; and,

- Producing and delivering a new strategy with authorities in the wider South East to offset unmet housing need in a joined-up way.

The priority must be delivering the housing that Londoners need. I think the above steps will move us closer towards this and hope that you will build on these. However, I must be clear that without reassurances that you will raise your housing ambitions for the capital, I am prepared to consider all options, including new legislation if necessary.

Finally, I want to see you set a new standard for transparency and accountability for delivery at the local level. To achieve this I want you to commit to work with my Department and to provide: the fullest account of how the housing market and planning system is performing in London, where there are blockages and what is needed to unblock these, and what tools or actions can be undertaken to further increase housing delivery.

To meet this I expect:

- Regular meetings between you and I, and my ministers, to be supplemented by regular meetings between our respective officials.
- Quarterly, systematic reporting of progress on housing delivery across all tenures, devolved programmes and your planning pipeline across London. This should reflect what we have in place to track Homes England's approach to reporting.

The position I have taken and requirements I have outlined, are focused on ensuring the homes that Londoners need are planned for and delivered. Housing in our capital is simply too important for the underachievement and drift displayed under your Mayoralty, and now in your Plan, to continue.

I look forward to your reply detailing these commitments and to receiving your modified London Plan.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style and is followed by a horizontal line.

**THE RT HON ROBERT JENRICK MP**



## Appendix 8



**265 BURLINGTON ROAD  
NEW MALDEN  
REDROW**

**E1180 AS 1004 P7**

**PRELIMINARY ISSUE**



**E1180 New Malden - Apartment schedule for Planning**

Revision	Date	Initials	Details	Checked
Rev P1	08/03/2019	VO	First issue,option 8	SB
Rev P2	09/04/2019	VO	Amended ancillary space, car park area, core A level 1, core F level 7. Added wheel chair adaptable unit to schedule.	SB
Rev P3	17/05/2019	SB	Added accommodation to buildings A, B and E. (8 Apartments)	SB
Rev P4	29/05/2019	RK	Corrected Residential NSA, GIA & GEA figures, Core A level 10 and ground floor residential area	SB
Rev P5	05/12/2019	SB	Updated to revised December '19 planning submission	SB
Rev P6	09/09/2020	SB	Updated to 35% Affordable Accommodation	SB
Rev P7	03/11/2020	SB	Corrected summary NSA, due to excel cell error.	SB

<b>265 Burlington Road</b>		<b>03/11/2019</b>
New Malden		
Revision P7		
Accommodation Schedule by Core		

	Core A				Core B				Core C				Core D				Core E				Core F				Core G			
	(Affordable Rent)				(Intermediate to level 6)																							
	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P	1B2P	2B3P	2B4P	3B5P
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15																												
<b>Total</b>	0	0	51	34	21	2	55	0	14	13	23	0	20	12	18	0	24	24	40	2	16	0	21	7	22	15	16	6
<b>Total per core</b>	<b>85</b>				<b>78</b>				<b>50</b>				<b>50</b>				<b>90</b>				<b>44</b>				<b>59</b>			
			51	85			64	85																				
<b>Refuse Bins</b>	<b>21</b>				<b>20</b>				<b>13</b>				<b>13</b>				<b>23</b>				<b>11</b>				<b>15</b>			
<b>Cycles</b>	<b>170</b>				<b>156</b>				<b>100</b>				<b>100</b>				<b>180</b>				<b>88</b>				<b>118</b>			

Private by unit			Target%
Private	Units	Percentage	
1b	105	34%	24%
2b	193	62%	66%
3b	15	5%	10%
<b>TOTAL</b>	<b>313</b>	<b>69%</b>	<b>100%</b>

Affordable by unit			Target%
Intermediate by Unit			41%
1b	12	21%	30%
2b	46	79%	70%
3b		0%	0%
<b>TOTAL</b>	<b>58</b>	<b>13%</b>	<b>100%</b>

Affordable Rented by Unit			Target%
Intermediate by Unit			59%
1b		0%	0%
2b	51	60%	60%
3b	34	40%	40%
<b>TOTAL</b>	<b>85</b>	<b>19%</b>	<b>100%</b>
<b>TOTAL</b>	<b>143</b>	<b>31%</b>	

Total Development			Target%
1b	117	26%	20%
2b	290	64%	65%
3b	49	11%	15%
<b>TOTAL</b>	<b>456</b>	<b>100%</b>	<b>100%</b>

North 263  
South 193  
456

Total Development		
Total 1B2P	117	26%
Total 2B4P	290	64%
Total 3B5P	49	11%
<b>Total</b>	<b>456</b>	<b>100%</b>

- Private Apartments
- Intermediate Apartments
- Affordable Rented
- Part Affordable-Part Private
- Part Affordable-Part Intermediate

Total Development		Target%
Total Bins	114	114
Total Resi Cycles	912	912
Total Car Parking	220	228
Car Parking ratio	0.48	Parking ratio 0.5 per apartment



**E1180 New Malden - Summary**

		<b>Proposed sqm</b>	<b>Proposed sqft</b>	
<b>1</b>	<b>Development Areas</b>			
	GIA - Total Development	47,693	513,367	
	GEA - Total Development	51,370	552,947	
	Volume - Total Development (cubic feet)			
<b>2</b>	<b>Residential Areas</b>			
	NSA - Private	21,469	231,092	
	NSA - Shared Ownership	2,839	30,559	
	NSA - Affordable Rent	6,596	70,999	
	NSA - Total Residential	30,904	332,651	
	GIA - Total Residential (Gd to 14th)	39,440	424,532	
	GIA- Residential Ground floor lobbies (excl. cycles & bins)	669	7,201	
	GIA- Residential Ground floor cycles & bins	775	8,342	
	GIA- Residential first floor cycles	347	3,735	
	GIA- Residential Services (Energy Centre, substation)	514	5,533	
	GIA- Residential Car Parking	5271	56,737	
	GIA-Concierge & Residence space	178	1,916	
	GEA - Total Residential (Gd to 14th)	42,985	462,691	
<b>3</b>	<b>Commercial</b>			
	GIA - Commercial Total	499	5,371	
	<b>Homes</b>	<b>Number</b>	<b>Number</b>	<b>Mix(%)</b>
	<b>Private</b>			
	1 Bed	105		34%
	2 Bed	193		62%
	3 Bed	15		5%
	<b>Sub Total</b>	<b>313</b>		
	<b>Intermediate</b>			
	1 Bed	12		21%
	2 Bed	46		79%
	3 Bed	0		0%
	<b>Sub Total</b>	<b>58</b>		
	<b>Affordable Rented</b>			
	1 Bed	0		0%
	2 Bed	51		60%
	3 Bed	34		40%
	<b>Sub Total</b>	<b>85</b>		
	<b>Summary</b>			
	1 Bed	117		26%
	2 Bed	290		64%
	3 Bed	49		11%
	<b>TOTAL</b>	<b>456</b>		<b>100%</b>
	<b>wheelchair Adaptable</b>			
	Buildings A,B and G	48		11%
	<b>Habitable Rooms</b>	<b>Number</b>		<b>(%)</b>
	<b>Private</b>	849		65%
	<b>Intermediate</b>	162		12.5%
	<b>Affordable Rented</b>	289		22.2%
	<b>TOTAL</b>	<b>1300</b>		<b>100%</b>

a  
9624  
42985  
499  
43484

Balconies and Terraces 3681 39,622





**E1180 New Malden - Commercial schedule**

**Proposed Commercial Areas**

Unit	Proposed Area (m <sup>2</sup> )	Proposed Area (ft <sup>2</sup> )
Unit 1	125	1,346
Unit 2	83	893
Unit 3	85	915
Unit 4	90	969
Unit 5	59	635
Unit 6	57	614
<b>Total</b>	<b>499</b>	<b>5,371</b>

*A2 use: 1 per 50sqm    A2 use: 1 per 100sqm    A2 use: 1 per 40sqm*

Staff car parking	Long stay cycle park	Short stay cycle park
3	1	3
2	1	2
2	1	2
2	1	2
1	1	1
1	1	1
<b>10</b>	<b>5</b>	<b>12</b>

Residents space	103	1,109
Concierge	75	807
<b>Total</b>	<b>178</b>	<b>1,916</b>

2	1	2
<b>2</b>	<b>1</b>	<b>2</b>



**E1180 New Malden - Residential ancillary areas**

	Core A		Core B		Core C		Core D		Core E		Core F		Core G		Totals	
Residential Areas	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )
GIA- Residential Ground floor lobbies (excl. cycles & bins)	103	1109	96	1033	104	1119	94	1012	76	818	110	1184	86	926	669	7201
GIA- Residential Ground floor cycles & bins	190	2045	113	1216	85	915	77	829	129	1389	96	1033	85	915	775	8342
GIA- Residential First floor cycles & stores	58	624	60	646	49	527	60	646	72	775	0	0	48	517	347	3735
GIA- Residential Services (Energy Centre, plant)	266	2863	166	1787	4	43	15	161	12	129	5	54	46	495	514	5533
Totals	617	6641	435	4682	242	2605	246	2648	289	3111	211	2271	265	2852	2305	24811

	North Blocks				South Blocks			
GIA- Residential Car Parking			3416	36770			1855	19967
Totals							5271	56737



















**265 BURLINGTON ROAD  
NEW MALDEN  
REDROW**



**PRELIMINARY ISSUE**



Date :	03/11/2020
Rev:	P6

Issued by	Issued to	Date	Revision	Comments
Vicki Odili	Ricardo Rosetti	30/11/2018	P1	First Stacking Schedule for Planning
Simon Bacon	Ricardo Rosetti	09/04/2019	P2	Revised to suit private and affordable mix
Simon Bacon	Ricardo Rosetti	17/05/2019	P3	Added accommodation to buildings A, B and E. (8 Apartments)
Simon Bacon	Ricardo Rosetti	29/05/2019	P4	Corrected private and affordable mix, residential NSA, GIA & GEA figures
Simon Bacon	Ricardo Rosetti	30/09/2020	P5	As revised planning application. Not Issued
Simon Bacon	Ricardo Rosetti	03/11/2020	P6	As revised planning application.

Notes:

GIA, NSA & NIA areas are measured in accordance with the RICS Code of Measuring Practice (6th Edition). GIA is measured to internal face of party wall.

Sqm is calculated as Sq.Ft / 10.7642

All areas have been measured from current drawings. They may vary because of (eg) survey, design development, construction tolerances, statutory requirements or re-definition of the areas to be measured.

**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
A	101	1	1			2B4P	Affordable Rent	71	764			16	172
A	102	2	1		1	3B5P	Affordable Rent	87	936			17	183
A	103	3	1			2B4P	Affordable Rent	77	829			16	172
A	104	4	1			2B4P	Affordable Rent	75	807			9	97
A	105	5	1		1	3B5P	Affordable Rent	92	990			34	366
A	106	6	1			2B4P	Affordable Rent	71	764			8	86
A	107	7	2			2B4P	Affordable Rent	71	764	7	75		
A	108	8	2		1	3B5P	Affordable Rent	88	947	8	86		
A	109	9	2			2B4P	Affordable Rent	72	775	7	75		
A	110	10	2			3B5P	Affordable Rent	90	969	8	86		
A	111	11	2		1	3B5P	Affordable Rent	92	990	8	86		
A	112	12	2			2B4P	Affordable Rent	71	764	7	75		
A	113	13	2			2B4P	Affordable Rent	71	764	7	75		
A	114	14	2			2B4P	Affordable Rent	74	797	7	75		
A	115	15	3			2B4P	Affordable Rent	71	764	7	75		
A	116	16	3		1	3B5P	Affordable Rent	88	947	8	86		
A	117	17	3			2B4P	Affordable Rent	72	775	7	75		
A	118	18	3			3B5P	Affordable Rent	90	969	8	86		
A	119	19	3		1	3B5P	Affordable Rent	92	990	8	86		
A	120	20	3			2B4P	Affordable Rent	71	764	7	75		
A	121	21	3			2B4P	Affordable Rent	71	764	7	75		
A	122	22	3			2B4P	Affordable Rent	74	797	7	75		
A	123	23	4			2B4P	Affordable Rent	71	764	7	75		
A	124	24	4		1	3B5P	Affordable Rent	88	947	8	86		
A	125	25	4			2B4P	Affordable Rent	72	775	7	75		
A	126	26	4			3B5P	Affordable Rent	90	969	8	86		
A	127	27	4		1	3B5P	Affordable Rent	92	990	8	86		
A	128	28	4			2B4P	Affordable Rent	71	764	7	75		
A	129	29	4			2B4P	Affordable Rent	71	764	7	75		
A	130	30	4			2B4P	Affordable Rent	74	797	7	75		
A	131	31	5			2B4P	Affordable Rent	71	764	7	75		
A	132	32	5		1	3B5P	Affordable Rent	88	947	8	86		
A	133	33	5			2B4P	Affordable Rent	72	775	7	75		
A	134	34	5			3B5P	Affordable Rent	90	969	8	86		
A	135	35	5		1	3B5P	Affordable Rent	92	990	8	86		
A	136	36	5			2B4P	Affordable Rent	71	764	7	75		
A	137	37	5			2B4P	Affordable Rent	71	764	7	75		
A	138	38	5			2B4P	Affordable Rent	74	797	7	75		
A	139	39	6			2B4P	Affordable Rent	71	764	7	75		
A	140	40	6		1	3B5P	Affordable Rent	88	947	8	86		
A	141	41	6			2B4P	Affordable Rent	72	775	7	75		
A	142	42	6			3B5P	Affordable Rent	90	969	8	86		
A	143	43	6		1	3B5P	Affordable Rent	92	990	8	86		
A	144	44	6			2B4P	Affordable Rent	71	764	7	75		
A	145	45	6			2B4P	Affordable Rent	71	764	7	75		
A	146	46	6			2B4P	Affordable Rent	74	797	7	75		
A	147	47	7			2B4P	Affordable Rent	71	764	7	75		
A	148	48	7		1	3B5P	Affordable Rent	88	947	8	86		
A	149	49	7			2B4P	Affordable Rent	72	775	7	75		
A	150	50	7			3B5P	Affordable Rent	90	969	8	86		
A	151	51	7		1	3B5P	Affordable Rent	92	990	8	86		
A	152	52	7			2B4P	Affordable Rent	71	764	7	75		
A	153	53	7			2B4P	Affordable Rent	71	764	7	75		
A	154	54	7			2B4P	Affordable Rent	74	797	7	75		
A	155	55	8			2B4P	Affordable Rent	71	764	7	75		
A	156	56	8		1	3B5P	Affordable Rent	88	947	8	86		
A	157	57	8			2B4P	Affordable Rent	72	775	7	75		
A	158	58	8			3B5P	Affordable Rent	90	969	8	86		
A	159	59	8		1	3B5P	Affordable Rent	92	990	8	86		
A	160	60	8			2B4P	Affordable Rent	71	764	7	75		
A	161	61	8			2B4P	Affordable Rent	71	764	7	75		
A	162	62	8			2B4P	Affordable Rent	74	797	7	75		
A	163	63	9			2B4P	Affordable Rent	71	764	7	75		
A	164	64	9		1	3B5P	Affordable Rent	88	947	8	86		
A	165	65	9			2B4P	Affordable Rent	72	775	7	75		
A	166	66	9			3B5P	Affordable Rent	90	969	8	86		
A	167	67	9		1	3B5P	Affordable Rent	92	990	8	86		
A	168	68	9			2B4P	Affordable Rent	71	764	7	75		
A	169	69	9			2B4P	Affordable Rent	71	764	7	75		
A	170	70	9			2B4P	Affordable Rent	74	797	7	75		
A	171	71	10			2B5P	Affordable Rent	79	850			20	215
A	172	72	10			3B5P	Affordable Rent	90	969	8	86	20	215
A	173	73	10		1	3B5P	Affordable Rent	92	990	8	86		
A	174	74	10			2B4P	Affordable Rent	71	764	7	75		
A	175	75	10			2B4P	Affordable Rent	71	764	7	75		
A	176	76	10			2B4P	Affordable Rent	74	797	7	75		
A	177	77	11			3B5P	Affordable Rent	88	947	8	86		
A	178	78	11			3B5P	Affordable Rent	90	969	8	86		
A	179	79	11		1	3B5P	Affordable Rent	92	990	8	86		
A	180	80	11			2B4P	Affordable Rent	71	764	7	75		
A	181	81	11			2B4P	Affordable Rent	71	764	7	75		
A	182	82	11			2B4P	Affordable Rent	74	797	7	75		
A	183	83	12			3B5P	Affordable Rent	88	947	8	86		
A	184	84	12			3B5P	Affordable Rent	90	969	8	86		
A	185	85	12		1	3B5P	Affordable Rent	92	990	8	86		

Total NSA					21		6738	72528	578	6222	140	1507
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Summary

Notes:

NSA & NIA areas are measured in accordance with the RICS Code of Measuring Practice (6th Edition)

Sqm is calculated as Sq.Ft / 10.7642

All areas have been measured from current drawings. They may vary because of (eg) survey, design development, construction tolerances, statutory requirements or re-definition of the areas to be measured.

**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/052019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
B	201	86	1			2B4P	Intermediate	76	818			13	140
B	202	87	1			2B4P	Intermediate	71	764			7	75
B	203	88	1			2B4P	Intermediate	71	764			7	75
B	204	89	1			1B2P	Intermediate	50	538			23	248
B	205	90	1		1	1B2P	Intermediate	50	538			17	183
B	206	91	1		1	2B4P	Intermediate	75	807			21	226
B	207	92	1			2B4P	Intermediate	73	786			18	194
B	208	93	1			2B4P	Intermediate	74	797			9	97
B	209	94	2			2B4P	Intermediate	76	818	7	75		
B	210	95	2			2B4P	Intermediate	71	764	7	75		
B	211	96	2			2B4P	Intermediate	71	764	8	86		
B	212	97	2			1B2P	Intermediate	50	538	6	65		
B	213	98	2		1	1B2P	Intermediate	50	538	5	54		
B	214	99	2			2B4P	Intermediate	73	786	7	75		
B	215	100	2		1	2B4P	Intermediate	75	807	7	75		
B	216	101	2			2B4P	Intermediate	73	786	7	75		
B	217	102	2			2B4P	Intermediate	74	797	7	75		
B	218	103	3			2B4P	Intermediate	76	818	7	75		
B	219	104	3			2B4P	Intermediate	71	764	7	75		
B	220	105	3			2B4P	Intermediate	71	764	8	86		
B	221	106	3			1B2P	Intermediate	50	538	6	65		
B	222	107	3		1	1B2P	Intermediate	50	538	5	54		
B	223	108	3			2B4P	Intermediate	73	786	7	75		
B	224	109	3		1	2B4P	Intermediate	75	807	7	75		
B	225	110	3			2B4P	Intermediate	73	786	7	75		
B	226	111	3			2B4P	Intermediate	74	797	7	75		
B	227	112	4			2B4P	Intermediate	76	818	7	75		
B	228	113	4			2B4P	Intermediate	71	764	7	75		
B	229	114	4			2B4P	Intermediate	71	764	8	86		
B	230	115	4			1B2P	Intermediate	50	538	6	65		
B	231	116	4		1	1B2P	Intermediate	50	538	5	54		
B	232	117	4			2B4P	Intermediate	73	786	7	75		
B	233	118	4		1	2B4P	Intermediate	75	807	7	75		
B	234	119	4			2B4P	Intermediate	73	786	7	75		
B	235	120	4			2B4P	Intermediate	74	797	7	75		
B	236	121	5			2B4P	Intermediate	76	818	7	75		
B	237	122	5			2B4P	Intermediate	71	764	7	75		
B	238	123	5			2B4P	Intermediate	71	764	8	86		
B	239	124	5			1B2P	Intermediate	50	538	6	65		
B	240	125	5		1	1B2P	Intermediate	50	538	5	54		
B	241	126	5			2B4P	Intermediate	73	786	7	75		
B	242	127	5		1	2B4P	Intermediate	75	807	7	75		
B	243	128	5			2B4P	Intermediate	73	786	7	75		
B	244	129	5			2B4P	Intermediate	74	797	7	75		
B	245	130	6			2B4P	Intermediate	76	818	7	75		
B	246	131	6			2B4P	Intermediate	71	764	7	75		
B	247	132	6			2B4P	Intermediate	71	764	8	86		
B	248	133	6			1B2P	Private	50	538	6	65		
B	249	134	6		1	1B2P	Private	50	538	5	54		
B	250	135	6			2B4P	Private	73	786	7	75		
B	251	136	6		1	2B4P	Private	75	807	7	75		
B	252	137	6			2B4P	Private	73	786	7	75		
B	253	138	6			2B4P	Private	74	797	7	75		
B	254	139	7			2B4P	Private	76	818	7	75		
B	255	140	7			2B4P	Private	71	764	7	75		
B	256	141	7			2B4P	Private	71	764	8	86		
B	257	142	7			1B2P	Private	50	538	6	65		
B	258	143	7		1	1B2P	Private	50	538	5	54		
B	259	144	7			2B4P	Private	77	829	7	75		
B	260	145	7			2B3P	Private	68	732	7	75		
B	261	146	8			2B4P	Private	76	818	7	75		
B	262	147	8			2B4P	Private	71	764	7	75		
B	263	148	8			2B4P	Private	71	764	8	86		
B	264	149	8			1B2P	Private	50	538	6	65		
B	265	150	8		1	1B2P	Private	50	538	5	54		
B	266	151	8			2B4P	Private	77	829	7	75		
B	267	152	8			2B3P	Private	68	732	7	75		
B	268	153	9			2B4P	Private	76	818	7	75		
B	269	154	9			2B4P	Private	76	818			9	97
B	270	155	9			2B4P	Private	69	743			10	108
B	271	156	9		1	1B2P	Private	50	538	5	54		
B	272	157	9			2B4P	Private	77	829	7	75		
B	273	158	9			1B2P	Private	52	560	7	75		
B	274	159	10			2B4P	Private	76	818			21	226
B	275	160	10			2B4P	Private	69	743	7	75		
B	276	161	10			1B2P	Private	50	538	5	54		
B	277	162	10			1B2P	Private	51	549	7	75		
B	278	163	10			1B2P	Private	52	560			18	194
<b>Total NSA</b>						15		5229	56285	444	4779	173	1862

Summary

**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
C	301	164	0			DUPLEX	Private	83	893			21	226
C	302	165	0			DUPLEX	Private	83	893			21	226
C	303	166	1			2B3P	Private	67	721	7	75	7	75
C	304	167	1			1B2P	Private	50	538	5	54	5	54
C	305	168	1			2B4P	Private	71	764	7	75	7	75
C	306	169	1			2B4P	Private	71	764			23	248
C	307	170	1			2B4P	Private	71	764			24	258
C	308	171	1			1B2P	Private	50	538			11	118
C	309	172	2			2B3P	Private	68	732	7	75		
C	310	173	2			2B3P	Private	67	721	7	75		
C	311	174	2			1B2P	Private	50	538	5	54		
C	312	175	2			2B4P	Private	71	764	7	75		
C	313	176	2			2B4P	Private	71	764	7	75		
C	314	177	2			2B4P	Private	71	764	7	75		
C	315	178	2			1B2P	Private	50	538	5	54		
C	316	179	3			2B3P	Private	68	732	7	75		
C	317	180	3			2B3P	Private	67	721	7	75		
C	318	181	3			1B2P	Private	50	538	5	54		
C	319	182	3			2B4P	Private	71	764	7	75		
C	320	183	3			2B4P	Private	71	764	7	75		
C	321	184	3			2B4P	Private	71	764	7	75		
C	322	185	3			1B2P	Private	50	538	5	54		
C	323	186	4			2B3P	Private	68	732	7	75		
C	324	187	4			2B3P	Private	67	721	7	75		
C	325	188	4			1B2P	Private	50	538	5	54		
C	326	189	4			2B4P	Private	71	764	7	75		
C	327	190	4			2B4P	Private	71	764	7	75		
C	328	191	4			2B4P	Private	71	764	7	75		
C	329	192	4			1B2P	Private	50	538	5	54		
C	330	193	5			2B3P	Private	68	732	7	75		
C	331	194	5			2B3P	Private	67	721	7	75		
C	332	195	5			1B2P	Private	50	538	5	54		
C	333	196	5			2B4P	Private	71	764	7	75		
C	334	197	5			2B4P	Private	71	764	7	75		
C	335	198	5			2B4P	Private	71	764	7	75		
C	336	199	5			1B2P	Private	50	538	5	54		
C	337	200	6			2B3P	Private	68	732	7	75		
C	338	201	6			2B3P	Private	67	721	7	75		
C	339	202	6			1B2P	Private	50	538	5	54		
C	340	203	6			2B4P	Private	71	764	7	75		
C	341	204	6			2B4P	Private	71	764	7	75		
C	342	205	6			2B4P	Private	71	764	7	75		
C	343	206	6			1B2P	Private	50	538	5	54		
C	344	207	7			2B3P	Private	68	732	7	75		
C	345	208	7			2B3P	Private	67	721	7	75		
C	346	209	7			1B2P	Private	50	538	5	54		
C	347	210	7			2B4P	Private	71	764	7	75		
C	348	211	7			2B4P	Private	71	764	7	75		
C	349	212	7			2B4P	Private	71	764	7	75		
C	350	213	7			1B2P	Private	50	538	5	54		
Total NSA								3234	34811	289	3111	119	1281

Summary

**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
D	401	214	1			1B2P	Private	51	549			16	172
D	402	215	1			1B2P	Private	51	549			18	194
D	403	216	1			2B4P	Private	71	764			25	269
D	404	217	1			1B2P	Private	51	549			5	54
D	405	218	1			1B2P	Private	51	549			5	54
D	406	219	1			2B4P	Private	74	797	7	75		
D	407	220	1			2B3P	Private	68	732	7	75		
D	408	221	1			2B3P	Private	68	732			20	215
D	409	222	2			2B4P	Private	73	786	7	75		
D	410	223	2			1B2P	Private	51	549	5	54		
D	411	224	2			1B2P	Private	51	549	5	54		
D	412	225	2			2B4P	Private	74	797	7	75		
D	413	226	2			1B2P	Private	51	549	5	54		
D	414	227	2			1B2P	Private	51	549	5	54		
D	415	228	2			2B4P	Private	73	786	7	75		
D	416	229	2			2B3P	Private	68	732	7	75		
D	417	230	2			2B3P	Private	68	732	7	75		
D	418	231	3			2B4P	Private	73	786	7	75		
D	419	232	3			1B2P	Private	51	549	5	54		
D	420	233	3			1B2P	Private	51	549	5	54		
D	421	234	3			2B4P	Private	71	764	7	75		
D	422	235	3			1B2P	Private	51	549	5	54		
D	423	236	3			1B2P	Private	51	549	5	54		
D	424	237	3			2B4P	Private	73	786	7	75		
D	425	238	3			2B3P	Private	68	732	7	75		
D	426	239	3			2B3P	Private	68	732	7	75		
D	427	240	4			2B4P	Private	73	786	7	75		
D	428	241	4			1B2P	Private	51	549	5	54		
D	429	242	4			1B2P	Private	51	549	5	54		
D	430	243	4			2B4P	Private	71	764	7	75		
D	431	244	4			1B2P	Private	51	549	5	54		
D	432	245	4			1B2P	Private	51	549	5	54		
D	433	246	4			2B4P	Private	73	786	7	75		
D	434	247	4			2B3P	Private	68	732	7	75		
D	435	248	4			2B3P	Private	68	732	7	75		
D	436	249	5			2B4P	Private	73	786	7	75		
D	437	250	5			1B2P	Private	51	549	5	54		
D	438	251	5			1B2P	Private	51	549	5	54		
D	439	252	5			2B4P	Private	71	764	7	75		
D	440	253	5			1B2P	Private	51	549	5	54		
D	441	254	5			1B2P	Private	51	549	5	54		
D	442	255	5			2B4P	Private	73	786	7	75		
D	443	256	5			2B3P	Private	68	732	7	75		
D	444	257	5			2B3P	Private	68	732	7	75		
D	445	258	6			2B4P	Private	73	786	7	75		
D	446	259	6			2B4P	Private	73	786			28	301
D	447	260	6			2B4P	Private	72	775			13	140
D	448	261	6			2B4P	Private	74	797	7	75		
D	449	262	6			2B3P	Private	68	732	7	75		
D	450	263	6			2B3P	Private	68	732	7	75		
Total NSA								3144	33842	262	2820	130	1399

Summary

**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
E	501	264	1			2B3P	Private	68	732	7	75		
E	502	265	1			2B3P	Private	67	721	7	75		
E	503	266	1			2B4P	Private	72	775			20	215
E	504	267	1			2B4P	Private	71	764			14	151
E	505	268	1			2B4P	Private	71	764			7	75
E	506	269	2			2B3P	Private	68	732	7	75		
E	507	270	2			2B3P	Private	67	721	7	75		
E	508	271	2			1B2P	Private	50	538	5	54		
E	509	272	2			2B4P	Private	72	775	7	75		
E	510	273	2			2B4P	Private	71	764	9	97		
E	511	274	2			2B4P	Private	71	764	7	75		
E	512	275	2			1B2P	Private	50	538	5	54		
E	513	276	3			2B3P	Private	68	732	7	75		
E	514	277	3			2B3P	Private	67	721	7	75		
E	515	278	3			1B2P	Private	50	538	5	54		
E	516	279	3			2B4P	Private	72	775	7	75		
E	517	280	3			2B4P	Private	71	764	9	97		
E	518	281	3			2B4P	Private	71	764	7	75		
E	519	282	3			1B2P	Private	50	538	5	54		
E	520	283	4			2B3P	Private	68	732	7	75		
E	521	284	4			2B3P	Private	67	721	7	75		
E	522	285	4			1B2P	Private	50	538	5	54		
E	523	286	4			2B4P	Private	72	775	7	75		
E	524	287	4			2B4P	Private	71	764	9	97		
E	525	288	4			2B4P	Private	71	764	7	75		
E	526	289	4			1B2P	Private	50	538	5	54		
E	527	290	5			2B3P	Private	68	732	7	75		
E	528	291	5			2B3P	Private	67	721	7	75		
E	529	292	5			1B2P	Private	50	538	5	54		
E	530	293	5			2B4P	Private	72	775	7	75		
E	531	294	5			2B4P	Private	71	764	9	97		
E	532	295	5			2B4P	Private	71	764	7	75		
E	533	296	5			1B2P	Private	50	538	5	54		
E	534	297	6			2B3P	Private	68	732	7	75		
E	535	298	6			2B3P	Private	67	721	7	75		
E	536	299	6			1B2P	Private	50	538	5	54		
E	537	300	6			2B4P	Private	72	775	7	75		
E	538	301	6			2B4P	Private	71	764	9	97		
E	539	302	6			2B4P	Private	71	764	7	75		
E	540	303	6			1B2P	Private	50	538	5	54		
E	541	304	7			2B3P	Private	68	732	7	75		
E	542	305	7			2B3P	Private	67	721	7	75		
E	543	306	7			1B2P	Private	50	538	5	54		
E	544	307	7			2B4P	Private	72	775	7	75		
E	545	308	7			2B4P	Private	71	764	9	97		
E	546	309	7			2B4P	Private	71	764	7	75		
E	547	310	7			1B2P	Private	50	538	5	54		
E	548	311	8			2B3P	Private	68	732	7	75		
E	549	312	8			2B3P	Private	67	721	7	75		
E	550	313	8			1B2P	Private	50	538	5	54		
E	551	314	8			2B4P	Private	72	775	7	75		
E	552	315	8			2B4P	Private	71	764	9	97		
E	553	316	8			2B4P	Private	71	764	7	75		
E	554	317	8			1B2P	Private	50	538	5	54		
E	555	318	9			2B3P	Private	68	732	7	75		
E	556	319	9			2B3P	Private	67	721	7	75		
E	557	320	9			1B2P	Private	50	538	5	54		
E	558	321	9			2B4P	Private	72	775	7	75		
E	559	322	9			2B4P	Private	71	764	9	97		
E	560	323	9			2B4P	Private	71	764	7	75		
E	561	324	9			1B2P	Private	50	538	5	54		
E	562	325	10			2B3P	Private	68	732	7	75		
E	563	326	10			2B3P	Private	67	721	7	75		
E	564	327	10			1B2P	Private	50	538	5	54		
E	565	328	10			2B4P	Private	72	775	7	75		
E	566	329	10			2B4P	Private	71	764	9	97		
E	567	330	10			2B4P	Private	71	764	7	75		
E	568	331	10			1B2P	Private	50	538	5	54		
E	569	332	11			2B3P	Private	68	732	7	75		
E	570	333	11			2B3P	Private	67	721	7	75		
E	571	334	11			1B2P	Private	50	538	5	54		
E	572	335	11			2B4P	Private	72	775	7	75		
E	573	336	11			2B4P	Private	71	764	9	97		
E	574	337	11			2B4P	Private	71	764	7	75		
E	575	338	11			1B2P	Private	50	538	5	54		
E	576	339	12			2B3P	Private	68	732	7	75		
E	577	340	12			2B3P	Private	67	721	7	75		
E	578	341	12			1B2P	Private	50	538	5	54		
E	579	342	12			2B4P	Private	72	775	7	75		
E	580	343	12			2B4P	Private	71	764	9	97		
E	581	344	12			2B4P	Private	71	764	7	75		
E	582	345	12			1B2P	Private	50	538	5	54		
E	583	346	13			2B4P	Private	78	840			11	118
E	584	347	13			2B4P	Private	80	861			19	205
E	585	348	13			3B5P	Private	96	1033			13	140
E	586	349	13			3B5P	Private	95	1023			13	140
E	587	350	14			1B2P	Private	56	603	5	54		
E	588	351	14			1B2P	Private	56	603	5	54		
E	589	352	14			2B4P	Private	73	786			16	172
E	590	353	14			2B4P	Private	72	775			16	172
Total NSA								5894	63443	541	5823	129	1389

Summary

**REDROW - 265 Burlington Road, New Malden**  
**SITOWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
Rev:	P4

BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
F	601	354	1			3B5P	Private	86	926			27	291
F	602	355	1			2B4P	Private	72	775	7	75	7	75
F	603	356	1			1B2P	Private	51	549			5	54
F	604	357	1			2B4P	Private	71	764	5	54	31	334
F	605	358	1			1B2P	Private	52	560			13	140
F	606	359	1			1B2P	Private	50	538	6	65	17	183
F	607	360	2			3B5P	Private	86	926	9	97		
F	608	361	2			2B4P	Private	72	775	7	75		
F	609	362	2			1B2P	Private	51	549	5	54		
F	610	363	2			2B4P	Private	71	764	8	86		
F	611	364	2			1B2P	Private	52	560	5	54		
F	612	365	2			2B4P	Private	71	764	7	75		
F	613	366	3			3B5P	Private	86	926	9	97		
F	614	367	3			2B4P	Private	72	775	7	75		
F	615	368	3			1B2P	Private	51	549	5	54		
F	616	369	3			2B4P	Private	71	764	8	86		
F	617	370	3			1B2P	Private	52	560	5	54		
F	618	371	3			2B4P	Private	71	764	7	75		
F	619	372	4			3B5P	Private	86	926	9	97		
F	620	373	4			2B4P	Private	72	775	7	75		
F	621	374	4			1B2P	Private	51	549	5	54		
F	622	375	4			2B4P	Private	71	764	8	86		
F	623	376	4			1B2P	Private	52	560	5	54		
F	624	377	4			2B4P	Private	71	764	7	75		
F	625	378	5			3B5P	Private	86	926	9	97		
F	626	379	5			2B4P	Private	72	775	7	75		
F	627	380	5			1B2P	Private	51	549	5	54		
F	628	381	5			2B4P	Private	71	764	8	86		
F	629	382	5			1B2P	Private	52	560	5	54		
F	630	383	5			2B4P	Private	71	764	7	75		
F	631	384	6			3B5P	Private	86	926	9	97		
F	632	385	6			2B4P	Private	72	775	7	75		
F	633	386	6			1B2P	Private	51	549	5	54		
F	634	387	6			2B4P	Private	71	764	8	86		
F	635	388	6			1B2P	Private	52	560	5	54		
F	636	389	6			2B4P	Private	71	764	7	75		
F	637	390	7			3B5P	Private	86	926	9	97		
F	638	391	7			2B4P	Private	72	775	7	75		
F	639	392	7			1B2P	Private	51	549	5	54		
F	640	393	7			1B2P	Private	52	560	5	54		
F	641	394	7			2B4P	Private	71	764	7	75		
F	642	395	8			2B4P	Private	82	883			35	377
F	643	396	8			1B2P	Private	52	560	5	54		
F	644	397	8			2B4P	Private	73	786			33	355
Total NSA								2936	31603	261	2809	168	1808

Summary



**REDROW - 265 Burlington Road, New Malden**  
**SITEWIDE SCHEDULE OF ACCOMMODATION - STACKING SCHEDULE**

Date :	29/05/2019
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BUILDING	PLOT No.	FLAT No.	LEVEL	ASPECT	WHEELCHAIR ADAPTABLE	HOME TYPE Size	SPEC	FLAT AREA [NSA]		BALCONY AREA		TERRACE AREA	
								sq.m	sq.ft	sq.m	sq.ft	sq.m	sq.ft
G	701	398	1			1B2P	Private	51	549	5	54		
G	702	399	1			2B3P	Private	67	721	7	75		
G	703	400	1			1B2P	Private	50	538	5	54		
G	704	401	1			2B4P	Private	71	764	7	75		
G	705	402	1		1	1B2P	Private	50	538			16	172
G	706	403	1		1	3B5P	Private	93	1001			24	258
G	707	404	1			2B4P	Private	77	829			18	194
G	708	405	2			2B3P	Private	67	721	7	75		
G	709	406	2			2B3P	Private	67	721	7	75		
G	710	407	2			1B2P	Private	50	538	5	54		
G	711	408	2			2B4P	Private	71	764	7	75		
G	712	409	2		1	1B2P	Private	50	538	5	54		
G	713	410	2		1	3B5P	Private	93	1001	8	86		
G	714	411	2			2B4P	Private	77	829	7	75		
G	715	412	2			1B2P	Private	50	538	5	54		
G	716	413	3			2B3P	Private	67	721	7	75		
G	717	414	3			2B3P	Private	67	721	7	75		
G	718	415	3			1B2P	Private	50	538	5	54		
G	719	416	3			2B4P	Private	72	775	7	75		
G	720	417	3		1	1B2P	Private	50	538	5	54		
G	721	418	3		1	3B5P	Private	93	1001	8	86		
G	722	419	3			2B4P	Private	77	829	7	75		
G	723	420	3			1B2P	Private	50	538	5	54		
G	724	421	4			2B3P	Private	67	721	7	75		
G	725	422	4			2B3P	Private	67	721	7	75		
G	726	423	4			1B2P	Private	50	538	5	54		
G	727	424	4			2B4P	Private	72	775	7	75		
G	728	425	4		1	1B2P	Private	50	538	5	54		
G	729	426	4		1	3B5P	Private	93	1001	8	86		
G	730	427	4			2B4P	Private	77	829	7	75		
G	731	428	4			1B2P	Private	50	538	5	54		
G	732	429	5			2B3P	Private	67	721	7	75		
G	733	430	5			2B3P	Private	67	721	7	75		
G	734	431	5			1B2P	Private	50	538	5	54		
G	735	432	5			2B4P	Private	72	775	7	75		
G	736	433	5		1	1B2P	Private	50	538	5	54		
G	737	434	5		1	3B5P	Private	93	1001	8	86		
G	738	435	5			2B4P	Private	77	829	7	75		
G	739	436	5			1B2P	Private	50	538	5	54		
G	740	437	6			2B3P	Private	67	721	7	75		
G	741	438	6			2B3P	Private	67	721	7	75		
G	742	439	6			1B2P	Private	50	538	5	54		
G	743	440	6			2B4P	Private	72	775	7	75		
G	744	441	6		1	1B2P	Private	50	538	5	54		
G	745	442	6		1	3B5P	Private	93	1001	8	86		
G	746	443	6			2B4P	Private	77	829	7	75		
G	747	444	6			1B2P	Private	50	538	5	54		
G	748	445	7			2B3P	Private	67	721	7	75		
G	749	446	7			2B3P	Private	67	721	7	75		
G	750	447	7			1B2P	Private	50	538	5	54		
G	751	448	7			2B4P	Private	72	775	7	75	17	183
G	752	449	7			2B4P	Private	77	829	7	75	17	183
G	753	450	7			1B2P	Private	50	538	5	54		
G	754	451	8			2B3P	Private	67	721	7	75		
G	755	452	8			2B3P	Private	67	721	7	75		
G	756	453	8			1B2P	Private	50	538	5	54		
G	757	454	8			2B4P	Private	72	775	7	75		
G	758	455	8			2B4P	Private	77	829	7	75		
G	759	456	8			1B2P	Private	50	538	5	54		
<b>Total NSA</b>								<b>3854</b>	<b>41484</b>	<b>355</b>	<b>3821</b>	<b>92</b>	<b>990</b>

Summary

## Appendix 9

satisfied that such sites will continue to reliably come forward during the plan period. The inclusion of an allowance of 410 dpa from windfall sites from year three of the plan period is therefore justified.

63. The Plan states that almost half of housing delivery up to 2029 is expected to come forward on small sites. This accords with the emerging new London Plan requirement for 660 homes per year to be on small sites, which equates to 49.6% of the overall housing requirement. The evidence demonstrates that between 2009 and 2019 47% of all homes were delivered on small sites of less than 10 units within Hackney. Based on the evidence I am satisfied that this trend has a realistic prospect of continuing and is justified. Indeed, around 41% of current planning permissions within the Borough are for sites of nine units or fewer.
64. An 84% implementation rate has been applied to site allocations and sites that have planning permission which reflects past delivery rates. This cautious approach is justified by the evidence.
65. The trajectory and other housing evidence demonstrate that there is sufficient supply to deliver 14,024 new homes during the first 10 years of the plan period (2018-2028). This would meet the 10 year requirement of 13,300 dwellings based on the housing requirement set out in Policy LP12. Indeed since the trajectory was published, updated completions evidence shows that 1,855 units were completed during 2018/19 which more than meets the requirement in the Plan and also accords with the London Plan target of 1,599 housing units for that year.
66. For the remaining five years of the plan period, the housing supply identified in the housing trajectory consists of site allocations and windfall sites and equates to 3,178 dwellings. Based on the evidence there is a reasonable prospect that this supply is likely to come forward within the timescale envisaged. Whilst this does not meet the minimum housing requirement of 6,650 dwellings, for this period, the Plan clearly defines broad locations for further development. These are identified in Policy LP12 as new growth areas and include Clapton, Homerton and key corridors. No capacity based assessment for housing delivery after 2029 has yet been carried out so the Plan's approach to identifying broad locations for development for the latter years of the plan period are justified and consistent with national planning policy.
67. Overall, the approach in the Plan provides for an adequate supply of developable and deliverable housing land to meet the identified capacity based housing requirement.

#### *Five year housing land supply*

68. National planning policy requires the Council to demonstrate that there is a five year supply of deliverable housing land on adoption of the Plan. During the examination the Council updated its five year housing land supply evidence so that it provides for the period 2019/20-2023/24. This updated evidence indicates a land supply of 8,215 homes for this period. When compared to the five year housing requirement of 6,650 dwellings this

## Appendix 10

**RE: 265 BURLINGTON ROAD – VIABILITY ADDENDUM LETTER**

Further to our recent conversation I have reviewed the viability submission and negotiations we had with the Council on the above site. As you will be aware, we submitted a viability in July 2019 which demonstrated that although the scheme had a deficit at 35% affordable (and therefore was technically non-viable) Redrow were prepared to proceed with the scheme on this basis.

This submission was reviewed by the Council's consultants, Altair, in August 2019 and although we disagreed on a number of assumptions (profit, build costs, commercial values) there was an agreement that 35% was the maximum reasonable affordable which could be delivered.

Following receipt of their report negotiations ensued in an effort to agree a mutual position on all of the key assumptions. Altair accepted a 'compromise' proposal on commercial values and build costs but maintained their profit margin at 17.5% on GDV for market housing (compared to my adopted 20%). The net result of this analysis was to show the break-even position (where there is no surplus/deficit) at **24% affordable**.

Since the above I am aware that there is an upcoming appeal on this site and I have been asked to consider any amendments I would propose to the last viability agreed with Altair to reflect current market conditions. I have listed the key amendments below;

- The UK has recently entered the deepest recession of any major global economy. There is a strong indication that the housing market (and economy) is being supported through temporary measures such as Stamp Duty Land Tax (SDLT) holiday, the Furlough scheme and other Government assistance programmes. Once these measures are withdrawn it is considered that the true economic impact of COVID-19 will be realised.
- There is significant risk in the market as a result of the prevailing economic conditions and with this in mind a 20% margin on GDV for market housing is more than justified for a large-scale, high density cash intensive brownfield development such as this. I have recently agreed a 20% margin with Altair on a much smaller scheme in Merton and therefore do not consider this to be a contentious adjustment.
- Since our original viability submission Prior Approval has now been obtained for the conversion of the office building to 38 residential dwellings. This scheme can be considered as an Alternative Use Value (AUV) for the subject site and based on my residual appraisal calculation would produce an AUV of c. £6.675m (in excess of the agreed EUV with Altair at £5.980m). This would suggest to me that the 'reasonable' landowner would look to achieve the minimum return to sell their land for development in line with the AUV. Alternatively, this AUV could provide justification to apply a premium to the £5.980m EUV which was not included in my original submission.

32-33 Cowcross Street London EC1M 6DF • Tel: 020 7490 5505 • Web: [www.tmlp.co.uk](http://www.tmlp.co.uk) • Email: [enquiries@tmlp.co.uk](mailto:enquiries@tmlp.co.uk)

Through making the above adjustments to the previously agreed viability with Altair I calculate the new break-even position to be c. 14% affordable on a habitable room's basis (13% on a unit's basis). The changes and outturn of my updated appraisal analysis are shown in the schedule below;

Description	Profit	EUV	AUV	AH% (Hab Rooms)	Surplus/ Deficit	Viable/ Non-Viable
Agreed Altair Position	17.5%	£5,980,000	£6,202,909	24%	£287,545	VIABLE
Updated Proposal	20%	£5,980,000	£6,674,596	14%	<b>-£53,260</b>	NON-VIABLE

The above is without making any adjustment for revenue changes since the last viability (Land Registry data shows a c. 4% fall in new build values in this location) nor build cost inflation. Reflecting these changes would further worsen the viability.

In conclusion since the previous submission and negotiations with Altair I consider the viability has worsened and the break-even position has fallen below the 24% previously advised by Altair. On this basis the offer at 35% is very much still the maximum reasonable for this site.

**Turner Morum LLP**

**October 2020**

## Appendix 11



## Appeal Decision

Hearing Held on 20 February 2018

Site visit made on 20 February 2018

**by Thomas Hatfield BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28<sup>th</sup> March 2018**

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**Appeal Ref: APP/T5720/W/17/3180585**

**2 Merton Hall Road, Wimbledon Chase, London, SW19 3PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr William Cooke against the decision of the Council of the London Borough of Merton.
  - The application Ref 17/P0061, dated 22 December 2016, was refused by notice dated 11 April 2017.
  - The development proposed is demolition of existing garage & proposed new build dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage & proposed new build dwelling at 2 Merton Hall Road, Wimbledon Chase, London, SW19 3PP in accordance with the terms of the application, Ref 17/P0061, dated 22 December 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Mr William Cooke against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

### Procedural Matters

3. Amended plans were submitted with the appeal documentation that proposed an enlarged light well at the rear of the dwelling, and an amended rear garden area. These are relatively minor alterations that would not have a significant effect on any neighbouring property. In my view, the amended plans would not significantly change the development, or prejudice any interested party by depriving them of the opportunity of consultation on these changes. Accordingly, I have based my Decision on these revised plans.
4. The Council indicated at the hearing that if I were minded to accept these drawings, then it would overcome its second reason for refusal. I see no reason to take a different view. Accordingly, I do not propose to explore the second reason for refusal in any further detail in my Decision.



## **Main Issue**

5. The main issue is whether the development would prejudice the delivery of the Crossrail 2 scheme.

## **Reasons**

6. The appeal site is located at the north western end of Merton Hall Road. It is currently occupied by a large single storey garage attached to No 2, and adjoins a major railway corridor containing the South Western Main Line and Thameslink line.
7. The adjoining railway corridor is subject to the 2015 Safeguarding Directions for Crossrail 2. The safeguarding process allows government to issue directions to local planning authorities in order to protect land from development. Planning applications within the safeguarded area are referred to Transport for London (TfL) for advice. The appeal site directly adjoins the safeguarded area, and on this basis, the Council consulted TfL at the planning application stage. TfL advised that whilst the appeal site is currently outside of the safeguarded area, more recent design work indicates that it will be required in order to deliver the Crossrail 2 scheme. This advice informed the Council's first reason for refusal.
8. At the hearing, TfL stated that it had produced a revised scheme for the delivery of Crossrail 2, based on detailed design and engineering work that has recently been undertaken. That scheme is not currently in the public domain, although it is envisaged that it will be published as part of a further round of public consultation in 2019. There is therefore no plan before me showing the revised area of land that would be required to deliver Crossrail 2 in this location. Moreover, as an unpublished document, the revised scheme currently has no formal status.
9. In the absence of a published plan, I am reliant on the written and verbal evidence provided by TfL that the appeal site is necessary in order to deliver the development. In this regard, TfL explained that the tunnelled section of Crossrail 2 is likely to emerge in close proximity to the appeal site. During the construction period, it will also be necessary to keep open the existing South Western Main Line and Thameslink lines. These considerations indicate that a wider corridor of land will be required in this location in order to accommodate the construction of Crossrail 2.
10. TfL stated at the hearing that were the appeal to be allowed, then the site would be compulsorily purchased in order to deliver Crossrail 2. However, the appeal proposal would increase the cost of acquiring the land.
11. TfL are a public body with overall responsibility for delivering Crossrail 2. I note TfL's statement that the most recent design work indicates that the site will be necessary for a worksite to deliver Crossrail 2. However, the weight I can attach to this consideration is limited by the fact that any revised scheme is not currently in the public domain and has no formal status. There is also an established procedure for safeguarding land for major transport projects and this site is not currently within the safeguarded area. Moreover, TfL confirmed at the hearing that their revised scheme could be subject to further changes and alterations in the future. It is therefore uncertain at this stage that the appeal site will be required in order to deliver Crossrail 2.

12. Crossrail 2 is also a regionally significant infrastructure project with very significant costs attached to it. Whilst successive rounds of funding have been granted to continue developing the scheme, at present the funding required to deliver it has not yet been committed. It is therefore uncertain whether the scheme will be implemented. Given the substantial costs associated with Crossrail 2, it could also be subject to significant delays. At present, it is envisaged that Compulsory Purchase Orders for the scheme would likely be issued in the mid-2020s, although delays could push this back significantly.
13. For the above reasons, I consider that the potential additional cost to delivering Crossrail 2 carries only limited weight at this stage. Based on the evidence before me, I do not consider that the development would prejudice the delivery of the Crossrail 2 scheme. The development would therefore be consistent with Policy CS 19 of the Merton Core Strategy (2011). This policy seeks to ensure that proposals do not have an adverse effect on transport within the vicinity of the site. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
14. The Council's Decision Notice also cites Policy DM T4 of the Merton Sites and Policies Plan (2014). This seeks to restrict development which impacts on sites/land serving transport functions or safeguarded for transport uses. However, the appeal site does not currently serve a transport function, nor is it currently safeguarded for transport uses. I therefore do not consider that this policy is directly relevant to the appeal proposal at the current time.

### **Other Matters**

15. TfL state that future occupiers of the development would be subject to an unreasonable degree of noise, vibration, and general disturbance associated with the construction and subsequent operation of Crossrail 2. However, the Council did not include this matter as a reason for refusal, and confirmed prior to the hearing that it did not intend to introduce a new reason for refusal when TfL reiterated this point in its letter dated 10 November 2017. Moreover, no detailed evidence has been provided to substantiate these concerns. I further note that the appellant has submitted a Noise Impact Assessment and a Vibration Assessment, which conclude that the operation of the existing rail services would not have a significant detrimental effect with regard to noise and vibration. Accordingly, I do not consider that this matter would justify withholding permission in this case.
16. The development would create a new point of access for No 2 onto Merton Hall Road that would likely result in the loss of an on-street parking space. However, the majority of nearby properties have off-street parking available. There is also no detailed evidence before me that the area experiences significant on-street parking stress. I further note that neither the Council nor the Highway Authority has objected to the development on these grounds.
17. I note that the appellant has raised concerns in relation to the Human Rights Act. However, as I am allowing the appeal I do not propose to consider these matters in any further detail.

## **Conditions**

18. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. Conditions relating to the proposed facing materials, and refuse and recycling facilities, are necessary in order to protect the character and appearance of the area. Further conditions that require the submission and approval of a Construction Method Statement, that control the construction hours, and relating to the rear boundary fence, are necessary in order to protect the living conditions of adjoining occupiers. The Construction Method Statement condition is pre-commencement in nature as it covers the entirety of the construction process.
19. I have also imposed a condition relating to carbon dioxide emissions and internal water usage rates, which is necessary in order to comply with the London Plan. A further condition requiring that the parking areas be constructed prior to first occupation is necessary in order to ensure that these spaces are available for future occupiers of the development.
20. I have also removed permitted development rights relating to rear extensions. This is necessary because any rear extension would involve building over the rear light well, which has been designed to ensure that the living space at basement level receives adequate natural light.
21. The Council suggested a condition that would have required the submission and approval of a landscaping scheme. However, I do not consider that this is necessary or proportionate for a scheme of this size. In addition, the Council suggested a condition that would have required the submission and approval of a scheme for the provision of surface water drainage. However, in this case, the appeal site is very small and comprises an existing garage and hard surfacing. Moreover, the Council confirmed at the hearing that the site is in Flood Zone 1 and not at risk of surface water flooding. In these circumstances, I do not consider that this condition is necessary in order to make the development acceptable in planning terms.
22. TfL suggested a further condition that would have required the submission and approval of construction method statements relating to ground floor structures, foundations, and basements. However, the suggested condition is not reasonable as the proposed locations of the Crossrail 2 structures and temporary works are not finalised. Moreover, given the uncertainties I have identified above, at this stage it is not clear that it will be necessary to achieve foundations of a particular strength.

## **Conclusion**

23. For the reasons given above I conclude that the appeal should be allowed.

*Thomas Hatfield*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 2aMHR P100 Rev A, 2aMHR P103 Rev A, 2aMHR P104, 2aMHR P105, 2aMHR P106, 2aMHR P107, 2aMHR P110 Rev A.
- 3) The facing materials to be used for the development hereby permitted shall be those specified in the application.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) measures to control the emission of dust and dirt during construction;
  - v) details of the use of any vibro-compaction/displacement piling plant in the construction process
  - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
- 6) No development shall take place above slab level until details of how the proposed dwelling shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations, and internal water usage rates of no greater than 105 litres per person per day, are submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, details confirming that these carbon dioxide emission reductions and internal water usage rates have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- 7) No development shall take place above slab level until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development, and shall be retained thereafter.
- 8) Prior to the first occupation of the development, the vehicle parking area shall be provided in accordance with the approved plans, and retained thereafter.

- 9) The rear garden area shall be enclosed by a solid, opaque boundary treatment of at least 1.8 metres in height. This boundary treatment shall be installed prior to the first occupation of the dwelling.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no rear extension shall be erected other than those expressly authorised by this permission.

## **APPEARANCES**

### FOR THE APPELLANT:

Yussuf Mwanza BA (Hons)                      MZA Planning  
MRTPI

Helen Hutton Dip Law                          Charles Russell Speechlys

William Cooke                                      Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Tim Lipscomb BA (Hons) MRTPI      London Borough of Merton

Michael Johnson BSc Hons,                  Transport for London  
BTP, MRTPI

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Letter from Transport for London to Mr William Cooke, dated 9 January 2018
- 2 Transport for London's comments in relation to application 17/04748/RM, London Borough of Enfield

## Appendix 12



**HATCH**  
**REGENERIS**

Economic Benefits Statement:  
265 Burlington Road, New Malden

A Report by Hatch Regeneris  
October 2020



# Economic Benefits Statement: 265 Burlington Road, New Malden

*This report contains the expression of the professional opinion of Hatch Regeneris (the trading name of Hatch Associates UK). It is based upon information available at the time of its preparation. The quality of the information, conclusions and estimates contained in the report is consistent with the intended level of accuracy as set out in this report, as well as the circumstances and constraints under which this report was prepared.*

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October 2020

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# Executive Summary

## 265 Burlington Road Socio-Economic Impact Assessment

### CONSTRUCTION IMPACTS

**£124m**

Investment in  
Construction



**456 new homes**  
and **499sqm** of office space



**720**

Construction Jobs per annum

### OPERATIONAL BENEFITS

#### New Housing



**1,000** new residents

**£11.4m p.a.**

Additional household  
spend in local economy

**120 jobs**

supported through  
additional expenditure

**£ 0.87m**

Additional council tax  
revenue

#### New Commercial Space



**40** FTEs supported by on-site employment

**£1.4m p.a.**

Gross direct salary values for  
employees working onsite

**£2.6m p.a.**

Gross GVA

**£95,000**

Additional business  
rates revenue for Council

# 1. Scheme and Context

## Scheme Overview

- 1.1 The proposed redevelopment of 265 Burlington Road (hereafter referred to as 'the Site') is a housing-led mixed-use development of a former office building and car park in West Barnes, located in the London Borough of Merton (See Figure 1.1 below).
- 1.2 The Site is 2.35 hectares (ha) and currently comprises a vacant two-storey office building with a single storey interconnecting warehouse and car parking, as well as car parking currently used by the adjacent Tesco store (to the west). The office building has been vacant since 2005 when the former occupants vacated the office building. The Site was actively marketed but garnered limited interest with no formal offers and has since fallen into a state of disrepair.

Figure 1.1 Local Context Map



Source: Hatch Regeneris, 2020

- 1.3 The proposed redevelopment of the site will include delivery of:
  - a range of one, two and three-bedroom new high-quality homes comprising 456 in total;
  - a range of residential tenures including 35% affordable housing<sup>1</sup>, of which 65% are affordable rent and 35% are intermediate;

<sup>1</sup> Calculated on a habitable room basis

- a total of 499sqm of commercial space that consists of 5 separate units, which range between 57sqm and 125sqm; and
- associated carparking, cycle spaces, landscaping, amenity and residents meeting space.

1.4 Despite in principle support for the redevelopment of the Site for housing through the emerging Local Plan, planning permission has recently been refused and the Applicant is appealing. Hatch Regeneris have been commissioned to provide an independent assessment of the economic benefits of the proposed scheme.

## 2. Socio-economic Context

### Population and Housing

- 2.1 In 2018, the resident population of the LB Merton amassed 206,186 people with an increase of 1.3% since 2013, compared to the London average growth rate of 5.8%. Whilst the overall population growth rate in Merton has been limited, the 65 years and over age cohort has increased by 7.5%, indicating the population is ageing. The effects of an ageing population can include reduced levels of economic activity, reduced disposable household income, and increased pressure on local and public services and facilities. These effects are likely to be even more pronounced in the local area surrounding the Site (West Barnes ward) where the population has increased by 0.8% since 2013 comprised of a decline in the working age population and an increase of almost 10% in the population aged 65 and over.
- 2.2 Over the next 10 years, it is projected that LB Merton's elderly population will grow to command 15% of the resident population in 2028 - higher than the London average (14.3%). Additionally, both the 0-15 year age band and the working age (16-64) are expected to decrease in LB Merton over the next 10 years (-9.6% and -0.2% respectively). This trend is likely to be replicated in West Barnes given the pattern of growth that has already taken place there over the last five years.
- 2.3 In terms of households, LB Merton has experienced an increase of 4.6% in the total number of households since 2011, at the last count the Borough had almost 85,000 dwellings. Out of the total dwellings 11,400 are classed as affordable homes which equates to 14% of the total stock. The borough's Strategic Housing Needs Assessment<sup>2</sup> (SHNA) indicates an objectively assessed need for 1,534 new dwellings per annum over the period 2019-2029.
- 2.4 The median house price in Merton was £470,000 in the year ending September 2019, which was in line with the London average (also £470,000), but 51% higher than the national average (£240,000). House prices in Merton have grown to a lesser extent than the London average (33.1%) over the last five years with an increase of 25.3% and the borough has a marginally better housing affordability ratio of 12.39 in 2019, compared to London's 12.77. However, the house price affordability ratio in Merton has increased by 8% over the last 5 years suggesting that affordability issues are worsening.
- 2.5 Below average population growth, an ageing population and worsening housing affordability are indicative of a lack of housing supply, in particular housing that is suitable for families and working age population.

### Local Economy and Jobs

- 2.6 The most recently available data (December 2019<sup>3</sup>) shows that Merton has high levels of economic activity which exceed the London average (84.2% and 78.1% respectively). According to the APS, LB Merton has above average levels of self-employment with 16.4% compared to 13.2% across London. Although Merton has the same unemployment rate as the London average (4.6%) it has seen an increase of 2.2% in unemployment over the last 2 years, while London has seen a decrease of 0.8% in terms of its unemployment rate. Out of the 390 people seeking work registered for Job Seekers Allowance (JSA) in Merton, 45% are seeking employment in SOC (Standard Occupational Classification) group 7

<sup>2</sup> LB Merton Strategic Housing Needs Assessment, GL Hearn, July 2019

<sup>3</sup> Annual Population Survey (APS), December 2019

(sales and customer service occupations), which is also the most sought-after occupation in West Barnes (33%).

- 2.7 According to the 2018 Business Register and Employment Survey (BRES), there was a total of 4,000 jobs in West Barnes accounting for less than 5% of the borough's total (83,000). Over half of West Barnes jobs are dominated by retail (31.2%) and business administration and support services (25%), compared to the borough as a whole, which has a more diverse spread. The total number of jobs in West Barnes has remained relatively static compared to growth of 2.5% across Merton since 2015. The local business base is dominated by microbusinesses with an above average proportion of businesses in West Barnes and LB Merton employing 0-4 employees.
- 2.8 Merton has slightly above average resident median weekly earnings compared with the London average (£710.90 and £699.20 respectively) and resident based earnings are £136 more than the average workplace earnings in LB Merton. It follows therefore that LB Merton experiences a daily net outflow (29,590) of workers highlighting the notion that Merton is a desirable location to live with access to areas with higher paid employment.
- 2.9 The Ministry of Housing, Communities and Government (MHCLG) Indices of Multiple Deprivation (IMD) ranks Merton as the 213<sup>th</sup> most deprived Local Authority nationally 29<sup>th</sup> out of the 33 Boroughs in London. There are however three specific areas where Merton faces greater challenges: barriers to housing, crime and living environment.

## Regeneration Objectives

- 2.10 A number of key policies and strategic documents have been reviewed to understand the current regeneration context at both a local and regional level.
- 2.11 At the London level there are several aspirations which the proposed development delivers against, including:
- **Good growth:** Good growth is at the heart of the Mayor's policy agenda, referring to delivering sustainable growth that works for everyone. A key objective of good growth is making the best use of land and providing the homes London needs.
  - **Housing supply:** Increasing housing supply is of regional importance, with aspirations within the Intend to Publish London Plan to deliver 9,180 new homes in Merton by 2029. The Plan stresses greater importance on the need to increase housing completions, as its annual target for Merton is 918, which is a substantial increase on its previous target.
  - **Opportunity Area:** The site is not directly located in an opportunity area but is in close proximity to the South Wimbledon and Colliers Wood Area for Intensification and will complement the objectives for this area.
- 2.12 An assessment of local policy also indicates the project delivers against strategic objectives, many of which reflect aspirations set at the regional level. These include:
- **Delivering local authority housing targets:** Merton's current housing target is 411 homes per year. It is expected that this figure will increase in the emerging Local Plan to reflect the proposed figure of 918 homes annually in the Intend to Publish London Plan and the OAHN.
  - **Affordable Housing:** Merton's Core Strategy Policy CS8 which sets out an affordable housing target of 40 %
  - **Accommodating new development sustainably:** To ensure that services, facilities and jobs are accessible locally in order to reduce the need for car travel.

Along with improved facilities for pedestrians and cyclists to encourage alternative modes of transport to the car.

- **Employment Opportunities:** Policy DM E4 which aims to improve the number and range of employment opportunities for Merton's residents.



## 3. Regeneration Benefits

### Construction Benefits

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- 3.1 The construction of 265 Burlington Road would result in an investment of £124.3m<sup>4</sup>, creating temporary employment for local people and supporting the local construction sector.

#### Construction Employment

- 3.2 During the construction period, demand for temporary construction jobs will be generated creating opportunities for local residents and helping to support the local economy. To estimate the construction employment benefits, the estimated construction cost and build period have been used, combined with guidance from the Homes and Community Agency (HCA) applies labour coefficients to measure the number of workers per £1m of construction investment per year. Due to the varied and temporary nature of construction projects, the construction jobs will not necessarily be Full Time Equivalents (FTEs).
- 3.3 Based on these assumptions, the proposed scheme could support **720 workers per year over a 3-year build period.**
- 3.4 The jobs created through the construction of 265 Burlington Road will be a mixture of both on-site and off-site pre-fabrication and supply chain employment through the various tiers of the supply chain. This estimate is also an average level of construction employment over the duration of the build period, and the level of employment supported could be higher at peak periods of construction activity.
- 3.5 To support the construction process, there is likely to be a requirement for some specialist construction companies to be used as part of the construction process. It is anticipated that these contractors may well be from outside of the borough and wider London area. However, there are also likely to be a wide range of sub-contracting packages that would potentially be available to local contractors across Merton (e.g. groundworks, civil engineering, brick/block work, plastering, electrical, plumbing) that could help to maximise the local employment impact from the scheme. The Applicant has confirmed that opportunities for apprenticeships and construction work will be offered during the construction phase in accordance with the Council's training initiatives. It is envisaged that this will be secured via S106.

#### Construction worker spend

- 3.6 Whilst the construction of 265 Burlington Road is being undertaken, those working on the site are likely to spend money locally (e.g. for breakfast, lunch and other amenities). Whilst there is limited guidance on calculating spend per construction worker, a high level estimate can be calculated to demonstrate the potential value for illustrative purposes.
- 3.7 Research commissioned by New York Bagel Company<sup>5</sup> found that the average construction worker spends around £6 per day on lunch and hot drinks in the local area. On the basis that construction workers are on site between 3 to 5 days a week throughout a given year, and all spend is contained in the local area, this could generate around **£1.0**

<sup>4</sup> These costs exclude the design development and construction risk, with the total current day cost being £130.5m including these.

<sup>5</sup> Research commissioned by New York Bagel Company and summarised by the Independent, available here: <https://inews.co.uk/inews-lifestyle/food-and-drink/brits-eating-same-lunch-every-day-507362>

**million to £1.7 million in local spend per year.** Over the course of the two-year construction period this could generate **£2.0 million to £3.3 million of spend in local shops and amenities helping to support local employment opportunities.**

## Operational Benefits

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### New Housing

- 3.8 The proposed development at 265 Burlington Road is expected to deliver 456 new housing units. These will consist of a mix of 1 bed, 2 bed and 3 bed units and a range of tenure options including intermediate and affordable rent.
- 3.9 The delivery of this new housing stock will support Merton's ambitious housing targets (as discussed previously) and deliver a number of benefits for the local area and borough.

### Demographic and Labour Market Benefits

- 3.10 The proposed development will provide new homes for residents in New Malden. Based on the GLA's Population Yield Calculator (which provides estimates for the number of people per housing unit by bedroom size) it is estimated that the proposed scheme will be home to around **1,000 new residents.**
- 3.11 The proposed development incorporates a wide range of tenures types, price points and sizes, helping to support the creation of a mixed and dynamic community on the site.
- 3.12 In attracting new residents into the area, the development will contribute to the strengthening of the local labour market as well as helping to address the area's ageing population, particularly as the mix of housing and tenures is more attractive to younger, working people. Research by the London School of Economics found that the majority of residents in new residential buildings were under the age of 40 and were one or two person households<sup>6</sup>.
- 3.13 By using average benchmarks for Merton, it is estimated that the working age population housed in the proposed scheme will participate as the following roles in the economy:
- **85% economically active** (either working or seeking employment)
  - **82% in employment**
  - **14% in higher managerial occupations**

### Household Expenditure

- 3.14 The addition of around 1,000 new residents into the West Barnes area will increase the level of household expenditure on local goods and services, helping to support Merton's economy. Using data relating to the proposed mix of housing and ONS household expenditure data, it is expected that the new residents of 265 Burlington Road will deliver the following:
- Total gross additional household expenditure of around **£11.4 million per annum**, enough to support around **120 jobs.**

<sup>6</sup> LSE Cities, Living in a denser London, March 2020: [http://www.lse.ac.uk/cities/Assets/Documents/2020-LSE-Density-Report-digital.pdf?mc\\_cid=2afaab842d&mc\\_eid=035a7a27e9](http://www.lse.ac.uk/cities/Assets/Documents/2020-LSE-Density-Report-digital.pdf?mc_cid=2afaab842d&mc_eid=035a7a27e9)

- Data from the Merton Retail and Town Centre Capacity Study suggests that around **20% of expenditure (£2.3 million per annum)** could be retained in the Merton economy, supporting around **24 jobs** in local shops and amenities.
- 3.15 The increase in expenditure and the jobs supported by the proposed development at 265 Burlington Road will help to support the vitality and vibrancy of local high streets, particularly those in close proximity to the site (including Raynes Park and New Malden). In providing more expenditure for local shops and services, the development will help to support local high streets, creating vibrant street frontages and delivering placemaking benefits for the local area and Merton.

### Fiscal Benefits

- 3.16 The proposed residential units that are set to be delivered as part of the 265 Burlington Road development will also provide additional income for the London Borough of Merton.
- 3.17 It is estimated the scheme will generate gross additional annual council tax revenue of around **£870,000 per annum**.
- 3.18 In delivering new homes, the scheme will also help to boost New Homes Payments to Merton, estimated to be in the region of **£800,000 per annum, or £3.2 million over the lifetime of the impact**. Of this proportion, 80% will be allocated to the London Borough of Merton and 20% to the GLA.
- 3.19 On-going discussions with officers of LB Merton indicate that a **s106 agreement** will likely form part of any planning approval which will include financial contributions. The level has not yet been determined. In addition, **Community Infrastructure Levy (CIL)** will be payable on the chargeable elements of the development. Based on the proposed scheme this is estimated to be **£5.8 million**.

### New Commercial

- 3.20 265 Burlington Road is a mixed-use development and will also deliver new commercial space. The proposed development will deliver 499 sq m net internal area of office (Class B1a) space at ground floor with units ranging in size from 57-125 sqm. This offer will complement the business base of the local area, which has an above average proportion of microbusinesses.

### Direct Employment Benefits

- 3.21 The delivery of new commercial space will support new on-site employment. To calculate the total gross employment that could be supported, data from the HCA employment density guidance has been linked to the scheme floorspace above. Salary and GVA output based on operational jobs has been calculated using London averages in the Annual Business Survey.
- 3.22 All impact figures are gross and do not take into account leakage and displacement. With these assumptions in mind it is estimated the proposed scheme can support the following:
- **40 gross FTEs** supported by on site employment
  - **£1.4 million gross direct salary values** for employees working onsite
  - **£2.6 million gross direct GVA** providing an uplift to the local economy.
- 3.23 The new on-site employment that will be supported by the proposed development will also generate additional spending in the local economy. Based on an average spend of £6 per

day<sup>7</sup>, the total spending generated by on-site employees will be in the region of **£56,400 per annum**. The effect of this spending will be to help support the generation of induced employment (estimated below) and is not an additional impact.

### Indirect Employment Benefits

- 3.24 The on-site economic activity generated by the additional commercial space will generate a number of economic multiplier effects:
- Supply chains benefits relating to the businesses located on-site (termed indirect impacts)
  - Local expenditure benefits relating to those employed on site and within the supported supply chain (termed induced impacts).
- 3.25 In total, we estimate that the indirect employment benefits will support around **3 additional indirect FTEs** across London and **additional indirect GVA across London of £130,000 per annum**. These figures are gross and do not take into account leakage or displacement.

### Fiscal Benefits

- 3.26 The proposed commercial floorspace will provide additional public sector income through business rates generation. It is estimated the scheme will generate an annual business rates revenue income in the region of **£95,170 per annum**.

## Wider Benefits

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- 3.27 In addition to the economic benefits of the proposed development which are described above, there will be a number of wider benefits generated by the scheme which will support economic, social and environmental development within the local area. This includes:
- **Creating active frontages and public realm** – the proposed office floorspace and public realm that have been proposed as part of the development will generate additional footfall within the local area. The scheme also includes a new streetscape at Burlington Road and a wide pavement with street planning and furniture. The provision of enhanced public realm will provide a space for local residents, creating amenity benefits. Research undertaken by Just Economics on behalf of Living Streets<sup>8</sup> states that there is a growing body of evidence which shows that public realm investments deliver significance and cost-effective benefits to a wide range of users. This includes impacts on existing business' performance (in terms of footfall and retail turnover), regeneration (in terms of new business, land value uplift, employment and the tackling of social exclusions) as well as improved consumer and business perceptions.
  - **Reactivating a vacant site** – 265 Burlington Road has been vacant since 2005 with limited benefits for the local community. Bringing this site back into active use will not only reduce some of the disbenefits associated with vacant units on local property prices and amenity, but also act as a catalyst for further development locally.
  - **Addressing deprivation:** Although LB Merton has relatively low levels of deprivation overall, it has particular challenges around barriers to housing, crime and the living environment. The proposed Development would help address all three

<sup>7</sup> Research summarised by the Independent, available here: <https://inews.co.uk/inews-lifestyle/food-and-drink/brits-eating-same-lunch-every-day-507362>

<sup>8</sup> Just Economics (2018) 'The Pedestrian Pound, the Business Case for Better Streets and Places'

issues. The 465 new homes will directly improve access to housing; however, it can also indirectly improve the levels of crime and fear of crime through greater footfall, natural surveillance and active frontages compared to the current vacant Site. Likewise, the new development would improve the current living environment through enhanced public realm and landscaping and making best use of an underutilised site.

- **Generating local employment opportunities** – during the construction and operation of the proposed development a wide range of local employment opportunities would be generated. During the construction phase a number of opportunities would be created across the sector as previously mentioned (e.g. sub-contracting packages that would potentially be available to local contractors across Merton). During the operational phase, the new commercial space would also deliver a range of office-based employment opportunities for local people reflecting the likely demand for space from micro-businesses and self-employed.
- **Apprenticeship and training opportunities** - during the construction of the proposed site, there will be a number of opportunities for local people to get involved through apprenticeship and training programmes. These opportunities provide skills and experience for local people, providing a route into employment.
- **Affordable housing provision** – the proposed development is expected to provide 145 new affordable homes (comprised of 58 shared ownership units and 87 socially rented units). This provides local residents with more opportunities to purchase a house and also has a wider positive impact on health, inequality (social cohesion) and educational attainment<sup>9</sup>.

<sup>9</sup> Shelter, The Economic Impact of Investment in Affordable Housing, 2015

# Appendix A - Method for Calculating Future Impacts

A.1 Our approach to assessing the high-level socio-economic impacts of the proposed scheme at 265 Burlington Road has included consideration of the following:

- **Construction Investment:** Construction Investment: Based on cost estimates by the Client, which assumes that the cost will be £124,297,000 (or £130,510,000 including the design development and construction risk costs).
- **Construction Employment:** Using labour coefficients from Homes and Communities Agency (HCA) Calculating Cost per Job (3rd Edition 2015) based on workers per £1m output per year and construction estimates.
- **Gross Direct Employment:** Based on proposed floorspace. The different types of employment are based on HCA Employment Density Guide (3rd Edition 2015).
- **Gross GVA:** Direct employment generated was multiplied by ONS Annual Business Survey estimates of GVA per employee. All operational jobs were classified by the sector most closely linked to the proposed use class.
- **Gross Salary Yield:** On-site employment generated was multiplied by ONS Annual Business Survey estimates of salary per employee. All operational jobs were classified by the sector most closely linked to the proposed use class.
- **Gross Indirect and Induced Jobs:** Indirect and induced employment supported by the capacity of the proposed development has been estimated based on HCA Additionally Guide (4th Edition 2014) medium level multiplier at the neighbourhood and regional level. This takes into account the fact that multipliers tend to be lower for lower value activities such as this, but also that the hotel operator is looking to hire people who live in a relatively local area.



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## Appendix 13





**Ministry of Housing,  
Communities &  
Local Government**

James Harris  
Lichfields  
14 Regents Wharf  
All Saints Street  
London  
N1 9RL

Our ref: APP/C5690/W/18/3205926  
Your ref:

22 January 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY MB HOMES LEWISHAM LTD  
LAND AT FORMER CAR PARKS, TESCO STORE, CONINGTON ROAD, LEWISHAM,  
LONDON SE13 7LH  
APPLICATION REF: DC/17/101621**

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 which opened on 14 May 2019 into your client's appeal against the decision of London Borough of Lewisham to refuse your client's application for planning permission for construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works, in accordance with application ref: DC/17/101621, dated 12 May 2017
2. On 2 May 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

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

3. The Inspector recommended that the appeal is allowed and planning permission granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to allow the appeal and grant planning permission 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.
5. An application for a partial award of costs was made by MB Homes Lewisham Ltd against the Greater London Authority (GLA) (IR8). This application is the subject of a separate report and a decision letter is also being issued today.

Ministry of Housing, Communities & Local Government Tel: 0303 444 3594  
Andrew Lynch, Decision Officer Email: PCC@communities.gov.uk  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

## **Procedural matters**

6. The Secretary of State notes at IR2-7 that a second application was submitted with the objective of addressing the reasons for refusal (IR3). To overcome the harm that had been identified by members, the appellant agreed with the Council that the amendments from the second scheme should be imported into the appeal scheme. The Secretary of State also notes that the drawings listed in conditions in Annex A reflect the first application with the agreed alterations from the second scheme. However, the Secretary of State does not consider that the importation of the amendments raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.

## **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 London Plan (LP) of 2016, the Lewisham Core Strategy (LCS) of 2011, the Lewisham Development Management Local Plan (DMLP) of 2014 and the Lewisham Town Centre Local Plan of 2014.
9. The Secretary of State considers that relevant development plan policies include those set out at IR14-16.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Lewisham Tall Buildings Study (updated in 2012) and Supplementary Planning Guidance (SPG) entitled 'Homes for Londoners: Affordable Housing and Viability' of 2017. 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.
11. 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.
12. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### *Emerging plan*

13. The Examination in Public of the London Plan has concluded and the Panel presented their report to the Mayor in October 2019. On 9 December 2019, the Mayor of London submitted his “Intend to Publish” version of the London Plan to the Secretary of State for his consideration.
14. The Secretary of State considers that the emerging policies of most relevance to this case are those set out in IR17-18. Since the close of the Inquiry, the references / titles of some key policies have changed in the “Intend to Publish” version, for example, policies D1A and D1B (London’s form, character and capacity for growth), D3 (Optimising site capacity through the design-led approach), D9 (Tall buildings) and H5 (Threshold approach to applications).
15. 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. Following recent progress with the emerging London Plan, the Secretary of State concludes that NLoP policies carry moderate weight.

### **Main issues**

16. The Secretary of State agrees with the Inspector that the main considerations are those set out in IR125.

### *Provision of affordable housing*

17. The Secretary of State agrees with the Inspector that the essential differences on viability between the parties lies in a variation of around £11m in construction costs (including fees and profit); and private residential values (IR127).

#### *Construction costs*

18. The Secretary of State notes that CDM (for the GLA) consider build costs to be overstated (IR129). However, the Secretary of State also notes that independent costs estimates produced by 3 firms of costs consultants were within 2 percentage points of each other. He agrees with the Inspector that no evidence has been produced in any later analyses to show that those build costs, or any element of them considered for viability purposes, are unreasonable (IR128-131).

#### *Fees*

19. The Secretary of State notes that the level of fees remained a point of difference at the beginning of the Inquiry. The Secretary of State also notes that while detailed analysis of this issue did identify an overstatement of fees of less than £1m, this is far below the overstatement claimed by the Council and GLA. He further notes that, at the Inquiry no evidence was forthcoming from the GLA’s costs witness, CDM, to support their contention that preliminaries are set too high or that the level of professional fees of around 10% would be excessive for a project of this nature. In addition, the Council’s costs witness accepted that if a reasonable preliminaries figure of 17% or so was adopted then the whole argument in support of the £5.5m fees deduction from the overall level of costs fell away (IR132-133).

### *Profits*

20. For the reasons given in IR134-135, the Secretary of State agrees with the Inspector that the proposed profit levels are reasonable for this scheme.
21. For the reasons given in IR136 the Secretary of State agrees with the Inspector that no evidence was offered by the Council or the GLA to counter the appellant's build costs analysis or the level of fees or profit.

### *Private residential values*

22. The Secretary of State has carefully considered the Inspector's analysis in IR137-146 and agrees that the GLA's suggested values would be unlikely to be achievable in the market (IR144).
23. The Secretary of State also notes that the GLA accepted at the Inquiry that if the £11m alleged surplus on fees and construction costs did not exist, then the claimed remaining £900,000 (IR132) would not have led to a direction to refuse from the Mayor's office (IR146). For the reasons in IR147, the Secretary of State agrees with the Inspector that the 20.2% affordable housing proposed by the appellant is the maximum, if not somewhat more, than what can be reasonably provided, and he accordingly attaches very considerable weight to this benefit of the proposal. He finds no conflict with the requirements of LonP policy 3.12; the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7.

### *Late stage review*

24. For the reasons given in IR148-149, the Secretary of State agrees with the Inspector that there is no pressing case for a late stage review for a scheme such as this, where development is proposed to be completed in a single phase. He finds no conflict with the requirements of LP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7.

### *Other matters*

#### *Character and appearance*

25. For the reasons given in IR150-151, the Secretary of State considers the public benefits in the form of improvements to the Silk Mills path, the access to the station and the new public space outweigh any additional harm identified in relation to the small scale housing to the south east of the tower (IR152). For the reasons given in IR153 the Secretary of State agrees with the Inspector that there would be no harm caused to any view from locations including Blackheath, Blythe Hill Fields, Hilly Fields and Mountsfield Park. The Secretary of State agrees with the Inspector's conclusions in IR166 that the scheme would contribute positively to the character and appearance of the emerging Lewisham Town Centre and affords this moderate weight in favour of the proposal.

#### *Heritage matters*

26. For the reasons given in IR154-157, the Secretary of State agrees that the effect of the appeal scheme on the range of heritage assets considered would be insignificant. While the Inspector has not identified any specific harm to any heritage asset, on the basis that an insignificant effect might still qualify as less than substantial harm, the Secretary of State has had regard to paragraph 196 of the Framework, and on a precautionary basis,

has carried out the balancing exercise set out there. He has set out his conclusions in paragraph 31 of this letter.

### *Living conditions*

27. For the reasons given in IR158-164, the Secretary of State agrees with the Inspector's conclusion in IR164 that while there would be some impact on the daylighting, outlook and living conditions of some nearby occupiers, these would not amount to unacceptable impacts, and he affords the identified harm limited weight against the proposal.

### **Planning conditions**

28. The Secretary of State has given consideration to the Inspector's analysis at IR121-124, the recommended conditions set out at the end of the IR and the reasons for them, and to 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**

29. Having had regard to the Inspector's analysis at IR119, the planning obligation dated 31 May 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR120 that the obligation, except with respect to a late review mechanism, complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

### **Planning balance and overall conclusion**

30. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with LonP policy 3.12, the Mayor's Affordable Housing and Viability SPG, Lewisham CS policy 1 and DMLP policy DM7, and 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.
31. Against the proposal, the Secretary of State affords limited weight to any impacts on living conditions. In favour, the Secretary of State affords very considerable weight to the provision of market and affordable housing. He also affords moderate weight to the positive contribution to the character and appearance of the emerging Lewisham Town centre.
32. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the heritage assets identified in IR154-157 is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. The Secretary of State has identified the benefits of the scheme and the weight he has afforded to these in paragraph 29 of this letter.
33. Overall the Secretary of State considers that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the heritage assets identified in IR154-157. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.

34. The Secretary of State concludes that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
35. The Secretary of State therefore concludes that the appeal should be allowed and planning permission granted.

### **Formal decision**

36. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for construction of three buildings, measuring 8, 14 and 34 storeys in height, to provide 365 residential dwellings (use class C3) and 554 square metres (sqm) gross of commercial/ community/ office/ leisure space (Use Class A1/A2/A3/B1/D1/D2) with associated access, servicing, energy centre, car and cycle parking, landscaping and public realm works in accordance with application ref: DC/17/101621 dated 12 May 2017 (as amended see paragraph 6 of this letter).
37. 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**

38. 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.
39. A copy of this letter has been sent to the Council of the London Borough of Lewisham and the Greater London Authority. 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

## Appendix 14



Ministry of Housing,  
Communities &  
Local Government

Mr C Mills  
Daniel Watney LLP  
165 Fleet Street  
London  
EC4A 2DW

Our Ref: APP/N5090/W/17/3189843

Date: 24 February 2020

Dear Sir,

**CORRECTION NOTICE UNDER SECTION 57 OF THE PLANNING AND COMPULSORY  
PURCHASE ACT 2004  
APPEAL MADE BY COMER HOMES GROUP  
NORTH LONDON BUSINESS PARK, OAKLEIGH ROAD SOUTH, LONDON, N11 1GN  
APPLICATION REF: 15/07932/OUT**

1. Requests for corrections have been received from Taylor Wessing LLP on behalf of Comer Homes Group, in respect of the Secretary of State's decision letter on the above case dated 22 January 2020. These requests were made before the end of the relevant period for making such corrections under section 56 of the Planning and Compulsory Purchase Act 2004 (the Act), and a decision has been made by the Secretary of State to correct the error.
2. Accordingly, he has amended the description of development at paragraph 1 of the Decision Letter, the description of development at paragraph 37, and has amended Condition 33 in Annex B of the Decision Letter. The Secretary of State has no powers to make such amendments to the Inspector's report.
3. Under the provisions of section 58(1) of the Act, the effect of the correction referred to above is that the original decision is taken not to have been made. The decision date for this appeal is the date of this notice, and an application may be made to the High Court within six weeks from the day after the date of this notice for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
4. A copy of this letter has been sent to the London Borough of Barnet.

Yours faithfully

*Jean Nowak*

Jean Nowak  
Authorised by Secretary of State to sign in that behalf

Jean Nowak, Decision Officer  
Ministry of Housing, Communities &  
Local Government  
Planning Casework Unit  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

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Email: PCC@communities.gov.uk





Ministry of Housing,  
Communities &  
Local Government

Mr C Mills  
Daniel Watney LLP  
165 Fleet Street  
London  
EC4A 2DW

Our ref: APP/N5090/W/17/3189843  
Your ref: n/a

24 February 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY COMER HOMES GROUP  
NORTH LONDON BUSINESS PARK, OAKLEIGH ROAD SOUTH, LONDON, N11 1GN  
APPLICATION REF: 15/07932/OUT**

1. I am directed by the Secretary of State to refer to his letter of 22 January 2020 and to say that consideration has been given to the report of John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI, who held a public local inquiry from 9-11 October 2018 and on 9 November 2018 into your client's appeal against the decision of the London Borough of Barnet (LBB) to refuse your client's hybrid application for planning permission for;
  - Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 376 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; The outline element comprises up to 824 additional residential units in buildings ranging from two to eleven storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.9 hectares of public open space, Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking, as amended (IR10) to;
  - Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to

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Jean Nowak, Decision Officer  
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5,177 sq m of non-residential floor space (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking.

in accordance with application ref: 15/07932/OUT, dated 18 December 2015.

2. The Secretary of State notes that his letter of 22 January 2020 included an out-of-date description of development at paragraph 1 and at paragraph 37 (IR10), and included an out-of-date version of Condition 33 in Annex A. This letter has corrected these errors. The corrected condition sets out the drawings that were submitted as part of the March 2017 amendments, and those drawings were put to Committee and were put to the Inquiry parties and the Inspector. The Secretary of State considers that no prejudice would be caused by determining the appeal on the basis of the amended proposals and has proceeded on that basis.
3. A copy of the Secretary of State's letter of 22 January 2020 is enclosed at Annex C and forms part of the decision in this case. All paragraph references are to that letter, unless prefixed by IR, in which case they are references to the Inspector's Report.
4. On 12 January 2018, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

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

5. The Inspector recommended that the appeal be allowed, and planning permission be granted subject to conditions.
6. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided to allow the appeal and grant planning permission 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**

7. On 21 February 2019, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the results of the Housing Delivery Test, which were published on 19 February 2019. A list of representations received in response to this letter is at Annex A(i). These representations were circulated to the main parties on 14 March 2019.
8. The Planning Inspectorate received correspondence from the Rt Hon Theresa Villiers MP, dated 18 February 2019, concerning availability of local healthcare services. This letter was separately sent to Comer Homes Group, who forwarded their response to the Planning Casework Unit on 7 March 2019. The original letter was circulated to the LBB on 18 March 2019.

9. The Secretary of State also received correspondence from the Rt Hon Theresa Villiers MP, dated 20 February 2019, stating her opposition to the residential aspects of the proposal. This was not circulated to parties as it was reaffirming an existing position.
10. On 28 March 2019 the Office for National Statistics published updated housing affordability ratios for England. As the London Plan provides an up-to-date housing requirement, the Secretary of State did not consider that the publication of these ratios raised any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.
11. A list of all the other representations which have been received since the inquiry is at Annex A(ii). Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
12. An application for a full award of costs was made by Comer Homes Group against the LBB (IR1). This application is the subject of a separate decision letter, which is also being issued today.

### **Policy and statutory considerations**

13. 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.
14. In this case the development plan consists of the Barnet Core Strategy (CS) and Development Management (DM) documents (both 2012), and the London Plan (2017, consolidated with alterations since 2011) (LP).
15. The Secretary of State agrees with the Inspector (IR5-8) that the policies of most relevance are:
  - CS5, which defines a tall building as one of eight storeys or more, and sets out locations where they may be appropriate;
  - DM05, which restricts tall buildings to identified locations;
  - DM01, which requires proposals to preserve local character and respect the appearance, scale, mass, height and pattern of their surroundings; and
  - LP7.7, which states that tall buildings should be part of a plan-led approach, should not have an unacceptably harmful impact on their surroundings, and need to be accompanied by an urban design analysis, especially where they are proposed for locations not identified in a plan.
16. 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'), and the North London Business Park planning brief, adopted by the LBB in 2016. The revised 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 revised Framework.

### *Emerging plan*

17. The emerging plan comprises the revised Barnet Local Plan, and the New London Plan. 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.
18. The revised Barnet Local Plan has not yet been published for public consultation, and the Secretary of State therefore considers it carries no weight.
19. The draft New London Plan (NLoP) has completed its Examination in Public, and the Panel's report to the Mayor of London was issued in October 2019. The Mayor published online and submitted his "Intend to Publish" version of the plan to the Secretary of State on 9 December 2019. In line with the Framework, the Secretary of State considers that the NLoP policies carry moderate weight.

### **Main issues**

#### *Impact of the proposal on the character and appearance of the area*

20. The Secretary of State agrees with the Inspector that the effect of the proposed development on the character and appearance of the area is a main issue in this case (IR62).
21. The Secretary of State has carefully considered the Inspector's assessment of the impact the proposal would have on the surrounding area (IR64-69). He agrees with the Inspector that, as the local authority do not object to residential redevelopment in principle, it is the elements over seven storeys and the scale and massing of the development that form the primary matters of concern.
22. The Secretary of State has carefully considered the Inspector's assessment of the impact the proposal would have on the surrounding area (IR64-69). He notes that the surrounding area is predominantly two-storey residential dwellings, while the site is currently occupied by a low-density campus-style business park. For the reasons given at IR64, he agrees with the Inspector that, as the existing character of the site is entirely different to the surrounding area, it does not contribute to the character and appearance of the area. In considering the proposed site layout, he notes that the taller buildings would be located away from existing development, in the interior of the site (IR66, IR68) or adjacent to the railway lines (IR65) that provide a buffer to existing development; while the buildings proposed closest to existing development would be three storeys (IR65, IR66). He also notes that open space would be retained between blocks (IR67). For

these reasons, he agrees with the Inspector that the proposal is appropriate to the current character of the site (IR65), and that the taller buildings would not be visually obtrusive (IR68) to those living around the site.

23. In considering the impact of the proposal outside the immediate surroundings, the Secretary of State agrees with the Inspector at IR68 that, while the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs.
24. For the reasons given above, The Secretary of State agrees with the Inspector that the proposal is designed in such a way as to respect the existing character of the area while maximising the potential of the site (IR65), and that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area. For these reasons, the Secretary of State agrees with the Inspector (IR69, IR74) that the proposal is acceptable in terms of scale, massing and design, and would not harm the character and appearance of the area, thereby complying with DM01.
25. However, for the reasons given at IR72, the Secretary of State agrees with the Inspector that there is a conflict with the local plan, as tall buildings are not envisioned for this site. He considers that the proposal conflicts with CS5 and DM05, and that, while LP7.7 could be favoured as a more recent policy and would be more permissive of a tall building at this location, there is still conflict with the elements of the policy that require tall buildings to be plan-led. The Secretary of State gives this significant weight against the proposal.

#### *Housing land supply*

26. The Guidance states that in principle an authority will need to be able to demonstrate a five years' land supply at any point to deal with applications and appeals unless it is choosing to confirm its five years' land supply - in which case it need demonstrate it only once per year. In this case, LBB has not 'confirmed' its five years' land supply and the Secretary of State notes (IR33) that the best case in terms of housing supply is 5.1 years while the worst case is a 4.8-year supply, both of which estimates include the dwellings which would be delivered on the site in this proposal.
27. The Secretary of State agrees with the Inspector at IR76 that five years of housing land supply is a minimum requirement, and that the scheme would boost the supply of housing, a principal Government objective. For these reasons, he considers that the provision of 1350 market and affordable homes represents a clear benefit, and that it attracts significant weight in favour of the proposal.

#### *Other matters*

28. For the reasons given at IR75, the Secretary of State considers that the provision of a serviced plot for a replacement secondary school carries great weight in favour of the proposal.
29. The Secretary of State agrees with the Inspector (IR77-78) that the public accessibility to the sports facilities, the provision of public open space, the provision of community

floorspace, and the Community Infrastructure Levy generated by the proposal are all significant and substantial benefits of the proposal which carry significant weight in favour of the proposal. As no evidence has been put before him that the New Homes Bonus would be used to help make the proposal acceptable in planning terms, he has not given it any weight in the planning balance.

30. The Secretary of State has considered the Inspector's analysis of the potential for traffic congestion (IR80-81) along Brunswick Park Road and agrees with his conclusions that the development would not adversely affect the amenity of surrounding developments. As such the Secretary of State considers this to be neutral in the balance and to carry no weight either way.

### **Planning conditions**

31. The Secretary of State has given consideration to the Inspector's analysis at IR60, the recommended conditions set out at the end of the IR and the reasons for them, and to 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 B should form part of his decision.

### **Planning obligations**

32. Having had regard to the Inspector's analysis at IR61, the planning obligation dated 8 November 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's conclusion for the reasons given in IR61 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**

33. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with policies CS5, DM05 and LP7.7 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The development plan restricts tall buildings to identified locations, and the proposal would include them on a site not identified as suitable for them. This conflict carries significant weight against the proposal
35. The proposal has been designed to respect the existing character of the local area, while maximising the potential for delivering homes. It would deliver a replacement secondary school alongside new open space, sports facilities and community space. The local authority is unable to demonstrate a five-year supply of housing land without taking account of this site, and the proposal would provide 1350 new homes. The provision of the housing and the ancillary facilities both carry significant weight in favour of the proposal.

## Appendix 15



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 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

## Appendix 16



Ministry of Housing,  
Communities &  
Local Government

Mr Mark Connell  
JLL  
30 Warwick Street  
London  
W1B 5NH

Our ref: APP/G6100/V/19/3226914  
Your ref: GLA/4279 & 01508/A/P6

10 September 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY L&Q  
LAND AT CITROEN SITE, CAPITAL INTERCHANGE WAY, BRENTFORD TW8 0EX  
APPLICATION REF: GLA/4279 & 01508/A/P6**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Nicholson RIBA IHBC, who held a public local inquiry on 14-24 January and 4-6 February 2020 into your client's application for planning permission for redevelopment of the site to provide a mixed use scheme of 441 residential units (Class C3) including 50% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 16, 17 and 18 storeys in height with associated cycle parking, car parking, play space, landscaping and public realm improvements, ref. GLA/4279 & 01508/A/P6, dated 3 November 2017.
2. On 15 April 2019, 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.

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

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

**Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.5, notwithstanding the criticisms by the Royal Borough of Kensington

Ministry of Housing, Communities & Local Government  
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Planning Casework Unit  
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and Chelsea, the Secretary of State is satisfied that the Environmental Statement and ES Addendum May 2018 complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Policy and statutory considerations**

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the 2016 London Plan (LonP) and the 2015 Hounslow Local Plan (HLP). The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.13.
8. The Secretary of State also agrees that the Richmond Local Plan is a material consideration, but for the reasons given at IR15.91 gives it limited weight.
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'), as well as those set out at IR3.17-3.27.
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.

### *Emerging plan*

11. The emerging plan comprises Intend to Publish London Plan (IPLP) 2019. The Secretary of State considers that the emerging policies of most relevance to this case include D9 Tall Buildings; H4 Delivering Affordable Housing; HC1 Heritage conservation and growth and HC2 World Heritage sites.
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging London Plan is at an advanced stage of preparation, and the Secretary of State has directed the areas where changes must be made. 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 considers that policies in the emerging Plan where no modifications have been directed (which includes the policies set out in paragraph 11 above), carry significant weight.

### **Main issues**

#### *Impacts on heritage assets*

13. The Secretary of State has given careful consideration to the Inspector's analysis of heritage issues at IR15.3-15.51. He agrees, for the reasons given at IR15.5, that any harm to designated heritage assets would be from the impact of the development on the significance of these derived from their settings. He agrees with the Inspector at IR15.6 that any harm to the significance of the Orangery would also harm the Outstanding

Universal Value (OUV) and the significance of the World Heritage Site (WHS), Registered Park and Gardens (RPG) and Conservation Area (CA). For the reasons given at IR15.7-IR15.21 he agrees with the Inspector that in terms of the ability of the public to appreciate the Orangery, the effect of the scheme in the setting would be negligible (IR15.21) However, he also agrees with the Inspector at IR15.22 that listed buildings should be preserved for their own sake and the setting of the Orangery is important to the OUV of the WHS. The Secretary of State agrees for the reasons given at IR15.22 that the degree of erosion to the significance of the listed building, and so that of the WHS, would be slight. Overall, the Secretary of State agrees (IR15.23-15.24) that the proposal would cause less than substantial harm to the significance of the Orangery, and thus the OUV and WHS, and that this harm would be nowhere near the level of substantial. For the reasons given at IR15.25, and taking into account HE's findings on this matter (IR9.21) he concludes that the level of harm to the significance of the Orangery, and so on the OUV of the WHS, on account of impact on its setting the harm is 'less than substantial', and that within this scale, the harm is moderate.

14. For the reasons given by the Inspector at IR15.26-15.31 the Secretary of State agrees that the cumulative impact of the proposal, when viewed with existed buildings, on the significance of Kew Gardens, would be minor (IR15.30). He further agrees at IR15.30 that when the cumulative impact is taken together with the direct impact he finds above, this would amount to a little, but not much, more than moderate harm, and that this would not come close to a substantial level of harm within the 'less than substantial' scale. The Secretary of State agrees with the Inspector's conclusions at IR15.31 on the question of a tipping point.
15. The Secretary of State has given careful consideration to the Inspector's analysis of the proposed planting scheme at IR15.32-15.34. He agrees for the reasons given at IR15.33 the screening would take time to materialise and that there might be a number of reasons why it might not be effective. He further notes that the Council has not agreed to support the scheme or to accept the funding for it (IR15.34). The Secretary of State concludes the planting scheme is not necessary to make the development acceptable in planning terms, and that therefore the Undertaking to fund the scheme would not comply with Regulation 122 of the CIL Regulations. Unlike the Inspector, the Secretary of State has not taken the Unilateral Undertaking into account in determining the application or given it any weight. This does not affect the Secretary of State's overall decision.
16. The Secretary of State has had regard to the Inspector's analysis of potential impacts on the Strand-on-the-Green Conservation Area and its associated listed buildings at IR15.35-15.41. For the reasons given he agrees that the scheme would have a harmful effect on the contribution the settings make to the significance of the group of listed buildings (IR15.37), and thus to the significance of the Conservation Area as a whole. For the reasons given at IR15.39 he concludes that this harm would be moderate on the 'less than substantial' scale. For the reasons given at IR15.40 he further agrees overall the weight to the harm to the significance of the SotG CA and its listed buildings on account of impact on their settings, and the cumulative harm, should be assessed, within the scale of 'less than substantial' harm as a little more than moderate.
17. For the reasons given at IR15.42-15.45 the Secretary of State agrees with the Inspector's conclusions in relation to Kew Green, the Wellesley Road Conservation Area and Kew Bridge or its Conservation Area.
18. The Secretary of State has given careful consideration to the Inspector's analysis of the likely relative heritage impacts on any alternative scheme at IR15.64-15.68. For the

reasons given he agrees that there is a reasonable prospect that a lower scheme might have reduced impacts on the settings of the Orangery/WHS and the Strand-on-the-Green CA/listed buildings while still offering a reasonable amount of housing and affordable housing. However, he also agrees (IR15.68) that the weight to be given to such an alternative should not be substantial.

19. The Secretary of State attaches great weight to the conservation of the heritage assets, in line with paragraph 193 of the Framework. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Secretary of State agrees with the Inspector that there would be conflict with LonP Policy 7.8, 7.10, emerging IDLP policies HC1 and HC2, and potentially HLP CC4 (IR15.39) which requires a balance between harm to designated heritage assets and public benefits (IR15.85).

#### *Other harm*

20. For the reasons given at IR15.49 the Secretary of State agrees that the levels of daylight in 75 of the habitable rooms would fail to meet BRE standards, and that this weighs against the proposal. He further agrees, for the reasons given at IR15.50 that the level of contributions to fund improvements to Transport for London services should not weigh against the proposal. Given his conclusions on the impacts on the Wellesley Road Conservation Area, the Secretary of State agrees with the Inspector at IR15.51 that the absence of any reference to the low-rise, high quality townscape within it would not weigh against the proposal.

#### *Housing*

21. The Secretary of State notes that the applicant does not dispute that the Council can deliver a 5-year supply of housing land (IR6.18), and he has proceeded on that basis. The Secretary of State notes that the proposals would provide 441 new homes, 218 of which would be affordable (IR15.59). He has taken into account the acute housing shortage right across London (IR15.61) and the Inspector's conclusions on affordable housing at IR.60. For these reasons the Secretary of State considers that overall, the benefits of housing should be given substantial weight. The Secretary of State agrees with the Inspector at IR15.86 that the proposal does not conflict with Lon P policies 3.3-3-5 and 3.8-3.13, and HLP policies SC1, SC2 and SC3, and emerging IPLP policies GG2 and GG5.

#### *Design*

22. The Secretary of State has considered the Inspector's reasoning given at IR15.52-15.58 and for the reasons given agrees that the positive aspects of the design would be negated by the flaws with regard to daylight and heritage in particular, taking account of other criticisms as well. As such he agrees that the design is neutral in the planning balance (IR15.85). The Secretary of State agrees that given the Inspector's conclusions on design, there is no conflict with HLP policy SC4 (15.86).

#### *Other benefits of the proposal*

23. The Secretary of State agrees (IR15.62) that the proposals would be on a brownfield site in a highly sustainable location. He further notes (IR15.62) that construction would bring 250 jobs, though agrees that these would be short term, and that there is little evidence

that the proposal would bring a massive uplift to the area around it. He further agrees that the provision of a nursery is a benefit of modest weight. The Secretary of State agrees that economic activity and regeneration would be further benefits but taken together these add little to the substantial benefits of housing provision (IR15.63). As such he agrees with the Inspector that relative to his conclusions on the importance of housing and of protecting the historic environment, the other benefits attract a little weight in favour of the scheme.

24. For the reasons given at IR15.88 the Secretary of State agrees that emerging policies IDLP GG5 and GG2 support the scheme. He further agrees that the limited exploration of alternatives should not breach the requirements of IDLP policy D.9 (IR15.89).

#### *Planning Conditions*

25. The Secretary of State has given consideration to the Inspector's analysis at IR13.1-13.2, the recommended conditions set out at the end of the IR and the reasons for them, and to 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*

26. The Secretary of State has given further consideration to the Inspector's analysis of the Unilateral Undertaking at IR14.2 and IR15.32-15.34. For the reasons set out at paragraph 15 above, he concludes that it does not comply with Regulation 122 of the CIL Regulations and he has thus not taken it into account or given it any weight.

27. Having had regard to the Inspector's analysis at IR14.1, the planning obligation dated 4 March 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR14.1 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*

28. For the reasons given above, the Secretary of State agrees that the application is not in accordance with LonP Policies 7.8 and 7.10 of the development plan, agreeing with the Inspector at IR15.84 that such policies do not require a balancing exercise. He agrees (IR15.86) that the application is in accordance with LonP Policies 3.3-3.5 and 3.8-3.13 and HLP policies SC1, SC2, SC3, SC4 and SV1.

29. In reaching his conclusions on whether the proposal is in line with the development plan overall, the Secretary of State agrees (IR15.87) that a conclusion on the heritage test is necessary. In line with the Framework he affords the less than substantial harms he has identified to heritage assets great weight.

30. Against this he weighs the provision of housing, including affordable housing, which he considers carry substantial weight in favour of the scheme. He considers that the nursery provision carries modest weight and the regeneration and economic benefits add a little weight.
31. Overall, the Secretary of State considers that the benefits of the scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to heritage assets he has identified at paragraphs 13-19 of this decision letter. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.
32. Given this conclusion, he agrees that the proposal is in accordance with the development plan overall (IR15.87). He further agrees that in the circumstances of this case, even if he had concluded there was overall conflict with the development plan, the material considerations would still have justified the same overall conclusion on the case (IR15.94). The Secretary of State 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.
33. In line with paragraph 193 of the Framework and s.66(1) of the Act he gives great weight to the heritage harms he has identified. The Secretary of State gives further moderate weight to the harm to the living conditions of proposed occupiers in terms of daylight standards. The material considerations weighing in favour of the scheme are set out in paragraph 30 above.
34. 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.
35. The Secretary of State therefore concludes that the application should be approved, subject to conditions.

### **Formal decision**

36. 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 redevelopment of the site to provide a mixed use scheme of 441 residential units (Class C3) including 50% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 16, 17 and 18 storeys in height with associated cycle parking, car parking, play space, landscaping and public realm improvements, ref. GLA/4279 & 01508/A/P6, dated 3 November 2017.
37. 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**

38. 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.

39. A copy of this letter has been sent to London Brough of Hounslow and the Mayor of London, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Phil Barber*

Authorised by the Secretary of State to sign in that behalf

## Appendix 17



Ministry of Housing,  
Communities &  
Local Government

Rt Hon Sadiq Khan  
Mayor of London  
City Hall  
The Queen's Walk  
London  
SE1 2AA

**The Rt James Brokenshire MP**  
*Secretary of State for Housing, Communities and  
Local Government*

**Ministry of Housing, Communities and Local  
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[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

Our Ref:

27 July 2018

I am writing to you following the publication of the revised National Planning Policy Framework. This is an essential part of the Government's strategy to fix the broken housing market. It provides the basis for planning authorities to build the homes this country needs, release enough land in the right places and make the best possible use of that land.

The Government is clear that this needs to be a country that works for all. This means building the right homes where they are most needed and ensuring people have access to safe and secure homes. London faces the most severe housing pressures in the country with median house prices now over 12 times median earnings – comparing to an England wide ratio of below 8 – and far more than what an individual can typically expect to borrow for a mortgage. This is clearly unacceptable. Housing will continue to remain out of reach of millions of hard working Londoners unless we see a step change in housing delivery across London.

As you know, the Government is clear we need a London Plan in place that plans to meet London's housing needs in full. I welcome the proposed increase of London's housing target in your draft Plan from 42,000 to 65,000 homes a year as a helpful first step towards meeting London's housing needs. But as set out in the Government's response to your consultation, I am not convinced your assessment of need reflects the full extent of housing need in London to tackle affordability problems. I have listened carefully to yours, and others, representations, and I am clear that the public interest lies with ensuring you deliver the homes London needs, including in the short term, as quickly as possible. This is why I have decided to amend footnote 69 of the revised National Planning Policy Framework so that the draft London Plan will be examined against the previous National Planning Policy Framework rather than new national policy. This will mean you can continue to progress your Plan and start delivering your London Plan targets for which you are responsible.

It remains crucial however that you bring forward a revised London Plan that has regard to new national policies at the earliest opportunity. You will want to note paragraph 33 and annex 1 of the revised National Planning Policy Framework, which sets out that the Government expects plans to be reviewed early where all identified housing need is not being met and to ensure a plan is in place which reflects current national policy. I would



therefore expect you to review the London Plan to reflect the revised National Planning Policy Framework immediately once the London Plan has been published. I remind you that if this is not forthcoming, I have powers to direct the review to ensure London delivers the plan and homes that communities need.

The Government is also clear that Plans should be effective, deliverable and consistent with national policy. You will recall that the Government highlighted a number of further issues with your draft Plan in response to your consultation, including that:

- A number of policy areas in the draft that are inconsistent with national policy, such as your policies allowing development on residential gardens and your policy on car parking.
- The detail and complexity of the policies within the draft London Plan have the potential to limit accessibility to the planning system and development.
- The draft Plan strays considerably beyond providing a strategic framework.
- The draft Plan does not provide enough information to explain the approach you will take to ensure your targets are delivered, including collaboration with boroughs and neighbouring areas.
- There are a number of policies in the draft Plan which seek to deal with matters relating to building standards and safety. It is important that there is a consistent approach to setting building standards through the framework of Building Regulations.

I look forward to seeing the draft London Plan and suggested modifications that you have submitted to the Planning Inspectorate. I would remind you that I have powers to intervene before the Plan is published, by giving a direction to avoid any inconsistencies with current national policy or to avoid detriment to the interests of an area outside of Greater London and I will be carefully considering whether it is appropriate to exercise any of my statutory powers.

Getting a London Plan in place as soon as possible will help us focus on the challenge of significantly increasing housing delivery across London. The Government recognises the scale of the challenge, which is why at the Spring Statement we increased our investment in affordable housing by a further £1.67bn and why last month we announced London boroughs can bid for up to £500m additional borrowing headroom to build more council houses. But London will only deliver with strong leadership. As Mayor of London you are responsible for delivering the strategy to significantly increase housing delivery in London and you will be held to account for delivering London's housing targets. It is in the public interest that there is much more, and more regular, information in the public domain on housing delivery across London and I have asked my officials for advice on what can be done to increase transparency of the net additions to the housing stock in London.

I look forward to further discussion on your plan for delivering the homes London so desperately needs.

A handwritten signature in blue ink, appearing to read 'James Brokenshire', is centered on the page.

**RT HON JAMES BROKESHIRE MP**

## Appendix 18



Neutral Citation Number: [2018] EWCA Civ 1808

Case No: C1/2017/3339

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE ADMINISTRATIVE COURT**  
**PLANNING COURT**  
**MR JUSTICE SUPPERSTONE**  
**[2017] EWHC 2865 (Admin)**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 31 July 2018

**Before:**

**Lord Justice Davis**  
**Lord Justice Lindblom**  
**and**  
**Lord Justice Hickinbottom**

-----  
**Between:**

**Hallam Land Management Ltd.**

**Appellant**

**- and -**

**(1) Secretary of State for Communities and  
Local Government**

**(2) Eastleigh Borough Council**

**Respondents**

**Mr Thomas Hill Q.C. and Ms Philippa Jackson** (instructed by **Irwin Mitchell LLP**)  
for the **Appellant**

**Mr Zack Simons** (instructed by **the Government Legal Department**)  
for the **First Respondent**

**Mr Paul Stinchcombe Q.C. and Mr Ned Helme** (instructed by **Eastleigh Borough Council**)  
for the **Second Respondent**

Hearing date: 3 May 2018  
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**Judgment Approved by the court  
for handing down  
(subject to editorial corrections)**

## **Lord Justice Lindblom:**

### *Introduction*

1. In deciding an appeal against the refusal of planning permission for housing development, how far does the decision-maker have to go in calculating the extent of any shortfall in the five-year supply of housing land? That is the central question in this appeal.
2. With permission granted by Lewison L.J. on 6 March 2018, the appellant, Hallam Land Management Ltd., appeals against the order of Supperstone J., dated 16 November 2017, dismissing its application under section 288 of the Town and Country Planning Act 1990 by which it had challenged the decision of the first respondent, the Secretary of State for Communities and Local Government, in a decision letter dated 9 November 2016, dismissing an appeal under section 78 of the 1990 Act. The section 78 appeal was against the refusal by the second respondent, Eastleigh Borough Council, of outline planning permission for a development of up to 225 dwellings, a 60-bed care home and 40 care units, the provision of public open space and woodland, and improvements to Hamble Station, on land to the west of Hamble Lane, in Hamble.
3. The site of the proposed development is about 23 hectares of pasture, on the Hamble Peninsula, between the Hamble River and Southampton Water. It is not within any settlement, nor allocated for development in the Eastleigh Borough Local Plan Review (2001-2011), adopted in 2006. The settlements of Bursledon, Netley and Hamble lie, respectively, to the north, the west and the south. Because it is in the “countryside”, the site is protected by policy 1.CO of the local plan. And because it lies within the Bursledon, Hamble, Netley Abbey Local Gap, it also has the protection of policy 3.CO.
4. An inquiry into the section 78 appeal was held by an inspector appointed by the Secretary of State on four days in June 2015. On 24 June 2015, the second day of the inquiry, the appeal was recovered by the Secretary of State, because it involved a proposal for “residential development of over 150 units ... , which would significantly impact on the Government’s objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities”. In his report, dated 26 August 2015, the inspector recommended that the appeal be dismissed. The Secretary of State subsequently received a large number of further representations, some of them in response to letters he sent to the parties on 15 April 2016 and 29 June 2016. In those representations the Secretary of State received the parties’ comments on two decisions of inspectors on appeals in which the supply of housing land in the council’s area had been assessed – first, an appeal relating to a proposed development of up to 335 dwellings on land at Bubb Lane, Hedge End, which was dismissed on 24 May 2016, and secondly, an appeal relating to a proposed development of up to 100 dwellings on land at Botley Road, West End, which was allowed on 7 October 2016. In his decision letter on Hallam Land’s appeal the Secretary of State largely agreed with the inspector’s conclusions and accepted his recommendation.
5. The challenge to the Secretary of State’s decision was made on four grounds. The first and second grounds went to his failure – unlawfully, it was said – to ascertain the extent of the shortfall against the five-year housing land supply in the council’s area, and to provide adequate reasons for his relevant conclusions. The third and fourth grounds asserted that his decision was inconsistent with the conclusions on housing land supply and the weight to be

given to policy 3.CO in an inspector's report, dated 25 August 2016, in an appeal relating to a proposed development of up to 680 dwellings on land at Winchester Road, Boorley Green. Supperstone J. rejected all four grounds.

*The issues in the appeal*

6. The appeal before us raises two main issues:

- (1) given that the council could not demonstrate the requisite five-year supply of housing land under government policy in the first National Planning Policy Framework ("NPPF"), published in March 2012, whether the Secretary of State established the shortfall with sufficient precision, and whether his relevant reasons were adequate; and
- (2) whether the Secretary of State erred in law in deciding Hallam Land's appeal without having regard to the inspector's report on the Boorley Green appeal.

7. These issues raise no question of law that has not already been amply dealt with in a series of cases on the meaning of relevant policies in the NPPF, and on the importance of consistency in planning decision-making.

*NPPF policy*

8. We are not concerned in this appeal with the policies in the revised NPPF, which was published on 24 July 2018. I shall refer only to the policies in the first NPPF, as if they were still extant.

9. Paragraph 47 of the NPPF states:

"To boost significantly the supply of housing, local planning authorities should:

...

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ...

...".

Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 14 contains the Government's policy for the "presumption in favour of sustainable development". It explains that:

"...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

*The inspector’s report*

10. In his report the inspector noted, under the heading “The Case for the Council”, that the council “acknowledge that they are not currently able to demonstrate a 5 year housing supply, as required by NPPF para 47” (paragraph 22). It was the council’s case, however, that “the proposal is contrary to development plan policies which are not out of date, and is not the sustainable form of development for which there is a presumption in favour”, and that “[even] if the presumption in NPPF para 14 was engaged, the negative aspects of the scheme, including the landscape impact and the loss of openness, would significantly and demonstrably outweigh the benefits” (paragraph 41).

11. Summarizing the case for Hallam Land, under the heading “The Case for the Appellants”, he referred (in paragraph 62) to the uncontested evidence of its planning witness, Mr Usher:

“62. The need for housing is demonstrated in Mr Usher’s proof ... , which has not been challenged by the Council, and which reflects the conclusions of the Local Plan Examination that the draft is unsound for failing to make adequate provision. The Council accept that they cannot demonstrate a five year supply, the level being shown by the appellants to be 2.92 years, or 1.78 years if the need for affordable housing is included.”

Because the council would “not be able to meet its housing land requirements without the loss of significant areas of countryside...”, it was “inevitable that there will be a change to the open and undeveloped character of such land”. This was “not, of itself, an adequate ground to resist the development when there is no 5 year land supply, nor an up to date development plan” (paragraph 65).

12. In his conclusions the inspector identified the “main issues” as being “i) the effect of the development on the character and appearance of the countryside and its role in separating settlements, and ii) whether any harm would be outweighed by the potential benefits of the development, including a supply of market and affordable housing, and the improvement of station facilities” (paragraph 88).

13. He said that “[the] proposal would not fall within any of the specified uses in Local Plan policy 1.CO ...”. He concluded that there was “no doubt that a development of this scale would diminish the Local Gap both physically and, to some degree, visually, contrary to policy 3.CO ...”, and that “[in] these respects it would not comply with the development plan” (paragraph 90). He went on to find that “there are grounds to conclude that policy 1.CO may be regarded as out of date, but that there is not justification for giving any substantial reduction to the weight applied to policy 3.CO” (paragraph 96).

14. Under the heading “The Benefits of the Proposal” he noted that Hallam Land had particularly emphasized “the supply of market and affordable housing to meet an acknowledged need, and

the provision of facilities for Hamble Station” (paragraph 107). He continued (in paragraph 108):

“108. The Council acknowledge that they are not able to demonstrate more than a four and a half years supply of deliverable housing land, and it is the appellants’ view that the actual level is significantly less. It is not necessary for this report to carry out a detailed analysis of the housing land supply position, which is better left to the Local Plan examination, where all the evidence is available to the inspector. However, it can be said that there is a material shortfall against the five year supply required by NPPF para 47, and that there is evidence of an existing need for affordable housing. In these circumstances, the provision of up to 225 homes, 35% of which would be affordable, would be a significant advantage arising out of the scheme. It is also the case that the new dwellings would meet sustainable construction and accommodation standards, and be of a mix to satisfy a wide range of housing needs. In these respects, the development would help meet the NPPF objectives of boosting significantly the supply of housing, and delivering a wide choice of high quality homes. ...”.

He accepted that “[the] choice of accommodation would also be boosted by the provision of 100 care and extra care spaces”, and that “such accommodation would be likely to release a supply of existing, under-used homes to meet the general housing demand” (paragraph 109).

15. Bringing his conclusions together under the heading “Sustainability and Overall Conclusions”, the inspector said (in paragraph 116):

“116. When assessed against the criteria in para 7 of the NPPF, the supply of market and affordable housing, along with care facilities, would make a significant contribution to meeting the social role of sustainability, complemented by the provision of public open space, although, in the latter case, at the expense of the loss of the rural character of the public footpath crossing the site. The additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall. There would be the environmental and community benefits arising out of the station improvements (but having regard to the Council’s alternative scheme), any spin-off advantages for traffic and pollution levels, from the off-site highway works, and the environmental and ecological aspects of the landscaping proposals.”

He accepted that “[on] balance, this is a reasonably sustainable location in terms of accessibility” (paragraph 117). His final conclusion, however, went against the proposal. He found that “the loss of the gap between the surrounding settlements, involving the physical intrusion into an area of countryside, and contributing to the coalescence of those settlements, and loss of independent identity” would be contrary to policy 3.CO of the local plan and corresponding policies in the NPPF; that “[the] countervailing benefits of the scheme, as well as compliance with other development plan policies ... would not outweigh the harm that this loss of separation would cause”; and that “[taken] as a whole, the proposal does not amount to the form of sustainable development for which there is a presumption in favour” (paragraph 118).

### *The decision in the Bubb Lane appeal*

16. The inspector in the Bubb Lane appeal concluded (in paragraph 45 of his decision letter):



“45. The evidence before me does not support EBC’s view that it is ‘a whisker’ away from demonstrating a five year supply of deliverable housing land. Notwithstanding EBC’s considerable efforts to improve housing provision, something in the order of a four year supply at the time of this Inquiry indicates that EBC has a considerable way to go to demonstrating a five year supply of deliverable sites. There is no convincing evidence that measures currently taken have been effective in increasing the rate of housing delivery. The scale of the shortfall is a significant material consideration in determining this appeal. The contribution that the appeal scheme would make to the housing supply, and particularly to affordable housing provision in the area in accordance with EBLP Policy 74.H, would be a significant benefit of allowing the appeal.”

Under the heading “Planning balance”, the inspector concluded that “some weight can be given to the conflict with EBLP Policy 2.CO, arising from the harm that would result from the proposal to the separation of settlements ...”, but that “this weight is limited because of the significant shortfall in housing supply, and the lack of convincing evidence that EBC’s efforts to address this are proving effective” (paragraph 52). He went on to say that, “[given] the current scale of the housing shortfall, the provision of additional market and affordable housing would be a significant benefit of the proposal” (paragraph 55). But he concluded, finally that “[in] my judgement, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole” (paragraph 57).

#### *The decision in the Botley Road appeal*

17. In the decision letter on the Botley Road appeal, the inspector stated these conclusions on “Housing land supply” (in paragraphs 18 and 19 of his decision letter):

“18. In conclusion, the final calculation taking a requirement figure of 1,120dpa, or 5,602 dwellings over the 5 year period, there is a 4.25 years’ supply of housing land. Even on the Council’s most favourable calculations, taking the Council’s approach to the buffer and with its suggested contributions from all the disputed sites, the supply would still only be 4.71 years, but the evidence indicates that this is unlikely to be achievable.

19. There is therefore a significant shortfall in the amount of deliverable housing land, amounting to some 833 dwellings. The Leader of the Council gave evidence of the impressive efforts the Council had made to underpin housebuilding confidence following the recession, but this does not seem to have been translated into the provision of enough housing land. Net completions for the two years 2014/15 and 2015/16 amounted to less than one year’s requirement. Referring to recent outline approvals, the Council said that it was making progress towards improving housing supply; recent permissions might enable it to exceed the OAN to a degree this year. Even if that happens, it is still well short of the requirement for the year. There is a significant shortfall to be made up, and the evidence that the gap might be closing quickly enough is far from convincing. The Council is not, as it claims, on the cusp of achieving a 5 year supply of deliverable housing land.”

Under the heading “Effect on the countryside and the strategic gap”, he noted (in paragraph 27) that “planning permission has been granted for a number of sites which have included dwellings in the strategic gaps”, and went on to say:

“27. ... But the Council’s argument that present needs can be met substantially within the land outside the gaps is wholly unconvincing; even with the permissions on gap land, there is still no 5 year housing land supply and without them, even on the Council’s unduly optimistic housing land supply calculations, there would only be 3.4 years’ supply of housing land. On the contrary, the evidence is that the gaps are a factor in limiting the choice of sites available for the provision of housing, and that breaches of the strategic gap policy have proved necessary and will prove necessary to cater to meet current housing needs.”

In his “Conclusion” the inspector said (in paragraph 52):

“52. There is a significant shortfall in the supply of deliverable housing land for the next 5 years and no convincing evidence that the gap is diminishing to the extent that it will be made up within a reasonable time by identified deliverable sites. There is also severe under-delivery of affordable housing. The scheme would deliver up to 100 dwellings including up to 35% affordable homes and, although it is in the countryside and in a defined strategic gap, would cause little practical harm. In a situation where there is a pressing need for housing and affordable housing, and where both saved Policies 1.CO and 2.CO are out of date, the adverse impacts of the scheme to the landscape, the countryside and the strategic gap, and the other impacts of the scheme discussed above, would be slight and would not significantly and demonstrably outweigh the benefits. Indeed, even if saved Policy 2.CO were not accepted as being a policy relevant to the supply of housing, and not out-of-date, the considerable benefits of the scheme, weighed against the limited harm, would indicate a decision other than in accordance with that policy.”

### *The post-inquiry representations*

18. The further representations made by Hallam Land and by the council after the inquiry largely concerned the status of policies 1.CO and 3.CO of the local plan for the purposes of NPPF policy, in the light of this court’s decision in *Suffolk Coastal District Council v Hopkins Homes Ltd.* [2016] EWCA Civ 168, which was handed down on 17 March 2016, and the weight to be given to those policies in the absence of a five-year supply of housing land.
19. In its further representations dated 15 April 2016, in response to the Secretary of State’s letter of the same date, the council asserted that it was now “able to demonstrate a 4.93 year supply” of housing land (paragraph 2.7.2(1)), and that “the action which has been taken to address the shortfall has been both considerable and effective” (paragraph 2.7.2(2)). In further representations dated 5 May 2016, Hallam Land rejected the council’s suggestion that it now had a housing land supply of 4.93 years (paragraph 5). On 11 May 2016 the council submitted additional representations, referring to the planning permissions it had granted for housing development since the inquiry (paragraph 2.8 and Appendix 5), and contending that Hallam Land had failed to recognize “the wide range of measures being taken by the Council to boost housing supply” (paragraph 2.9). Hallam Land responded to those representations with further representations of its own, dated 24 May 2016, and took issue again with the council’s argument that there was now a housing land supply of 4.93 years. That figure was “not based upon an up to date SHMA”, was “not tested”, and was “not reflective of unmet need in adjacent areas” (paragraph 8). Its case, it said, “had always been that there remains a substantial shortfall” and it “[continued] to rely upon its evidence and submissions as

submitted to the inquiry” (paragraph 10). The council was “still unable to demonstrate a 5YHLS, even against its own target (which is not accepted to be correct)”. Also on 24 May 2016, the council sent the inspector’s decision letter in the Bubb Lane appeal to the Secretary of State, drawing his attention to it as a relevant decision.

20. On 17 June 2016 the council made yet further representations, “in order that the decision can be taken upon the best and most up-to-date information ...” (paragraph 1.1). It now resiled from its previous concession that policy 3.CO was a policy “for the supply of housing”, and, in the absence of a five-year supply of housing land, “out of date” (paragraphs 2.4 and 3.1 to 3.5). It said it would shortly provide “an updated position in respect of its housing land supply reflecting further (recent) changes of circumstance, including its agreement for the purposes of another inquiry [in the Botley Road appeal] (and in the light of the conclusions of the Bubb Lane Inspector) that the full objectively assessed needs for Eastleigh should be taken to be 630 dwellings per annum” (paragraph 4.1). The council provided its promised “Update on Housing Land Supply” on 23 June 2016. This referred to the conclusion of the inspector in the Bubb Lane appeal that “the OAN for Eastleigh was 630dpa”, which had now been reflected in the statement of common ground for the imminent inquiry into the Botley Road appeal (paragraphs 2.1 and 2.2). The council’s evidence for that inquiry explained that “on its preferred approach [it] is able to demonstrate a 4.86 year supply” (paragraph 2.3). Its position therefore remained that although it could not demonstrate a five-year supply of deliverable housing sites, it was “very close to being able to do so” (paragraph 2.4).
21. In representations dated 19 July 2016, in response to the Secretary of State’s letter of 29 June 2016, Hallam Land attacked the council’s “volte face” on the status of policy 3.CO (paragraphs 4 to 12). It also made clear that it did not accept the council’s “latest attempt to revise its case on the extent of its 5YHLS ...”, and that it maintained the position it had taken in the representations it had submitted in May 2016 (paragraph 13).
22. In a letter dated 13 October 2016 to Mr Barber, the Secretary of State’s decision officer, Barton Willmore, on behalf of Hallam Land, asked him to draw to the Secretary of State’s attention the inspector’s decision in the Botley Road appeal, “in order that he is fully appraised of the recent approach of one of his senior Planning Inspectors ... in relation to a series of identical issues which he will now be considering when making a decision ...” in this case. Barton Willmore pointed out that the inspector had rejected “the proposition that [the council] can meet its housing land requirements without impinging upon land which is designated as gap”, and had concluded that policy 2.CO “is a relevant policy for the supply of housing”. They argued that an “identical conclusion” must follow for policy 3.CO in this case. They referred to “the principle often expounded by the Courts that it is desirable that there be consistency in planning decision-making”. It was therefore “highly important”, they said, that the Botley Road decision, “relating to a virtually identical issue”, was “formally before the Secretary of State” in this appeal. They also emphasized the fact that the inspector’s decision letter dealt directly with the issue of housing land supply, “exposing a significant shortfall in deliverable housing land, amounting to some 833 dwellings”. They quoted paragraph 27 of the decision letter in full, and also the inspector’s conclusion in paragraph 52 that “there is a significant shortfall in the supply of deliverable housing land for the next 5 years and no convincing evidence that the gap is diminishing to the extent that it will be made up within a reasonable time by identified deliverable sites”.
23. The council did not respond to those representations, but in an e-mail to the Secretary of State dated 3 November 2016, drew his attention to the inspector’s decision in an appeal relating to proposed housing development on a site at Hamble Lane – the Botley Road appeal – and, in

particular, what he had said about policy 2.CO, “which also applies to Saved Policy 3.CO”. But it said it did not intend to provide further submissions on this point, and was drawing the inspector’s decision to the attention of the Secretary of State “in the interests of full disclosure”.

*The Secretary of State’s decision letter*

24. In his decision letter the Secretary of State said that he agreed with the inspector’s conclusions, “except where stated”, and his recommendation (paragraph 3).

25. He referred to the representations he had received after the inquiry, including those made in response to his letters of 15 April 2016 and 29 June 2016, in the light of the judgment of this court in *Hopkins Homes Ltd.*. He confirmed that those representations had been circulated to the parties (paragraphs 5 and 6). He then referred (in paragraph 7) to the further representations he had received in October and November 2016:

“7. The Secretary of State has also received representations from Barton Willmore dated 13 October 2016, and from Eastleigh Borough Council dated 3 November to which he has given careful consideration. The Secretary of State has also received other representations, set out at Annex A, to which he has given careful consideration. He is satisfied that the issues raised do not affect his decision, and no other new issues were raised to warrant further investigation or necessitate additional referrals back to the parties.”

He said that, “[in] reaching his decision”, he had “taken account of all the representations and responses referred to in paragraphs 5-7” (paragraph 8).

26. When he came to “The Policy Context” he concluded that policies 1.CO and 3.CO of the local plan were both “out-of-date” (paragraphs 14 to 16). But he went on to qualify this conclusion (in paragraph 17):

“17. The Secretary of State has considered carefully the Inspector’s analysis at IR93-100 on the matter of whether Policy 3.CO would be out of date through no longer meeting the development needs of the Borough, and whether there is justification for reducing the weight applied to that policy. The Secretary of State acknowledges that its weight should be reduced because he has found it to be out-of-date, but taking into account its consistency with the Framework, its role in protecting the Local Gap and the limited shortfall in housing land supply, he concludes that he should still afford significant weight to Policy 3.CO.”

27. As for “The Benefits of the Proposal”, he said this (in paragraph 19):

“19. The Secretary of State notes the Inspector’s comment (IR108) that at the time of inquiry the Council were not able to demonstrate more than a four and a half years supply of deliverable housing land, and that there is evidence of an existing need for affordable housing. Whilst the Secretary of State notes that the Council are now of the view that they are able to demonstrate a 4.86 year supply, he agrees with the Inspector that the provision of up to 225 homes, 35% of which would be affordable, would be a significant advantage arising out of the scheme, and it would help meet the objectives of the Framework by boosting significantly the supply of housing and delivering a wide

choice of high quality homes. The Secretary of State notes too that the choice of accommodation would also be boosted by the provision of 100 care and extra care spaces (IR109).”

28. On the proposal’s “Sustainability” he said (in paragraph 25):

“25. In terms of sustainability, the Secretary of State agrees with the Inspector’s conclusion (IR116) that, when assessed against the policies in the ... Framework taken as a whole, the supply of market and affordable housing, along with care facilities, would make a significant contribution to meeting the social role of sustainability, complemented by the provision of public open space (although he acknowledges that the latter is at the expense of the loss of the rural character of the public footpath crossing the site). Furthermore, he agrees that the additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall. In addition, he recognises, like the Inspector, the environmental and community benefits arising out of the station improvements identified at paragraphs 20-21 above. For the reasons given by the Inspector at IR117, the Secretary of State concludes that, on balance, this is a reasonably sustainable location in terms of accessibility.”

29. Under the heading “Planning balance and overall conclusion” the Secretary of State said (in paragraphs 29 to 36):

“29. For the reasons given above, the Secretary of State concludes that the proposal is not in accordance with the development plan policies 1.CO and 3.CO and is not in accordance with the development plan as a whole. He has gone on to consider whether material considerations indicate that the proposal should be determined other than in accordance with the development plan.

30. The Secretary of State notes that in their letter of 23 June 2016, the Council updated their position on the supply of deliverable housing land, now claiming to be able to demonstrate a 4.86 year supply. In the absence of a 5-year housing land supply, and having concluded that policies 1.CO and 3.CO are relevant policies for the supply of housing, the presumption in favour of sustainable development is engaged, meaning that permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits.

31. He considers that the provision of market and affordable housing in an area with an acknowledged shortfall, along with care facilities in this case carries substantial weight in favour of the development. The additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall, to which he gives moderate weight. The environmental and community benefits arising out of the station improvements carry moderate weight in favour of the proposal.

32. Set against the identified positive aspects is the environmental and social damage which would arise out of the loss of the gap between the surrounding settlements, involving the physical intrusion into an area of countryside, and contributing to the coalescence of those settlements, and loss of independent identity. The Secretary of State considers that this would be contrary to those policies of the Framework which apply the principle of recognising the different roles and character of different areas, and this

carries significant weight against the proposal. He further considers that the loss of “best and most versatile” agricultural land carries moderate weight against the proposal.

33. The Secretary of State also considers that the appeal site performs a function which is specific to its location and which would be permanently undermined by the development.
34. The Secretary of State considers overall that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
35. The Secretary of State has taken into account the wide range of judgments and appeal decisions referred to in the inquiry and the post-inquiry representations but, having considered all the matters raised, he concludes that none is of such weight as to alter the balance of his conclusions.
36. Overall he concludes that there are no material considerations which indicate that he should determine the case other than in accordance with the development plan. The Secretary of State therefore concludes that your client's appeal should be dismissed.”

He therefore agreed with the inspector’s recommendation and dismissed the appeal (paragraph 37).

#### *The Boorley Green appeal decision*

30. In a decision letter dated 30 November 2016, about three weeks after he had issued his decision on Hallam Land’s appeal, the Secretary of State allowed the Boorley Green appeal. The inquiry into that appeal had taken place in May 2016. The inspector’s report, though dated 25 August 2016, was released only with the Secretary of State’s decision letter, in the normal way. Like the site in Hallam Land’s appeal, the Boorley Green site is in the “countryside”, protected by policy 1.CO of the local plan, and also within an area protected under policy 3.CO, the Botley-Boorley Green Local Gap.
31. The inspector in the Boorley Green appeal concluded that the supply of housing land in the council’s area was “very close to 4 years”, observing that this was consistent with the conclusion reached on this question by the inspector in the Bubb Lane appeal – that there was “something in the order of a four year supply” (paragraph 12.16 of the Boorley Green inspector’s report). He found that “the HLS is around 4 years”. He said that, at this level, it “falls well short of that required and has done for many years ...” (paragraph 12.45). He concluded that “the benefits of housing and AH, particularly where the supply is significantly below 5 years and the history of delivery is poor, warrant considerable weight ...” (paragraph 12.47). He described the shortfalls in land for housing and affordable housing as “substantial” (paragraph 12.55).
32. In his decision letter, under the heading “Housing supply”, the Secretary of State said (in paragraph 17):
  - “17. The Secretary of State has given very careful consideration to the Inspector’s analysis of the 5 year housing land supply position at IR12.10-12.20. He notes that it is common ground that the Council cannot demonstrate the 5 year housing land supply

expected at paragraph 47 of the Framework (IR12.10); and agrees with the Inspector's conclusions at IR12.21 that, on the basis of the information presented at the Inquiry and assuming that this decision is issued within the statutory timetable set, the housing land supply should be regarded as standing at around 4 years. The Secretary of State also agrees with the Inspector's conclusion at IR12.22 that considerable weight should be attributed to the benefits to which the scheme would bring through delivering affordable housing."

33. Under the heading "Planning balance and overall conclusion", the Secretary of State concluded that "[the] proposal would make a significant contribution in terms of helping to make up the deficit against the 5 year housing land supply and the need for affordable housing" (paragraph 24). Agreeing with the inspector's recommendation, he allowed the appeal.

*Did the Secretary of State establish the extent of the shortfall against the five-year supply of housing land with sufficient precision, and were his reasons adequate?*

34. Before Supperstone J., and again before us, Mr Thomas Hill Q.C., for Hallam Land, argued that, in any case where there is a dispute as to the five-year supply of housing land, the Secretary of State, or his inspector, is obliged to establish the level of supply and the extent of any shortfall. This, Mr Hill submitted, was because the local planning authority's failure to demonstrate a five-year supply of housing land will bring into play the balancing exercise provided for in paragraph 14 of the NPPF, and the extent of the shortfall, if there is one, will influence the weight given by the decision-maker to the benefits of the proposed development, and to its conflict with the relevant restrictive policies of the development plan. He sought to strengthen this submission with observations made by judges at first instance – in particular, *Phides Estates (Overseas) Ltd. v Secretary of State for Communities and Local Government* [2015] EWHC 827 (Admin) (at paragraph 60), *Shropshire Council v Secretary of State for Communities and Local Government* [2016] EWHC 2733 (Admin) (at paragraph 28), and *Jelson Ltd. v Secretary of State for Communities and Local Government* [2016] EWHC 2979 (Admin) (at paragraph 13).
35. In this case, Mr Hill submitted, the Secretary of State had failed to make the planning judgments he needed to make. He noted, in paragraph 19 of his decision letter, that the council was "now of the view that [it was] able to demonstrate a 4.86 year supply". But he did not say whether he accepted that this figure was accurate. Nor did he deal with the material before him, including the decision letters in the Bubb Lane and Botley Road appeals, showing that the council was now able to demonstrate only a supply of 4.25 years or even less than that. This could not sensibly be described as a "limited shortfall" – the expression the Secretary of State used in paragraph 17. In fact, Mr Hill submitted, the Secretary of State had failed to reach any conclusion on this question. His decision was vitiated by that failure.
36. Supperstone J. rejected those submissions. He did not accept that one can find in the authorities relied upon by Mr Hill the principle that the decision-maker is required "to determine a workable [five-year housing land supply] or range" in every case. He accepted the argument of Mr Zack Simons, for the Secretary of State, and Mr Paul Stinchcombe Q.C., for the council, that in a case such as this, where there was "inadequate housing supply on either [side's] figures", the Secretary of State was "not required to fix a figure for the extent of that inadequacy" (paragraph 22). He went on to say that "[in] making judgments on the issues of housing requirements and housing supply the decision maker was not required to fix a figure

for the precise extent of the Council’s housing shortfall”. In his view the “key question” was “whether the housing supply is above or below five years”. This was what Lord Carnwath had called the “important question” in paragraph 59 of his judgment in *Hopkins Homes Ltd. v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865 (paragraph 23). The tenor of relevant decisions at first instance was to the same effect – for example, the observation of Gilbert J. in *South Oxfordshire District Council v Secretary of State for Communities and Local Government* [2016] EWHC 1173 (Admin), at paragraph 102, that it is “not necessary to conduct a full analysis of requirements and supply in every case”, and “[whether] one has to do so depends on the circumstances”.

37. On the basis of the inspector’s conclusion in paragraph 108 of his report, having regard to “the updated material before him from the Bubb Lane [decision letter] and the Botley Road [decision letter]”, and Hallam Land having provided “no further evidence” on housing land supply since the inquiry, the Secretary of State was, said Supperstone J., “entitled to note the agreed shortfall, describe it as “limited” (DL17), and agree with his Inspector that the scheme’s contribution to the Council’s housing shortage would be “significant” (DL19)”. Nothing more was required (paragraph 29).
38. In his submissions to us, Mr Hill argued that the authorities on which Supperstone J. had based his conclusions did not deny the need for a decision-maker to establish the extent of a shortfall against the five-year supply of housing land when conducting the balancing exercise under paragraph 14 of the NPPF. Relevant parts of the judgment of the Court of Appeal in *Hopkins Homes Ltd.* – particularly paragraph 47 – which were effectively endorsed by Lord Carnwath in the Supreme Court, indicate that there is such a requirement. Detailed analysis may not always be necessary. A range or an approximate figure may be enough. But, submitted Mr Hill, the judge’s view that the crucial question is simply whether the supply of housing land exceeds or falls below five years was unduly simplistic. In this case there were several factors that made it imperative for the Secretary of State to define the shortfall: in particular, the size of the development – more than 150 dwellings – which had led to the appeal being recovered by the Secretary of State; the significance of the shortfall for the weighting of policies in the development plan that went against the proposal, which could be decisive, especially policy 3.CO of the local plan; and the fact that there were other relevant and recent appeal decisions in which the scale of the shortfall had been considered, and on which the parties had made representations. In the circumstances, Mr Hill submitted, it was not enough for the Secretary of State merely to describe the shortfall as “limited”, without resolving what it actually was by the time he made his decision.
39. Mr Hill also submitted that, in any event, the Secretary of State had failed to explain how and why he had reached a markedly different conclusion on housing land supply from the conclusions recently reached by the inspectors in the Bubb Lane and Botley Road appeals – in spite of the further representations he had received from Hallam Land in the light of them. Those two decisions were clearly relevant in this case. Yet the Secretary of State did not even refer to them in his decision letter. He said he had given “careful consideration” to the representations made after the inquiry, but in this important respect it is not clear that he had in fact done so. In both cases the decision-maker had identified a considerable shortfall against the required five-year supply materially greater than the council had conceded here. In the Bubb Lane appeal the inspector had found “something in the order of a four year supply” (paragraph 45) and had described the shortfall as “significant” (paragraph 52). In the Botley Road appeal the supply was found to be 4.25 years. And the inspector there had also described the shortfall – which amounted to “some 833 dwellings” – as “significant” (paragraphs 18, 19 and 52).



40. Those conclusions, and those descriptions of the shortfall, Mr Hill submitted, simply cannot be reconciled with the figure of 4.86 years' supply put forward by the council in its "Update on Housing Land Supply" of 23 June 2016. An explanation of some kind was clearly called for in the Secretary of State's decision letter. None was provided. Even if he did not have to resolve the precise level of the shortfall, the Secretary of State had fallen short of his duty to provide intelligible and adequate reasons for his conclusion on an issue crucial to the outcome of the appeal (see the speech of Lord Brown of Eaton-under-Heywood in *South Bucks District Council v Porter (No.2)* [2004] 1 W.L.R. 1953, at paragraph 36). In the circumstances it was not enough for him simply to refer to the shortfall as "limited", without more.
41. Mr Simons and Mr Stinchcombe supported the judge's analysis. They submitted that it is not always, or generally, a decision-maker's task to determine the precise level of housing land supply. The critical question will always be whether or not a five-year supply of housing land has been demonstrated. Under NPPF policy, the degree of detail required in ascertaining housing need and supply is left largely to the decision-maker's planning judgment in the circumstances of the case before him – as Gilbert J. emphasized in *Dartford Borough Council v Secretary of State for Communities and Local Government* [2016] EWHC 649 (Admin) (at paragraphs 43 to 45), and in *South Oxfordshire District Council* (at paragraph 102). Mr Stinchcombe pointed to the recent decision of this court in *Jelson Ltd. v Secretary of State for Communities and Local Government* [2018] EWCA Civ 24 as lending support to this submission (see, in particular, paragraph 25). Mr Simons recalled Sir David Keene's warning in *City and District Council of St Albans v Hunston Properties Ltd.* [2013] EWCA Civ 1610 (at paragraph 26) about section 78 appeals descending into the kind of exercise appropriate only for the process of plan preparation.
42. In this case, Mr Simons and Mr Stinchcombe submitted, by the time the Secretary of State came to make his decision in November 2016, the evidence given by Hallam Land at the inquiry in June 2015 in contending for a housing land supply of between 1.78 and 2.92 years was stale. The Secretary of State did not have to go beyond his conclusions that the shortfall was now "limited", and that the provision of market and affordable housing in an area with an "acknowledged" shortfall merited "substantial weight". These conclusions were, in themselves, fully justified. The existence of a shortfall in housing land supply was not a "principal controversial issue" in this appeal, even if it was in the Bubb Lane and Botley Road appeals. The parties had drawn the Secretary of State's attention to the inspectors' decisions in those appeals. But that did not make it necessary for him to deal with those decisions in the reasons he gave for concluding as he did on the evidence in this case. The reasons he gave were sufficient to explain the decision he made.
43. Mr Hill's argument was persuasively presented, but I accept it only in part.
44. The Secretary of State's decision here was taken in the light of the judgment of this court in *Hopkins Homes Ltd.*, but before the Supreme Court had dismissed the subsequent appeals – though on the basis of a narrower reading of the policy in paragraph 49 of the NPPF. As this case shows, however, nothing turns on the difference between the so-called "wider" interpretation of paragraph 49, in which the phrase "policies for the supply of housing" embraces local plan policies that create and constrain the supply, and the "narrow" interpretation, which excludes policies that operate to constrain the supply but does not prevent the decision-maker from giving such policies reduced weight under the policy in paragraph 14 of the NPPF when five years' supply is not demonstrated. Either way, the consequences will, in the end, be the same. The weight given to a policy ultimately depends not on its status but

on its effect – whether it enables the requisite five-year supply to be realized or acts contrary to that objective. Policies in a local plan are liable to carry less weight in the making of a decision on a proposal for housing development if – and because – their effect is to prevent a five-year supply of housing land (see the judgment of Lord Carnwath in *Hopkins Homes Ltd.*, at paragraphs 59 and 61, followed in this court in *Barwood Strategic Land II LLP v East Staffordshire Borough Council* [2017] EWCA Civ 893, at paragraph 22).

45. None of that is controversial here, nor should it be. As Lord Carnwath said in *Hopkins Homes Ltd.* (at paragraph 54), “the primary purpose of paragraph 49 [of the NPPF] is simply to act as a trigger to the operation of the “tilted balance” under paragraph 14”. And he went on to say (in paragraph 59) that the “important question” is “not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47”. If the local planning authority fails to demonstrate that supply, “it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies”. In such a case “[the] shortfall is enough to trigger the operation of the second part of paragraph 14”. As Lord Carnwath emphasized (in paragraph 61), a restrictive policy may not itself be “out of date” under paragraph 49, “but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles”.
46. As this court said in *Hopkins Homes Ltd.* (in paragraph 47), the policies in paragraphs 14 and 49 of the NPPF do not prescribe how much weight is to be given to relevant policies of the development plan in the determination of a planning application or appeal. Weight is always a matter for the decision-maker (see the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H) (paragraph 46). It will “vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements”. The decision-maker must judge “how much weight should be given to conflict with policies for the supply of housing that are out-of-date”. This is “not a matter of law; it is a matter of planning judgment” (see the first instance judgments in *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) (at paragraphs 70 to 75), *Phides* (at paragraphs 71 and 74), and *Woodcock Holdings Ltd. v Secretary of State for Communities and Local Government and Mid-Sussex District Council* [2015] EWHC 1173 (Admin) (at paragraphs 87, 105, 108 and 115)).
47. The NPPF does not state that the decision-maker must reduce the weight to be given to restrictive policies according to some notional scale derived from the extent of the shortfall against the five-year supply of housing land. The policy in paragraph 14 of the NPPF requires the appropriate balance to be struck, and a balance can only be struck if the considerations on either side of it are given due weight. But in a case where the local planning authority is unable to demonstrate five years’ supply of housing land, the policy leaves to the decision-maker’s planning judgment the weight he gives to relevant restrictive policies. Logically, however, one would expect the weight given to such policies to be less if the shortfall in the housing land supply is large, and more if it is small. Other considerations will be relevant too: the nature of the restrictive policies themselves, the interests they are intended to protect, whether they find support in policies of the NPPF, the implications of their being breached, and so forth.

48. Relevant authority in this court, and at first instance, does not support the proposition that, for the purposes of the appropriate balancing exercise under the policy in paragraph 14 of the NPPF, the decision-maker's weighting of restrictive local plan policies, or of the proposal's conflict with such policies, will always require an exact quantification of the shortfall in the supply of housing land. This is not surprising. If the court had ever said there was such a requirement, it would have been reading into the NPPF more than the Government has chosen to put there, and more than is necessarily implied in the policies it contains.
49. Several decisions at first instance were cited in argument before Supperstone J., including those in *Jelson Ltd.* (at paragraphs 2 and 13) – upheld on appeal, *Shropshire Council* (at paragraph 28), *South Oxfordshire District Council* (at paragraph 102), *Dartford Borough Council* (at paragraphs 44 and 45), *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 1879 (Admin) (at paragraphs 42(ii) and 48) – upheld on appeal, and *Phides* (at paragraph 60). Mr Simons also referred to *Eastleigh Borough Council v Secretary of State for Communities and Local Government* [2014] EWHC 4225 (Admin) (at paragraphs 17 and 18). It is not necessary to explore the facts of these cases, or to set out the relevant observations of the judges who decided them. In summary, however, three main points emerge.
50. First, the relationship between housing need and housing supply in planning decision-making is ultimately a matter of planning judgment, exercised in the light of the material presented to the decision-maker, and in accordance with the policies in paragraphs 47 and 49 of the NPPF and the corresponding guidance in the Planning Practice Guidance (“the PPG”). The Government has chosen to express its policy in the way that it has – sometimes broadly, sometimes with more elaboration, sometimes with the aid of definitions or footnotes, sometimes not (see *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government* [2016] EWCA Civ 1040, at paragraph 33; *Jelson Ltd.*, at paragraphs 24 and 25; and *St Modwen Developments Ltd. v Secretary of State for Communities and Local Government* [2017] EWCA Civ 1643, at paragraphs 36 and 37). It is not the role of the court to add to or refine the policies of the NPPF, but only to interpret them when called upon to do so, to supervise their application within the constraints of lawfulness, and thus to ensure that unlawfully taken decisions do not survive challenge.
51. Secondly, the policies in paragraphs 14 and 49 of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker's planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet.
52. Thirdly, the NPPF does not stipulate the degree of precision required in calculating the supply of housing land when an application or appeal is being determined. This too is left to the decision-maker. It will not be the same in every case. The parties will sometimes be able to agree whether or not there is a five-year supply, and if there is a shortfall, what that shortfall actually is. Often there will be disagreement, which the decision-maker will have to resolve with as much certainty as the decision requires. In some cases the parties will not be able to agree whether there is a shortfall. And in others it will be agreed that a shortfall exists, but its extent will be in dispute. Typically, however, the question for the decision-maker will not be simply whether or not a five-year supply of housing land has been demonstrated. If there is a

shortfall, he will generally have to gauge, at least in broad terms, how large it is. No hard and fast rule applies. But it seems implicit in the policies in paragraphs 47, 49 and 14 of the NPPF that the decision-maker, doing the best he can with the material before him, must be able to judge what weight should be given both to the benefits of housing development that will reduce a shortfall in the five-year supply and to any conflict with relevant “non-housing policies” in the development plan that impede the supply. Otherwise, he will not be able to perform the task referred to by Lord Carnwath in *Hopkins Homes Ltd.*. It is for this reason that he will normally have to identify at least the broad magnitude of any shortfall in the supply of housing land.

53. With those three points in mind, I do not think that in this case the Secretary of State could fairly be criticized, in principle, for not having expressed a conclusion on the shortfall in the supply of housing land with great arithmetical precision. He was entitled to confine himself to an approximate figure or range – if that is what he did. Government policy in the NPPF did not require him to do more than that. There was nothing in the circumstances of this case that made it unreasonable for him in the “Wednesbury” sense, or otherwise unlawful, not to establish a mathematically exact figure for the shortfall. It would not have been an error of law or inappropriate for him to do so, but if, as a matter of planning judgment, he chose not to do it there was nothing legally wrong with that.
54. But what was his conclusion on housing land supply? He obviously accepted, as the council had acknowledged, that the requisite five-year supply had not been demonstrated. In paragraph 30 of his decision letter he referred to the “absence of a 5-year housing land supply”. And in the same paragraph he made it plain that he was applying “the presumption in favour of sustainable development”, which, as he said, meant “that permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits”. He went on, in the following paragraphs, to apply that presumption, in accordance with the policy in paragraph 14 of the NPPF. In the course of that balancing exercise, he referred, in paragraph 31, to the “acknowledged shortfall”, which went into the balance on the positive side. All of this is clear.
55. Not so clear, however, is whether the Secretary of State reached any concluded view on the scale of the “acknowledged shortfall”. His reference in paragraph 17 to “the limited shortfall in housing land supply” suggests he had not found it possible to accept Hallam Land’s case at the inquiry, as recorded by the inspector in paragraph 62 of his report, that the supply of housing land was as low as “2.92 years, or 1.78 years if the need for affordable housing is included”, or even the “material shortfall” to which the inspector had referred in paragraph 108, in the light of the council’s concession that it was “not able to demonstrate more than a four and a half years supply of deliverable housing land”. A “limited shortfall” could hardly be equated to a “material shortfall”. It would have been a more apt description of the shortfall the council had now acknowledged in conceding, or contending, that it was able to demonstrate a supply of 4.86 years – the figure to which the Secretary of State referred in paragraphs 19 and 30 of his decision letter.
56. On a fair reading of the decision letter as a whole, I do not think one can be sure that the Secretary of State did fix upon a precise figure for the housing land supply. It may be that, in truth, he went no further than to conclude that the supply remained below five years. He certainly did not adopt the figures put forward by Hallam Land at the inquiry, nor did he even mention those figures. And he neither adopted nor rejected the council’s position at the inquiry. Instead, he took care to say, in paragraph 19 of his decision letter, that he “notes” the inspector’s comment that at the time of the inquiry the council was not able to demonstrate

more than four and a half years' supply. He was equally careful not to adopt or reject the figure that was now put forward by the council – a supply of 4.86 years. In paragraph 19, again, he said merely that he “notes” the council was now of the view that it was “able to demonstrate a 4.86 year supply”. In paragraph 30, once again, he used the word “notes” when referring to the position the council had taken in its letter of 23 June 2016 – “now claiming to be able to demonstrate a 4.86 year supply”. He was not, I think, unequivocally endorsing that figure, but rather was relying on it as proof of “the absence of a 5-year housing land supply”.

57. The Secretary of State's conclusions on housing land supply are not said to be irrational on their face – nor could they be. If one leaves aside for the moment the decisions in the Bubb Lane and Botley Road appeals and what had been said about those decisions in the parties' further representations, they make sense. To describe the shortfall in housing land supply as “limited”, as the Secretary of State did in paragraph 17, seems reasonable if he was assuming – though without positively finding – that the housing land supply now stood at or about 4.86 years. And there is nothing necessarily inconsistent between that conclusion and his later conclusions: in paragraph 19, that the amount of new housing proposed was a “significant advantage”; in paragraph 30, that the “presumption in favour of sustainable development” fell to be applied in this case; and, in paragraph 31, that the provision of housing in an area with an “acknowledged shortfall” carried “substantial weight in favour of the development”.
58. All of this is logical, as far as it goes. It may reflect an assumption on the part of the Secretary of State that he could rely on the figure of 4.86 years for the housing land supply, or at least on a range of between four and half and 4.86 years, and that this was sufficient to found his conclusions on the weight to be given to the benefits of the housing development proposed and to its conflict with restrictive policies in the local plan.
59. This reading of the decision letter may be overly generous to the Secretary of State, because it resolves in his favour the doubt as to what figure, or range, he was actually prepared to accept for the present supply of housing land in the council's area. Assuming it to be correct, however, he can be acquitted of any misunderstanding or unlawful misapplication of NPPF policy. If he did adopt, or at least assume, a figure of 4.86 years' supply of housing land, or even a range of between four and half and 4.86 years, his approach could not, I think, be stigmatized as unlawful in either of those two respects. It could not be said, at least in the circumstances of this case, that he erred in law in failing to calculate exactly what the shortfall was. In principle, he was entitled to conclude that no greater precision was required than that the level of housing land supply fell within a clearly identified range below the requisite five years, and that, in the balancing exercise provided for in paragraph 14 of the NPPF, realistic conclusions could therefore be reached on the weight to be given to the benefits of the development and its conflict with relevant policies of the local plan. Such conclusions would not, I think, exceed a reasonable and lawful planning judgment.
60. However, even if that assumption is made in favour of the Secretary of State, there is in my view a fatal defect in his decision in his failure to engage with the conclusions on housing land supply in the recent decisions in the Bubb Lane and Botley Road appeals. Here, it seems to me, Mr Hill's argument is demonstrably well founded.
61. At least by the time the parties in this appeal were given the opportunity to make further representations, an important issue between them, and arguably the focal issue, was the extent of the shortfall in housing land supply. This was, or at least had now become, a “principal controversial issue” in the sense to which Lord Brown of Eaton-under-Heywood referred in *South Bucks District Council v Porter* (at paragraph 36 of his speech). A related issue was the

weight to be given to restrictive policies in the local plan – in particular, policy 3.CO. These were, in my view, clearly issues that required to be properly dealt with in the Secretary of State’s decision letter, in the light of the representations the parties had made about them, so as to leave no room for doubt that the substance of those representations had been understood and properly dealt with. This being so, it was in my view incumbent on the Secretary of State to provide intelligible and adequate reasons to explain the conclusions he had reached on those issues, having regard to the parties’ representations.

62. There is no explicit consideration of the inspectors’ decisions in the Bubb Lane and Botley Road appeals in the Secretary of State’s decision letter, nor any reference to them at all, despite the fact that they had been brought to his attention and their implications addressed in the further representations made to him after the inquiry. The inspectors’ conclusions on housing land supply in those two decisions, and the consequences of those conclusions for the weight to be given to local plan policies, clearly were material considerations in this appeal. They would, in my view, qualify as material considerations on the basis of the case law relating to consistency in decision-making (see the judgment of Mann L.J. in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137, at p.145, most recently followed by this court in *DLA Delivery Ltd. v Baroness Cumberlege of Newick and Secretary of State for Communities and Local Government* [2018] EWCA Civ 1305, at paragraphs 29, and 42 to 56). But leaving aside the principle of consistency, they would have been, it seems to me, material considerations if only on the basis that they represented an up to date independent assessment of housing land supply in the council’s area, which had been squarely put before the Secretary of State. Yet he said nothing at all about them. Nor is there any explicit reference to the relevant content of the representations the parties had made. It is clear that the reference in paragraph 19 of the decision letter to the council’s view that it was now able to demonstrate 4.86 years’ supply of housing land was taken from the “Update on Housing Land Supply” that it produced on 23 June 2016. But he did not refer to the very firm and thoroughly reasoned conclusions of the inspector in the Botley Road appeal, which were reached in the light of that evidence.
63. So it is not clear whether the Secretary of State confronted the conclusions of the inspectors in the Bubb Lane and Botley Road appeals, and in particular the latter. Had he done so, he would have appreciated that the conclusions they had reached on the scale of the shortfall in housing land supply could not reasonably be reconciled with his description of that shortfall, in paragraph 17 of his decision letter, as “limited”. The language used by those two inspectors was distinctly different from that expression, and incompatible with it unless some cogent explanation were given. No such explanation was given. In both decision letters the shortfall was characterized as “significant”, which plainly it was. This was more akin to saying that it was a “material shortfall”, as the inspector in Hallam Land’s appeal had himself described it in paragraph 108 of his decision letter. Neither description – a “significant” shortfall or a “material” one – can be squared with the Secretary of State’s use of the adjective “limited”. They are, on any view, quite different concepts.
64. Quite apart from the language they used to describe it, the inspectors’ findings and conclusions as to the extent of the shortfall – only “something in the order of four year supply” in the Bubb Lane appeal and only “4.25 years’ supply” in the Botley Road appeal – were also substantially different from the extent of the shortfall apparently accepted or assumed by the Secretary of State in his decision in this case, which was as high as 4.86 years’ supply on the basis of evidence from the council that had been before the inspector in the Botley Road appeal and rejected by him.

65. One is left with genuine – not merely forensic – confusion on this important point, and the uncomfortable impression that the Secretary of State did not come to grips with the inspectors’ conclusions on housing land supply in those two very recent appeal decisions. This impression is not dispelled by his statement in paragraph 7 of the decision letter that he had given “careful consideration” to the relevant representations.
66. The significance of the parties’ dispute over the extent of the shortfall in housing land supply was not confined to that issue alone. It also bore on the question of how much weight should be given to restrictive policies in the local plan – in particular, policy 3.CO – for the purposes of the balancing exercise required by the policy in paragraph 14 of the NPPF. A factor to which the Secretary of State attached some importance in determining that “significant weight” should be given to policy 3.CO was that the shortfall in housing land supply was, as he said in paragraph 17 of the decision letter, only “limited”. This was an important issue in itself, and potentially decisive in the planning balance.
67. In the circumstances I am driven to the conclusion that the Secretary of State’s reasons were in this respect deficient, when considered in the light of the familiar principle in *South Bucks District Council v Porter*, and that Hallam Land was substantially prejudiced by the failure to provide intelligible and adequate reasons. The parties, and in particular Hallam Land, whose section 78 appeal was being dismissed after a protracted exchange of post-inquiry representations, were entitled to know why the Secretary of State had concluded as he did not only on the question of housing land supply but also on its consequences, in spite of two very fresh appeal decisions in which the question of supply had been decided in a materially different way. This was a matter on which proper reasons were undoubtedly called for, but were not given. In the absence of those reasons, one cannot be sure that the Secretary of State had come to his conclusion lawfully, having regard to all material considerations. It follows, in my view, that in failing to provide such reasons the Secretary of State erred in law and his decision is liable to be quashed for that error. I can see no basis on which the court, in the circumstances, could properly withhold an order to quash his decision. To do so, we would have to speculate as to the outcome of Hallam Land’s section 78 appeal on the assumption that the Secretary of State had regard to all material considerations, including the decisions in the Bubb Lane and Botley Road appeals.
68. Having come to that conclusion, I can take the other main issue more shortly.

*Should the Secretary of State have had regard to the inspector’s report on the Boorley Green appeal?*

69. The argument here is that the Secretary of State’s conclusion in this case that the shortfall in housing land supply was “limited” is impossible to reconcile with the conclusion in his decision letter in the Boorley Green appeal, issued about three weeks later, that the supply of housing land in the council’s area was “around four years”. This offended the principle that there is a public interest in planning decisions in like cases being consistent, and that, in cases of inconsistency, the decision-maker should explain that inconsistency (see the judgment of Mann L.J. in *North Wiltshire District Council*). Where relevant matters arose after the close of an inquiry, such as an inspector reporting to him on an appeal raising closely similar planning issues in the same area as the appeal in hand, it was incumbent on the Secretary of State to take reasonable steps to inform himself of those matters, and so avoid inconsistent decisions. The inspector’s report in the Boorley Green appeal fell into that category. By the time the Secretary

of State eventually came to make his decision on Hallam Land's appeal, he had had that report for almost three months.

70. Supperstone J. rejected this argument, on the simple basis that the Secretary of State's decision in the Boorley Green appeal had not yet been made when the decision in this case was issued, and "accordingly, it cannot have been a material consideration to which the principle of consistency can apply". Although the inspector's report on the Boorley Green appeal had been submitted to the Secretary of State before he made his decision in this case, "the principle of consistency in decision taking has no application to Inspectors' reports which are not decisions" (paragraph 33 of the judgment). The proposition that the Secretary of State must always have imputed knowledge of an inspector's report in an undetermined appeal was incorrect (paragraph 35). So was the submission that it was irrational, and a breach of the principle recognized by the House of Lords in *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1976] 3 W.L.R. 641 that a decision-maker must take reasonable steps to acquaint himself of relevant matters, for the Secretary of State not to take into account an unpublished inspector's report in another appeal that was yet to be decided on its own, different facts (paragraph 38).
71. The judge also accepted the submission of Mr Simons and Mr Stinchcombe that there was, in fact, no material inconsistency between the two decisions. In both cases the Secretary of State had found that there was less than the requisite five-year supply of housing land, and that the consequences provided for by NPPF policy must follow. In his decision on the Boorley Green appeal the Secretary of State did not adopt the inspector's description of the shortfall as "significant". His conclusion in that case that the housing land supply "should be regarded as standing at around four years" was consistent with his corresponding conclusions in his decision in this case. And in both cases, given the shortfall, he gave significant weight to the provision of housing: "substantial weight" in this case, "considerable weight" in the Boorley Green case (paragraph 39). The Secretary of State's application of policy 3.CO of the local plan in this appeal, the weight he gave to that policy, and his relevant reasons did not betray an inconsistent approach with his inspector's or his own in the Boorley Green appeal (paragraphs 40 to 46).
72. I agree with the judge's approach to this issue, and the conclusions he reached upon it, essentially for the reasons he gave.
73. The principle of consistency in planning decision-making is not a principle of law. It is a principle of good practice, which the courts have traditionally supported and the Court of Appeal has recently confirmed in *DLA Delivery Ltd.*.
74. The principle applies to decisions of planning decision-makers, and is exercised with a view to the public interest in planning decisions in like cases being consistent, or if inconsistency arises, a clear explanation for it being given in the second of the two decisions concerned (see *DLA Delivery Ltd.*, at paragraphs 28 to 30, 46 and 47). It does not apply, in the case of decisions on planning appeals made by the Secretary of State, to inspectors' reports that have been submitted to the Secretary of State but on which his decision is still to be made at the time of the decision subject to challenge in the case before the court. The purpose and status of such a report is, essentially, that of advice given to the Secretary of State by his appointed inspector, which will inform the decision itself, but which the Secretary of State is not bound to follow and is free to reject, so long as he gives adequate reasons for doing so. It is an intermediate stage in the process of decision-making. The assessment and conclusions contained in the report do not constitute the Secretary of State's decision, nor do they form any



part of that decision unless and until they are incorporated into it, whether in whole or in part. Usually, as in the Boorley Green appeal, the inspector's report is not published until the Secretary of State has made his decision. On occasions, however, it may be released by the Secretary of State with a view to inviting further representations or evidence from the parties to deal with a particular issue raised in it.

75. It would be a radical and unjustified extension to the principle of consistency to embrace within it unpublished inspectors' reports, whose conclusions and recommendations the Secretary of State may in due course choose to accept or reject. Indeed, this would not be an extension of the principle of consistency but a distortion of it, because the basis for it would not be consistency between one decision and another, but consistency between a decision and a non-decision, a decision yet to be made. That is not a principle the court has ever recognized, nor even, in truth, a meaningful principle at all.
76. In my view, therefore, this part of the appeal is mistaken, and I would reject it.

### *Conclusion*

77. For the reasons I have given, I would allow this appeal on the first issue alone and on the basis I have indicated.

### **Lord Justice Hickinbottom**

78. For the reasons given by Lindblom L.J., with which I entirely agree, I agree that the appeal is allowed on the first issue alone.

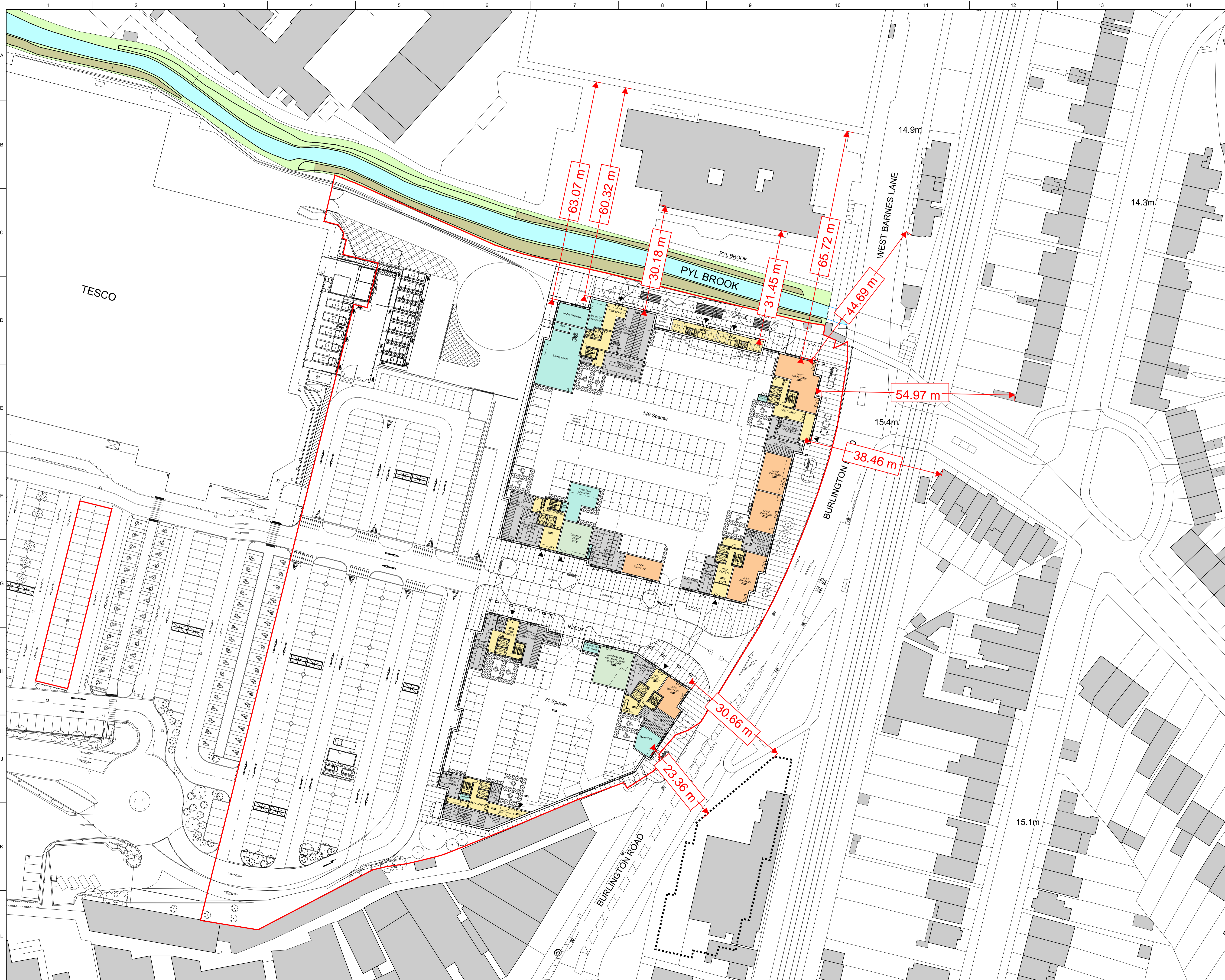
### **Lord Justice Davis**

79. I also agree that the appeal should be allowed.
80. I would like to make some observations of my own on the first issue.
81. Clearly a determination of whether or not there is a shortfall in the 5 year housing supply in any particular case is a key issue. For if there is then the "tilted balance" for the purposes of paragraph 14 of the NPPF comes into play.
82. Here, it was common ground that there was such a shortfall. That being so, I have the greatest difficulty in seeing how an overall planning judgment thereafter could properly be made without having at least some appreciation of the extent of the shortfall. That is not to say that the extent of the shortfall will itself be a key consideration. It may or not be: that is itself a planning judgment, to be assessed in the light of the various policies and other relevant considerations. But it ordinarily will be a relevant and material consideration, requiring to be evaluated.
83. The reason is obvious and involves no excessive legalism at all. The extent (be it relatively large or relatively small) of any such shortfall will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. That is borne out by the observations of Lindblom LJ in the Court of Appeal in paragraph 47 of *Hopkins Homes*. I agree also with

the observations of Lang J in paragraphs 27 and 28 of her judgment in the *Shropshire Council* case and in particular with her statements that "...Inspectors generally will be required to make judgments about housing need and supply. However these will not involve the kind of detailed analysis which would be appropriate at a "Development Plan inquiry" and that "the extent of any shortfall may well be relevant to the balancing exercise required under NPPF 14." I do not regard the decisions of Gilbert J, cited above, when properly analysed, as contrary to this approach.

84. Thus exact quantification of the shortfall, even if that were feasible at that stage, as though some local plan process was involved, is not necessarily called for: nor did Mr Hill QC so argue. An evaluation of some "broad magnitude" (in the phrase of Lindblom LJ in his judgment) may for this purpose be legitimate. But, as I see it, at least some assessment of the extent of the shortfall should ordinarily be made; for without it the overall weighing process will be undermined. And even if some exception may in some cases be admitted (as connoted by the use by Lang J in *Shropshire Council* of the word "generally") that will, by definition, connote some degree of exceptionality: and there is no exceptionality in the present case.
85. In this case (and in striking contrast to the Bubb Lane and Botley Road cases) a sufficient evaluation of the extent of the shortfall did not happen. Instead, the Secretary of State, having "noted" the council's updated figure of 4.86 year supply and without any express reference to the Bubb Lane and Botley Road cases, simply announced a bald conclusion that there was a "limited" shortfall in the housing land supply. Broad statements elsewhere in the decision letter to the effect that "the Secretary of State has taken into account" the post-inquiry representations do not overcome the defect of a demonstrable lack of engagement with the actual extent of the shortfall: thereby resulting in an absence of a reasoned conclusion on this material issue. Moreover, such a conclusion departs – again, for no stated reason – from the inspector's statement in paragraph 108 of his report that "it can be said that there is a material shortfall against the five year supply...".
86. Although it was submitted on behalf of the council that the result would still inevitably have been the same, even had the extent of the shortfall been properly addressed, I cannot accept that that is necessarily so. So the matter must be the subject of further consideration.
87. Thus I too would allow the appeal on this basis. I would reject the appellant's arguments on the second issue, for the reasons given by Lindblom LJ.

## Appendix 19

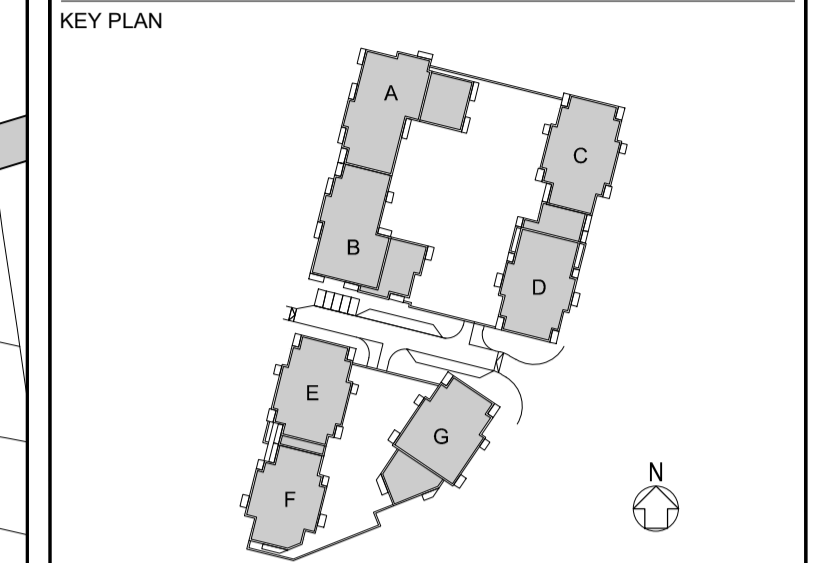


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NOTES:

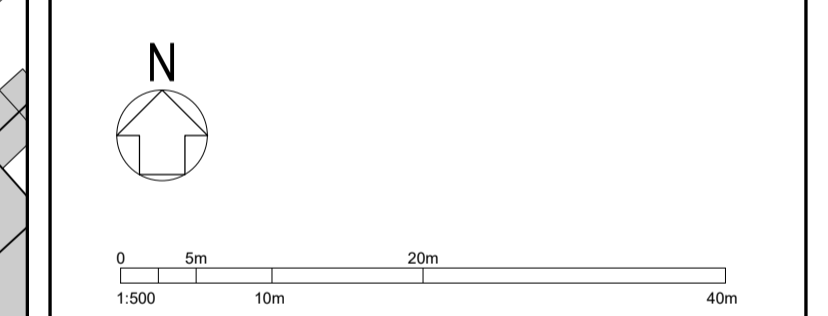
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**TPB MARK-UP  
OVERLOOKING DISTANCES  
03-11-20**

P2	05.12.19	Updated drawings for December '19 Planning	JH	SB
P1	29.05.19	Issued For Planning	JH	SB
No.	Date	Comment	Drawn	CHK'D
Revisions				

Issue Status  
**PLANNING**

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Project  
**265 Burlington Road  
New Malden**

Drawing Title  
**Ground Floor Plan**

Drawn JH	Date March 2019	Scale @ A1 1:500	Alt. Ref.
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tp bennett Project No. <b>E1180</b>	Drawing Number <b>D 6100</b>	Rev <b>P2</b>
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## Appendix 20



Department  
for Transport

Sadiq Khan  
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From the Secretary of State  
**The Rt. Hon. Grant Shapps**

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31 October 2020

Dear Sadiq,

### **Transport for London Settlement Letter**

1. This letter sets out an Extraordinary Funding and Financing Agreement for Transport for London (TfL) for the period to March 2021. This replaces the extension letter of 16<sup>th</sup> October.
2. The agreement set out in this letter supports the maintenance of essential transport services in London, allowing TfL to contribute fully to the Government's economic restart programme. The Government is committed to supporting TfL in the delivery of its efficiencies programme and commercial development income, particularly where legislative changes may be needed.
3. The period for this funding agreement is 18 October 2020 until the 31 March 2021 (the H2 Funding Period) and the agreement will recognise both short and long-term objectives as follows:
  - a. Short term (up to 31 March 2021) – to provide sufficient financial measures to mitigate loss of passenger revenue as a result of COVID impacts and Government led measures such as social distancing.
  - b. Long term - to continue to work with TfL towards a plan to reach a financially sustainable position as soon as possible, with a target date of April 2023.
4. During the course of the H2 Funding Period, HMG want to work with TfL on long-term plans with an aim to be in a position where a longer-term

settlement is possible from March 2021 when this funding package expires. At this point, HMG would also consider reducing government supervision: ending, for instance, the presence of HMG special representatives on TfL's board. These things will only be possible if HMG can be satisfied (via the Oversight Group) within the period of H2 that the measures set out in this letter are being/ have been progressed.

5. In relation to any long-term plans, HMG define financial sustainability as TfL's ability to cover, from sources available to it (including, the consideration of potential new sources of income but excluding government grant): operating expenditure; capital renewals; servicing and repaying debt; and capital enhancements. For major capital enhancements and major renewals (i.e. replacement of life expired rolling stock and signalling), TfL would not be expected to solely finance these from operating incomes; as is consistent with other transport authorities.
6. HMG recognise that the current circumstances present ongoing financial challenges and uncertainty to Transport for London beyond the H2 Funding Period. HMG recognise that it will be important for Transport for London to maintain essential services and support the economic recovery and meet its statutory obligations in relation to balanced budget, in line with its statutory duties over the remainder of the financial year and in future years. HMG also recognise that Transport for London has existing near and long-term financial commitments, and will need to enter into new financial commitments, that extend beyond the H2 Funding Period. A combination of future measures from TfL, GLA and HMG will enable TfL to continue to meet these obligations and commitments during the H2 Funding Period and beyond.
7. HMG will continue to engage on and monitor the financing of Northern Line Train Services contract. If a Supervening Event occurs in accordance with clause 25A.1.1 of the Amended and Restated Usage Contract, HMG will work with TfL and take reasonable steps to assist TfL in meeting the contractual obligations set out in clause 25A of that contract and other associated provisions, or finding alternative forms of support acceptable to the relevant counterparties.
8. Delivery of the matters set out in this letter will take into account and prioritise safety and other statutory and operational requirements of running the transport network. HMG also recognise that the delivery of such matters will need to take account of TfL's (and the Mayor's) statutory responsibilities and any decisions will need to be made in accordance with relevant legal powers and decision-making processes, taking into account any need for consultation.

9. TfL will, by 11 Jan 2021, produce a single, comprehensive management plan with options as to how a trajectory to financial sustainability could be achieved by as soon as possible with a target date of FY2023. This plan will include, but is not limited to:
- a. An assessment of further operating efficiencies beyond the H2 Funding Period, including opportunities to accelerate and improve on the savings included in TfL's 2019 Business Plan of £722m by 2024, inclusive of savings delivered in 2019/20 and planned in 2020/21. This assessment will include a deliverability analysis of the current estimate and also include an analysis of the optimum size for TfL to undertake its activities.
  - b. An assessment of further capital efficiencies and a review of TfL's Long Term Capital Plan against a prioritisation framework that will be agreed in advance with DfT. This will focus on safety and state of good repair (as that term is recognised by industry specialists, addressing the ability of an asset to meet its function without posing unacceptable risks) of the existing network as highest priority, with options for varying degrees of investment above this for further discussion and scenarios that demonstrate the impacts of reduction in planned expenditure (with scenarios ranging between 0% and 30% reduction) over the period to 2024/25.
  - c. An assessment of the impact of demand on sustainability, including modelling of medium-term service level requirements against possible demand scenarios post removal of Covid travel restrictions (such as social distancing).
  - d. A review of TfL's liquidity position, and review of level of reserves that is appropriate for the risks that TfL faces in the short, medium and long term.
  - e. A review of TfL's commercial development activities with the aim of maximising their use to aid future sustainability, subject to near term affordability. Non-operational assets (including land and property) that are surplus, will not generate future revenues and are not otherwise required for safeguarding activity, will be identified and considered for sale. This review will consider the impact on achieving financial sustainability by FY2023 as well as value for money considerations.



- f. Consideration of and options for Governance/regulatory frameworks that may enable better stability and sustainability of funding in the medium to long term.
10. This plan will also include impact and deliverability assessments of the matters described above, including a value for money analysis and EQIA and evidence drawn from a variety of sources, including external opinions and advice where relevant.
11. This plan for financial sustainability will set out how TfL commits to managing its affairs to reach financial sustainability. The plan will be predicated on TfL being an economic and efficient operator, putting in place plans and taking reasonable decisions to achieve this.
12. If the Mayor and TfL wish Londoners to continue to benefit from travel concessions and/or other benefits above those typically available elsewhere in England (specifically free travel for all Londoners aged under 18 and 60-65, excluding statutory entitlements including under the Education Act 1996) then TfL/the Mayor recognises that the costs of these additional benefits will not be met by HMG funding; and commits to meeting the costs of these additional benefits over the Financial Year 2021/22, without recourse to additional borrowing, savings, service changes or deferrals. TfL and the Mayor have proposed that this could potentially include proposals to maintain the Congestion Charging changes implemented in June 2020, subject to consultation and due process; and / or by an increase to the existing TfL element of the GLA council tax precept from 1 April 2021 provided HMG will take all the necessary steps to enable such a precept, subject to approval of the House of Commons. TfL/the Mayor will submit their proposals, by 11 January 2021, alongside the financial sustainability plan.
13. For the H2 Funding Period, TfL or the Mayor (as appropriate regarding their respective statutory obligations):
  - a. Commits to deliver the £413 million cumulative efficiency savings by the end of 2020/21, as part of its ongoing 2019 Business Plan savings programme and provide confirmation of how this will be achieved and how it will be evidenced to the DfT Oversight Group.
  - b. Commits to deliver an additional £160m of savings or income compared to the revised Budget through a mixture of Capex, Opex and financial control measures. TfL will also and provide confirmation of how this will be achieved and how it will be evidenced to the DfT Oversight Group.

- c. In relation to Crossrail 2, prioritises safeguarding activity and brings an orderly end to consultancy work as soon as possible. DfT will support such safeguarding activity for this project as required.
- d. Completes roll out of TfL Go for Android by the end of the calendar year.
- e. Works with a government led expert review on the possible implementation of driverless trains. TfL and Government will discuss the scope of this review and the knowledge and experience requirements of any review members or chair, as well as a reasonable programme of work to support the review (including the appointment of any consultants that DfT considers appropriate to appoint to support the review, whose knowledge and experience DfT will also discuss with TfL) taking into account resource constraints within TfL. DfT acknowledges that this requirement is not included within the TfL Revised Budget.
- f. Whilst social distancing is in place, maintains appropriate service levels, subject to the ability to do so in light of staff absence levels. TfL will take all practicable steps to manage absence levels to support delivery of services.
- g. Commits to set aside at least £75m within the H2 Funding Period to continue the delivery of healthy streets and active travel programmes including funding for the London Boroughs under the local implementation plan process. Within this funding, TfL will prioritise the urgent delivery and operation of a temporary walking and cycle ferry as a replacement crossing for local communities affected by the closure of Hammersmith Bridge. For the avoidance of doubt these commitments are separate to any further funding to be allocated from the DfT Emergency Active Travel Fund for which bids totalling £20m are currently submitted.
- h. Maintains commitment to the decision made by the Mayor on 6 June 2018 to create a single larger ULEZ bounded by the North Circular and South Circular Roads with the extension coming into effect as planned on 25 October 2021.
- i. Maintains commitment to tightening LEZ in March 2021.
- j. Maintains changes that TfL has made to its expenditure authorisation processes through the Financial Commitment Oversight Group.

- k. Documents, and share this documentation with DfT, any meetings with lenders or ratings agencies, subject to FCA regulations and confidentiality agreements in place with these counterparties.
  - l. Commits to increase fares within the Mayor's control in January 2021 to deliver an overall equivalent of RPI+1%.
  - m. Commits to maintain, as a continuing response to the coronavirus pandemic, the current temporary changes to the Congestion Charge.
  - n. Commits to maintain, as a continuing response to the coronavirus pandemic, the current temporary changes to the use of concessionary fares for the over 60's and Freedom Pass holders during peak hours.
  - o. Commits to make a fixed contribution of £4m during the H2 Funding Period for the stabilisation and repair of Hammersmith Bridge as part of the programme led by the Task Force for the Hammersmith Bridge.
14. The parties will continue to agree communication messages to ensure consistent advice is provided to all travellers and public confidence in the transport network is promoted.
15. Two HMG appointed Special Representatives will continue to attend all TfL Board meetings, being able to raise questions at the Board, request additional information as reasonably required and report back to the Secretary of State on these matters.
16. One Special Representative will also continue to attend all meetings of the Finance Committee and the Programmes and Investment Committee.
17. In addition, DfT will develop an Official level Oversight Group. This will be DfT chaired and will have equal representation from DfT and TfL. The terms of reference for which are appended to this letter, and the Group will meet to monitor progress and consider how the conditions set out in this letter are being implemented and make proposals for further actions if necessary.
18. TfL will continue to provide monthly management accounts and cashflow forecast and these will be reviewed by DfT after P9, P11 and P13, with DfT supported by external advisors.
19. TfL will provide DfT with a revised H2 cash flow forecast (including impact of the matters set out in this letter) with the Period 8 Management

Accounts on 27 November 2020. TfL will also provide a revised cash flow forecast covering the remainder of the Business Plan Period following approval by the TfL Board of the 2020 Business Plan.

20. The Extraordinary Funding and Financing package comprises £1bn for Transport for London to support its essential services for the period 18 October 2020 to 31 March 2021 (“H2 Funding Period”) as follows:
  - a. Extraordinary Support Grant of £905m payable under S.101 of GLA Act 1999. This will be paid in 5 instalments commencing on 13 November 2020. The first payment shall be for £345m and shall be made on 13 November 2020, the second payment shall be for £140m and shall be made on 11 December 2020 and the third to fifth payments shall be for £140m and shall be made every four weeks following the 11 December 2020 payment date.
  - b. Additional borrowing by Transport for London from the Public Works Loan Board (PWLB) of £95m. This borrowing will be undertaken on 4 January 2021. This will take TfL’s PWLB borrowing in 2020/21 to £600m.
21. This Extraordinary Funding and Financing package will contribute towards TfL’s revenue loss due to reduced passenger numbers using TfL services as a result of the pandemic and Government-led measures such as social distancing.
22. In managing its business during the H2 Funding Period, TfL will take all reasonable steps to minimise the Extraordinary Support Grant in line with this agreement, including maintaining and maximising its revenue, and minimising expenditure.
23. The funding amounts are based on a scenario that passenger demand over the H2 Funding Period is at c 65% of pre-Covid levels. This scenario (H2 Scenario) forecasts passenger revenue cash receipts at £1,470.1m during H2. Taking into account the financial effects of delivery of other conditions set out in this letter, the revenue shortfall is expected to be £1bn for the H2 Funding Period. It is recognised that there are material factors beyond TfL’s direct control that give rise to a high level of uncertainty in predicting the future passenger revenue for the organisation for the H2 Funding Period, in particular as HMG guidance on dealing with the pandemic develops over the winter.

24. Therefore, in addition to those instalments of Extraordinary Support Grant set out above, to the extent that the H1 True Up process (as set out in my letter dated 14 May 2020) identifies an overpayment by DfT to TfL during the H1 Support Period (1 April 2020 to 17 October 2020), then the quantum of this overpayment (the H1 Surplus) shall be retained by TfL throughout H2 (subject to the True Up Process set out below).
25. At the end of Railway Period 8 (the first four-week period (Reporting Period) in the H2 Funding Period) HMG and TfL will assess whether actual cumulative passenger revenue cash receipts are in line with the expected cumulative H2 Scenario of £1,470.1m (as set out for each Reporting Period in Annex 1) for the H2 Funding Period. If the actual cumulative passenger revenue cash receipts are below this level (excluding a de minimis amount of £10m), then, the amount of Extraordinary Support Grant will increase to compensate the shortfall between the actual cumulative passenger revenue cash receipts and the H2 Scenario described in paragraphs 23 and 24 (a Top Up Grant).
26. This Top Up Grant shall be calculated from 18 October 2020 on a cumulative basis every Reporting Period and then paid in accordance with the timescales set out in paragraph 29 and for every Reporting Period thereafter for the remainder of the H2 Funding Period, until the final Reporting Period. Any additional funding required under a Top Up Grant will be provided following routine authorisation by CST, noting that such authorisation will not undermine the intent of the financial support set out in this letter and specifically paragraphs 6, 7 and 35.
27. After Period 9 and to the extent that a Top Up Grant is required then HMG and TfL will enter into collaborative discussions via the Oversight Group to determine whether any service levels need to be revisited to reflect those revised circumstances and the consequential impact on TfL's funding requirement. Any such changes to service levels proposed by the Oversight Group will be subject to agreement from TfL (in line with its governance framework) and HMG.
28. In accordance with paragraphs 25 and 26, the following formula will be used to calculate any Top Up Grant payable.
- The maximum of zero and (Cumulative H2 scenario of Passenger Revenue Cash Receipts – Cumulative Actual Passenger Revenue Cash Receipts – Previous Top Up Grants) = Top Up Grant for the Reporting Period (noting that no Top Up Grant will be payable if less than the De Minimis sum of £10m)*

29. Information relating to actual cumulative passenger revenue cash receipts and a calculation (flash report) of the Top Up Grant shall be produced by TfL at the end of each Reporting Period and shall be provided to DfT within 10 business days following the end of each Period. Payment of any Top Up Grant will then be made within 10 business days of receipt by DfT of the flash report.
30. For the final Reporting Period, there will be a process (the True Up Process) to determine any final payment of Top Up Grant (True Up Grant) or repayment (True Up Repayment) during the H2 Funding Period.
31. The True Up Process will also take into account and adjust for the following matter:
- a. To the extent that any exceptional costs incurred by TfL during the H2 Funding Period are greater than or lower than equivalent sums contained within the Revised Budget, then this difference shall be an adjustment to the True Up Grant or True Up Repayment (as appropriate) (an Exceptional Cost Adjustment, as a positive or a negative sum as appropriate). The Exceptional Cost Adjustment shall only be provided where it directly results from the coronavirus pandemic and/or responding to or related to Government measures or instructions. During the H2 Funding Period, should TfL anticipate that any greater exceptional costs compared to the Revised Budget are required, TfL shall agree this with DfT in advance.
32. The formula for this final Reporting Period shall be:  
*Total H2 scenario Passenger Revenue Cash Receipts – Total Actual Passenger Revenue Cash Receipts – Previous Top Up Grant Payments – H1 Surplus + Exceptional Costs Adjustment = True Up Grant (if positive) or True Up Repayment (if negative)*
33. The payment by DfT of True Up Grant or by TfL of True Up Repayment will not compensate TfL for any loss caused by TfL not managing costs within its Revised Budget save as set out in paragraph 31. Nor will it seek to recoup grant sums if TfL outperforms the cost forecasts set out in the Revised Budget (as amended by the conditions of this letter).
34. The calculation and evidence of True Up Grant, and/or True Up Repayment shall be produced by TfL at the end of the H2 Funding Period and shall be provided to DfT within 10 business days following the end of the H2 Funding Period. Payment of the final True Up Grant, and/or True

Up Payment will then be made within 4 weeks or 20 business days of receipt of that information.

35. This funding package is based on the assumption that Transport for London will maintain as a minimum useable cash reserves (that is, cash and liquid investments held by the TfL Group (excluding ring fenced subsidiaries; Crossrail Limited, London Transport Insurance (Guernsey) Limited and London Transport Museum Limited)) of £1.2bn throughout and at the end of the H2 Funding Period, subject to normal commercial payment practices. This funding package seeks to support the maintenance of essential and safe transport services in London, enabling TfL to continue to make a full and vital contribution to the recovery from the coronavirus pandemic and success of the UK economy as a whole.
36. If a measure that has been agreed in the H2 extraordinary funding and financing package and which relates to non-financial matters set out in paragraphs 9, 10, 13.d., 13.e., 13.j., 13.k., 14, 15, 16, 18 and 19 has not been met and, following consideration by the Oversight Group of proposals for resolution from TfL, such proposal has either not been agreed or implemented and no alternative action plan agreed, then a “Dispute” will have arisen and shall be addressed as follows:
  - a. If a Dispute arises, DfT shall give to TfL written notice of the dispute, setting out its nature and full particulars (Dispute Notice), together with relevant supporting documents. On service of the Dispute Notice, the Commissioner of TfL and the Permanent Secretary of DfT shall attempt in good faith to resolve the Dispute. If the Commissioner of TfL and the Permanent Secretary of DfT are for any reason unable to resolve the Dispute within 30 days of the notice being given, either party may refer to the matter to an independent body for resolution;
  - b. If Dispute is not resolved in accordance with the process at paragraph 36.a. then DfT may withhold a reasonable proportion of that part of the next grant payment due to TfL that relates to the measure in question until such time as the Dispute in question is resolved, provided that such withholdings shall not exceed £25million in total for the H2 Funding Period.

37. The funding package that we are separately discussing for Crossrail will be concluded in parallel.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grant Shapps', written in a cursive style.

**Rt Hon Grant Shapps MP**

**SECRETARY OF STATE FOR TRANSPORT**



## Appendix 21



Redrow Homes Limited

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# **AIR QUALITY ASSESSMENT**

265 Burlington Road, New Malden





Redrow Homes Limited

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# **AIR QUALITY ASSESSMENT**

265 Burlington Road, New Malden

**TYPE OF DOCUMENT (VERSION) PUBLIC**

**PROJECT NO. 70075449**

**OUR REF. NO. 70075449**

**DATE: OCTOBER 2020**

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Redrow Homes Limited

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## **AIR QUALITY ASSESSMENT**

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## EXECUTIVE SUMMARY

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WSP has been commissioned by Redrow Homes Limited to undertake an updated air quality assessment for their proposed development at 265 Burlington Road in New Malden. Since the completion of the air quality assessment that was submitted with the planning application<sup>1</sup> (Planning Application No. 19/P2387), there have been changes to the proposed development with respect to the heights of the proposed blocks, revisions to the traffic data that had been used, and changes to the plant to be included in the energy centre. The air quality assessment has therefore been updated to take into account these changes.

The proposed development comprises 456 residential units with 499sqm of commercial floorspace, associated car parking and amenity space. An energy centre including four gas fired boilers will also be included.

This report presents the findings of the assessment, which addresses the potential air quality impacts during both the construction and operational phases of the proposed development. For both phases the type, source and significance of potential impacts were identified, and the measures that should be employed to minimise these proposed.

The assessment of construction phase impacts associated with fugitive dust and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and vehicle and plant emissions has been undertaken in line with the relevant Mayor of London's Supplementary Planning Guidance.

This identified that there is a Medium Risk of dust soiling impacts and a Low Risk of increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases, as well as construction vehicle and plant emissions, would be significantly reduced. The residual effects of the construction phase on air quality are negligible.

The assessment of the potential air quality impacts associated with traffic generated by the operational phase of the proposed development has been completed in line with published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub>. The impact of the emissions from the proposed energy centre was also assessed. An assessment of the potential for future residents of the proposed development to be exposed to poor air quality, given the site's location in an Air Quality Management Area, has also been undertaken.

The results show that the proposed development would have a negligible impact on concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all sensitive receptors. Concentrations of all pollutants were below the relevant UK Air Quality Strategy objectives on the Application Site, and therefore future residents will not be exposed to poor air quality.

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<sup>1</sup> WSP UK Ltd (May 2019) Redrow Homes, 265 Burlington Road, New Maldon, Air Quality Assessment

The results of the air quality neutral assessment concluded that the development was air quality neutral with respect to building emissions but not for transport emissions. However, the traffic data used in this part of the assessment was based on conservative trip rates for the residential vehicle movements and did not take into account the proposed mitigation measures, which will reduce the number of trips. Additionally, the number of vehicles trips used in the assessment does not take into account the effect of the measures included in the submitted Residential Travel Plan in reducing the number of development generated trips.

The conclusions of the air quality neutral assessment are the same as those reached for the air quality neutral assessment undertaken as part of the air quality assessment that was submitted with the planning application, for which the LBoM identified a financial contribution for the provision of off-site offsetting mitigation.

Following the application of mitigation measures, it is considered that the proposed development complies with national, regional and local policy for air quality.

# 1. INTRODUCTION

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- 1.1.1. WSP has been commissioned by Redrow Homes Limited to carry out an updated assessment of the potential air quality impacts arising from their proposed development at 265 Burlington Road, New Malden, hereafter referred to as the 'Proposed Development' or 'Application Site'.
- 1.1.2. Since the completion of the air quality assessment that was submitted with the planning application<sup>2</sup> (Planning Application No. 19/P2387), there have been changes to the proposed development with respect to the heights of the proposed blocks, revisions to the traffic data that had been used, and changes to the plant to be included in the energy centre. The air quality assessment has therefore been updated to take into account these changes.
- 1.1.3. The Application Site lies within the administrative boundary of the London Borough of Merton (LBoM) and is situated to the east of the district centre. It is bordered to the north by Raynes Park High School, to the east by Burlington Road, to the south by existing commercial units, and to the west by a food store car park. The Application Site covers an area in the region of 1.22ha of land currently comprising a car park and former commercial buildings.
- 1.1.4. The proposals include the demolition of the existing buildings and the erection of two buildings ranging in height between 6 and 14 storeys providing 456 new homes, with 499sqm of B1 office space, which will be accommodated at ground floor level. In addition, there will be 220 car parking spaces, 912 cycle parking spaces, a realigned junction onto Burlington Road, hard and soft landscaping and associated residential facilities. The application also includes minor changes to the layout and configuration of the retained Tesco car park.
- 1.1.5. An energy centre, comprising four gas-fired boilers, is included in the proposals.
- 1.1.6. This report presents the findings of an assessment of the potential air quality impacts of the Proposed Development during both the construction and operational phases. For both phases, the type, source and significance of potential impacts are identified, and the measures that should be employed to minimise these described.
- 1.1.7. This report also considers the potential exposure of future residents of the Proposed Development to local pollution concentrations given the Application Site is in an Air Quality Management Area (AQMA).
- 1.1.8. A glossary of terms used in this report is provided in Appendix A.

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<sup>2</sup> WSP UK Ltd (May 2019) Redrow Homes, 265 Burlington Road, New Malden, Air Quality Assessment

## 2. LEGISLATION, POLICY & GUIDANCE

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### 2.1. AIR QUALITY LEGISLATION & POLICY

2.1.1. A summary of the relevant air quality legislation and policy is provided below.

#### UK AIR QUALITY STRATEGY

- 2.1.2. The Government's policy on air quality within the UK is set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (AQS)<sup>3</sup>. The AQS provides a framework for reducing air pollution in the UK with the aim of meeting the requirements of European Union legislation<sup>4</sup>.
- 2.1.3. The AQS also sets standards and objectives for nine key air pollutants to protect health, vegetation and ecosystems. These are benzene (C<sub>6</sub>H<sub>6</sub>), 1,3 butadiene (C<sub>4</sub>H<sub>6</sub>), carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulphur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), and polycyclic aromatic hydrocarbons (PAHs). The standards and objectives for the pollutants considered in this assessment are given in Appendix B.
- 2.1.4. The air quality standards are levels recommended by the Expert Panel on Air Quality Standards (EPAQS) and the World Health Organisation (WHO) with regards to current scientific knowledge about the effects of each pollutant on health and the environment.
- 2.1.5. The air quality objectives are policy based targets set by the Government, which take into account economic efficiency, practicability, technical feasibility and timescale. Some objectives are equal to the EPAQS recommended standards or WHO guideline limits, whereas others involve a margin of tolerance, i.e. a limited number of permitted exceedances of the standard over a given period.
- 2.1.6. For the pollutants considered in this assessment, there are both long-term (annual mean) and short-term standards. In the case of NO<sub>2</sub>, the short-term standard is for a 1-hour averaging period, whereas for PM<sub>10</sub> it is for a 24-hour averaging period. These periods reflect the varying impacts on health of differing exposures to pollutants, for example temporary exposure on the pavement adjacent to a busy road, compared with the exposure of residential properties adjacent to a road.
- 2.1.7. The AQS contains a framework for considering the effects of a finer group of particles known as 'PM<sub>2.5</sub>' as there is increasing evidence that this size of particles can be more closely associated with observed adverse health effects than PM<sub>10</sub>. Local Authorities are required to work towards reducing emissions/concentrations of particulate matter within their administrative area. However, there is no statutory objective given in the AQS for PM<sub>2.5</sub> at this time.

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<sup>3</sup> Department for Environment, Food and Rural Affairs (DEFRA) and the Devolved Administrations (2007). The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volumes 1 and 2)

<sup>4</sup> The UK formally left the EU on 31<sup>st</sup> January 2020, however, the UK is currently in a period of transition until the end of 2020. It is expected that a review of the air quality legislation will be completed during this transition period and new air quality legislation for the UK will be brought forward.

## AIR QUALITY REGULATIONS

- 2.1.8. Many of the objectives in the AQS have been made statutory in England with the Air Quality (England) Regulations 2000<sup>5</sup> and the Air Quality (England) (Amendment) Regulations 2002<sup>6</sup> for the purpose of Local Air Quality Management (LAQM).
- 2.1.9. These Regulations require that likely exceedances of the AQS objectives are assessed in relation to:
- “...the quality of air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of the public are regularly present...”*
- 2.1.10. The Air Quality Standards Regulations 2010<sup>7</sup> transpose the European Union Ambient Air Quality Directive (2008/50/EC) into law in England. This Directive sets legally binding limit values for concentrations in outdoor air of major air pollutants that impact public health such as PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>2</sub>. The limit values for NO<sub>2</sub> and PM<sub>10</sub> are the same concentration levels as the relevant AQS objectives and the limit value for PM<sub>2.5</sub> is a concentration of 25µg/m<sup>3</sup>.

## ENVIRONMENTAL PROTECTION ACT 1990 - CONTROL OF DUST AND PARTICULATES ASSOCIATED WITH CONSTRUCTION

- 2.1.11. Section 79 of the Environmental Protection Act 1990 gives the following definitions of statutory nuisance relevant to dust and particles:
- ‘Any dust, steam, smell or other effluvia arising from industrial, trade or business premises or smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance’; and*
- ‘Any accumulation or deposit which is prejudicial to health or a nuisance’.*
- 2.1.12. Following this, Section 80 says that where a statutory nuisance is shown to exist, the local authority must serve an abatement notice. Failure to comply with an abatement notice is an offence and if necessary, the local authority may abate the nuisance and recover expenses.
- 2.1.13. There are no statutory limit values for dust deposition above which ‘nuisance’ is deemed to exist. Nuisance is a subjective concept and its perception is highly dependent upon the existing conditions and the change which has occurred.

## ENVIRONMENT ACT 1995

- 2.1.14. Under Part IV of the Environment Act 1995, local authorities must review and document local air quality within their area by way of staged appraisals and respond accordingly, with the aim of meeting the air quality objectives defined in the Regulations. Where the objectives are not likely to be achieved, an authority is required to designate an Air Quality Management Area (AQMA). For each AQMA the local authority is required to draw up an Air Quality Action Plan (AQAP) to secure

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<sup>5</sup> The Air Quality (England) Regulations 2000 - Statutory Instrument 2000 No.928

<sup>6</sup> The Air Quality (England) (Amendment) Regulations 2002- Statutory Instrument 2002 No.3043

<sup>7</sup> The Air Quality Standards Regulations 2010 - Statutory Instrument 2010 No. 1001



improvements in air quality and show how it intends to work towards achieving air quality standards in the future.

## 2.2. PLANNING POLICY

2.2.1. A summary of the national, regional and local planning policy relevant to the Proposed Development and air quality is provided below.

### NATIONAL PLANNING POLICY

#### National Planning Policy Framework

2.2.2. The Government's overall planning policies for England are described in the National Planning Policy Framework<sup>8</sup>. The core underpinning principle of the Framework is the presumption in favour of sustainable development, defined as:

- *'... meeting the needs of the present without compromising the ability of future generations to meet their own needs*

2.2.3. One of the three overarching objectives of the NPPF is that planning should *'to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

2.2.4. In relation to air quality, the following paragraphs in the document are relevant:

- Paragraph 54, which states *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*
- Paragraph 102, which relates to the need to consider transport related issues at the earliest stages of plan making and development proposals, so that *'...c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains...'*
- Paragraph 103, which states *'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.;*
- Paragraph 170, which states *'Planning policies and decisions should contribute to and enhance the natural and local environment by: ...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever*

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<sup>8</sup> Ministry of Housing, Communities and Local Government (February 2019) National Planning Policy Framework.

possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.;

- Paragraph 180, which states ‘*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*’
- Paragraph 181, which states ‘*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*’;
- Paragraph 183, which states ‘*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*’

## **REGIONAL PLANNING POLICY**

### **The Mayor’s Air Quality Strategy for London**

- 2.2.5. In 2010 the GLA/Mayor of London published the Mayor’s Air Quality Strategy for London<sup>9</sup>. This strategy is focused on improving London’s air quality. It also explains the current air quality experienced across London and gives predictions of future levels of pollution. The sources of pollution are outlined and a comprehensive set of policies and proposals are set out that will improve air quality in the London Boroughs.
- 2.2.6. The Strategy sets out a framework for delivering improvements to London’s air quality and includes measures aimed at reducing emissions from transport, homes, offices and new developments, promoting smarter more sustainable travel, as well as raising awareness of air quality issues.
- 2.2.7. The Strategy includes a policy which states: “New developments in London shall as a minimum be ‘air quality neutral’ through the adoption of best practice in the management and mitigation of emissions”.

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<sup>9</sup> Mayor of London: Cleaning London’s air, The Mayor’s Air Quality Strategy (December 2010)

## The London Plan: Spatial Development Strategy for Greater London (consolidated with alterations since 2011)

2.2.8. Policy 7.14 of the London Plan<sup>10</sup> is specific to the improvement of air quality and states that development proposals should:

- *'Minimise increased exposure to existing poor air quality and make provision to address local problems of air quality';*
- *'Promote sustainable design and construction in order to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils' 'The control of dust and emissions from construction and demolition'';*
- *“Be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality’;*
- *'Ensure that where provision needs to be made to reduce emissions from a development, this is usually made on site'; and*
- *'Where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations. Permission should only be granted if no adverse air quality impacts from the biomass boiler are identified.'*

2.2.9. An 'Intend to Publish' version of a new London Plan was published in December 2019 by the GLA/Mayor of London<sup>11</sup>. Within this document, Policy SI 1 Improving air quality says that:

*'A Development Plans, through relevant strategic, site-specific and area-based policies, should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.*

*B To tackle poor air quality, protect health and meet legal obligations the following criteria should be addressed:*

*1 Development proposals should not:*

- a) lead to further deterioration of existing poor air quality*
- b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits*
- c) create unacceptable risk of high levels of exposure to poor air quality.*

*2 In order to meet the requirements in Part 1, as a minimum:*

- a) development proposals must be at least Air Quality Neutral*
- b) development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures*

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<sup>10</sup> Mayor of London (March 2016) The London Plan: Spatial Development Strategy for Greater London Consolidated with alterations since 2011.

<sup>11</sup> Mayor of London (December 2019) *The London Plan Intend to Publish (clean version) Spatial Development Strategy for Greater London.*

c) major development proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1

d) development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.

C Masterplans and development briefs for large-scale development proposals subject to an Environmental Impact Assessment should consider how local air quality can be improved across the area of the proposal as part of an air quality positive approach. To achieve this a statement should be submitted demonstrating:

a) how proposals have considered ways to maximise benefits to local air quality, and

b) what measures or design features will be put in place to reduce exposure to pollution, and how they will achieve this.

D In order to reduce the impact on air quality during the construction and demolition phase development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance.

E Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site. Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development.'

## **LOCAL PLANNING POLICY**

### **London Borough of Merton Core Strategy**

2.2.10. In the LBoM's Core Strategy 2011-2026<sup>12</sup> there are no air quality specific policies, however Strategic Objective 1 states:

*'To make Merton a municipal leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively. We will achieve this by:*

*a. Reducing carbon emissions from new development;*

*b. Supporting development of sustainable energy infrastructure to produce energy more efficiently;*

*c. Applying the waste hierarchy and by exploiting the opportunities to utilise energy from waste;*

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<sup>12</sup> Merton Council, Local Development Framework, Core Planning Strategy, Adopted in July 2011.

*d. Promoting the retrofit of greater improved energy performance to existing buildings and greater connections with renewable and decentralised energy;*

*e. Reducing reliance on private motorised transport and promoting sustainable public transport, cycling and walking.’*

## **2.3. GUIDANCE**

2.3.1. A summary of the publications referred to in the undertaking of this assessment is provided below.

### **LONDON LOCAL AIR QUALITY MANAGEMENT TECHNICAL GUIDANCE**

2.3.2. The Mayor of London has published guidance for use by the London Boroughs in their review and assessment work<sup>13</sup>. This guidance, referred to in this document as LLAQM.TG(16), has been used where appropriate in the assessment presented herein.

### **LOCAL AIR QUALITY MANAGEMENT REVIEW AND ASSESSMENT TECHNICAL GUIDANCE**

2.3.3. The Department for Environment, Food and Rural Affairs (Defra) has published technical guidance for use by local authorities outside of their London Boroughs in their review and assessment work<sup>14</sup>. This guidance, referred to in this document as LAQM.TG(16), has been used with respect to the methodology used in the assessment of operational phase effects because LLAQM.TG(16) does not include suitable guidance on the approach that should be taken.

### **LAND-USE PLANNING & DEVELOPMENT CONTROL: PLANNING FOR AIR QUALITY**

2.3.4. Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) have published guidance<sup>15</sup> that offers comprehensive advice on: when an air quality assessment may be required; what should be included in an assessment; how to determine the significance of any air quality impacts associated with a development; and, the possible mitigation measures that may be implemented to minimise these impacts.

### **GUIDANCE ON THE ASSESSMENT OF DUST FROM DEMOLITION AND CONSTRUCTION**

2.3.5. This document<sup>16</sup> published by the IAQM was produced to provide guidance to developers, consultants and environmental health officers on how to assess the impacts arising from construction activities. The emphasis of the methodology is on classifying sites according to the risk

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<sup>13</sup> Mayor of London (May 2016) London Local Air Quality Management (LLAQM) Technical Guidance (LLAQM.TG(16))

<sup>14</sup> DEFRA (2018) Part IV The Environment Act 1995 and Environment (Northern Ireland) Order 2002 Part III, Local Air Quality Management Technical Guidance LAQM.TG16

<sup>15</sup> Environmental Protection UK and Institute of Air Quality Management (Version 1.2 Updated January 2017). Land Use Planning & Development Control: Planning for Air Quality

<sup>16</sup> Institute of Air Quality Management (Version 1.1 Updated June 2016). Guidance on the Assessment of Dust from Demolition and Construction

of impacts (in terms of dust nuisance, PM<sub>10</sub> impacts on public exposure and impact upon sensitive ecological receptors) and to identify mitigation measures appropriate to the level of risk identified.

### **NATIONAL PLANNING PRACTICE GUIDANCE – AIR QUALITY**

- 2.3.6. Paragraph 181 of this guidance<sup>17</sup> says that *‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.’*

### **LONDON COUNCILS GUIDANCE FOR AIR QUALITY ASSESSMENTS**

- 2.3.7. The London Councils have published guidance<sup>18</sup> for undertaking air quality assessments in the London Boroughs, the majority of which have declared AQMAs. The guidance sets out suggested methods for undertaking such an assessment within the London area and provides a methodology to assist in determining the impacts of a development proposal on air quality. The main message of the document is, as above, that the factor of greatest importance will generally be the difference in air quality as a result of the proposed development.

### **MAYOR OF LONDON’S SUPPLEMENTARY PLANNING GUIDANCE FOR THE CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION**

- 2.3.8. This Supplementary Planning Guidance<sup>19</sup> (SPG) builds on the voluntary guidance published in 2006 by the London Councils to establish best practice in mitigating impacts on air quality during construction and demolition work. The SPG incorporates more detailed guidance and best practice and seeks to address emissions from Non-Road Mobile Machinery (NRMM) through the use of a Low Emission Zone, which was introduced in September 2015.
- 2.3.9. The SPG provides a methodology for assessing the potential impact of construction and demolition activities on air quality following the same procedure as set out in the IAQM guidance. It then identifies the relevant controls and mitigation measures that should be put in place to minimise any adverse impacts, which need to be set out, in draft, in an air quality assessment report submitted with the planning application, and then formalised post submission as an Air Quality and Dust

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<sup>17</sup> Department of Communities and Local Government (DCLG) (July 2018). National Planning Practice Guidance

<sup>18</sup> London Councils (January 2007): Air Quality and Planning Guidance – Revised version

<sup>19</sup> Mayor of London (July 2014): The control of dust and emissions during construction and demolition – Supplementary Planning Guidance.

Management Plan. Details of site air quality monitoring protocols are also provided with varying requirements depending on the size of the site and the potential risk of adverse impacts.

## **GREATER LONDON AUTHORITY: SUSTAINABLE DESIGN AND CONSTRUCTION SUPPLEMENTARY PLANNING GUIDANCE**

- 2.3.10. Section 4.3 of this SPG provides guidance on when a developer will be required to undertake an air quality assessment, looks at how design and transport measures can be used to minimise emissions to air, and sets out emissions standards for combustion plant.
- 2.3.11. The SPG also contains guidance on assessing the air quality neutrality of a Proposed Development in order to comply with the London Plan and the Mayor's Air Quality Strategy. Air Quality neutral benchmarks for both transport and buildings NO<sub>x</sub> and PM<sub>10</sub> emissions are provided within the SPG.
- 2.3.12. Developments that do not exceed these benchmarks (considered separately) will be considered to be 'air quality neutral', whilst developments that exceed the benchmarks after appropriate on-site mitigation measures have been incorporated will be required to off-set any excess in emissions off site. This can be achieved by providing NO<sub>x</sub> and PM abatement measures in the vicinity of the development, such as: green planting/walls and screens, with special consideration given to planting that absorbs or suppresses pollutants; upgrade or abatement work to combustion plant; retro-fitting abatement technology for vehicles and flues; and exposure reduction. These measures can be secured by condition or Section 106 contribution. Air quality monitoring is not eligible for funding as it is not considered to contribute to actual air quality improvements.

## **AIR QUALITY NEUTRAL PLANNING SUPPORT GUIDANCE**

- 2.3.13. The Air Quality Neutral Planning Support guidance<sup>20</sup> provides a methodology for assessing the air quality neutrality of proposed developments in London.
- 2.3.14. On the 1<sup>st</sup> September 2020 changes were made to the Use Classes Order by way of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Amendments included the revocation of land-use classes A, B1 and D and the introduction of land-use classes E, F1 and F2. The land-use classes referred to in this report remain consistent with those published in the Air Quality Neutral Planning Support guidance.

## **ENVIRONMENT AGENCY: RISK ASSESSMENTS FOR SPECIFIC ACTIVITIES: ENVIRONMENTAL PERMITS**

- 2.3.15. The Air Emissions section<sup>21</sup> of this Environment Agency guidance has been referred to in the assessment of emissions to air from the proposed energy centre.

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<sup>20</sup> AQC and ENVIRON UK Ltd (2014). Air Quality Neutral Planning Support.

<sup>21</sup> <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit> (August 2016)

## DESIGN MANUAL FOR ROADS AND BRIDGES LA105 AIR QUALITY

- 2.3.16. The Design Manual for Roads and Bridges<sup>22</sup> (DMRB) is a comprehensive guidance document published by Highways England (formerly the Highways Agency) that deals with all works relating to motorways and trunk roads. LA105 of the DMRB provides a methodology for the assessment of the potential impacts on local air quality for both human and ecological receptors.

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<sup>22</sup> Highways England (November 2019) LA 105 Air Quality Revision 0, Sustainability & Environment Appraisal, Design Manual for Roads and Bridges.



## 3. SCOPE & METHODOLOGY

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### 3.1. SCOPE

3.1.1. The scope of the assessment has been determined in the following way:

- Review of the LBoM's latest review and assessment report<sup>23</sup> and air quality data for the area surrounding the Application Site, including data from Defra<sup>24</sup>, the Environment Agency (EA)<sup>25</sup> and the London Air website<sup>26</sup>;
- Desk study to confirm the locations of nearby existing receptors that may be sensitive to changes in local air quality, and a review of the masterplan for the Proposed Development to establish the location of new sensitive receptors;
- Review of the traffic data provided for the assessment by ARUP; and
- Review of the emission data for the proposed energy centre.

3.1.2. The scope of the assessment includes consideration of the potential impacts on local air quality resulting from:

- Dust and particulate matter generated by on-site activities during the construction phase;
- Increases in pollutant concentrations as a result of exhaust emissions arising from construction traffic and plant;
- Increases in pollutant concentrations as a result of exhaust emissions arising from traffic generated by the Proposed Development once operational; and
- Increases in pollutant concentrations as a result of emissions to air from the energy centre included within the Proposed Development.

3.1.3. In addition, the potential exposure of future residents of the Proposed Development to poor air quality will also be considered.

### 3.2. METHODOLOGY

#### CONSTRUCTION PHASE

3.2.1. Dust comprises particles typically in the size range 1-75 micrometres ( $\mu\text{m}$ ) in aerodynamic diameter and is created through the action of crushing and abrasive forces on materials. The larger dust particles fall out of the atmosphere quickly after initial release and therefore tend to be deposited in close proximity to the source of emission. Dust therefore, is unlikely to cause long-term or widespread changes to local air quality; however, its deposition on property and cars can cause

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<sup>23</sup> London Borough of Merton (2019) Annual Status Report for 2018

<sup>24</sup> DEFRA Local Air Quality Management (LAQM) Support Pages. Available at: <https://laqm.defra.gov.uk/review-and-assessment/tools/tools.html>

<sup>25</sup> <https://data.gov.uk/dataset/cfd94301-a2f2-48a2-9915-e477ca6d8b7e/pollution-inventory>

<sup>26</sup> London Air Website. Available at: <http://www.londonair.org.uk/LondonAir/Default.aspx>.

'soiling' and discolouration. This may result in complaints of nuisance through amenity loss or perceived damage caused, which is usually temporary.

- 3.2.2. The smaller particles of dust (less than 10µm in aerodynamic diameter) are known as particulate matter (PM<sub>10</sub>) and represent only a small proportion of total dust released; this includes a finer fraction, known as PM<sub>2.5</sub> (with an aerodynamic diameter less than 2.5µm). As these particles are at the smaller end of the size range of dust particles they remain suspended in the atmosphere for a longer period of time than the larger dust particles, and can therefore be transported by wind over a wider area. PM<sub>10</sub> and PM<sub>2.5</sub> are small enough to be drawn into the lungs during breathing, which in sensitive members of the public could have a potential impact on health.
- 3.2.3. An assessment of the likely significant impacts on local air quality due to the generation and dispersion of dust and PM<sub>10</sub> during the construction phase has been undertaken with reference to: the Mayor of London's SPG for the control of dust and emissions during construction and demolition; the available information for this phase of the Proposed Development provided by Redrow Homes Limited and the Project Team; and, professional judgement.
- 3.2.4. The Mayor of London's SPG requires a Dusk Risk Assessment to be undertaken following the methodology published by the IAQM, which assesses the risk of potential dust and PM<sub>10</sub> impacts from the following four sources: demolition; earthworks; general construction activities and track-out. It takes into account the nature and scale of the activities undertaken for each source and the sensitivity of the area to an increase in dust and PM<sub>10</sub> levels to assign a level of risk. Risks are described in terms of there being a low, medium or high risk of dust impacts. Once the level of risk has been ascertained, then site specific mitigation proportionate to the level of risk is identified, and the significance of residual effects determined. A summary of the IAQM assessment methodology is provided in Appendix C.
- 3.2.5. In addition to impacts on local air quality due to on-site construction activities, exhaust emissions from construction vehicles and plant may have an impact on local air quality adjacent to the routes used by these vehicles to access the Application Site and in the vicinity of the Application Site itself. As information on the number of vehicles and plant associated with the construction phase was not available at the time of writing, a qualitative assessment of their impact on local air quality has been undertaken using professional judgement and by considering the following:
- The number and type of construction traffic and plant likely to be generated by this phase of the Development;
  - The number and proximity of sensitive receptors to the Application Site and along the likely routes to be used by construction vehicles; and
  - The likely duration of the construction phase and the nature of the construction activities undertaken.

## **OPERATIONAL PHASE**

- 3.2.6. Of the pollutants included in the AQS, concentrations of NO<sub>2</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) have been considered in this assessment as road traffic is a major source of these pollutants and their concentrations tend to be close to, or in exceedance of, the objectives in urban locations.
- 3.2.7. For the prediction of impacts due to emissions arising from road traffic during the operation of the Proposed Development, the dispersion model ADMS Roads (version 5.0.0.1) has been used. This model uses detailed information regarding traffic flows on the local road network, surface roughness,

and local meteorological conditions to predict pollutant concentrations at specific receptor locations, as determined by the user.

- 3.2.8. Meteorological data, such as wind speed and direction, is used by the model to determine pollutant transportation and levels of dilution by the wind. Meteorological data used in the model was obtained from the Met Office observing station at London Heathrow Airport for 2018. This station is considered to provide representative data for the assessment.
- 3.2.9. A summary of the traffic data and pollutant emission factors used in the assessment can be found in Appendix D. It includes details of the Annual Average Daily Traffic (AADT) flows, vehicle speeds (km/h) and the percentage of Heavy Duty Vehicles (HDVs) for the local road network in all assessment years considered. Traffic speeds were reduced at junctions in line with guidance provided in LAQM.TG16 and using professional judgement.
- 3.2.10. For the assessment, three scenarios were modelled, as follows:
- 2018 – Model Verification and Baseline;
  - 2021 – Without Development; and
  - 2021 – With Development.
- 3.2.11. 2018 is the most recent year for which baseline traffic data is available to enable verification of the model results, and so this year has also been used as the baseline year for this assessment. A future year of 2021 has been modelled as this was the opening year of the development assessed in 2019. However, it is now anticipated that the Proposed Development will not be fully built out and operational until 2023. By modelling a future opening year of 2021, the results will provide a worst-case and robust assessment for the actual later year of opening.
- 3.2.12. The traffic flows for the ‘without development’ scenario includes anticipated growth but do not include any contribution to road traffic from the Proposed Development itself. The traffic flows for the ‘with development’ scenario includes contributions to road traffic from the Proposed Development itself and anticipated growth on the local road network.

### **Vehicle Emission Factors**

- 3.2.13. Vehicle emission factors for use in the assessment have been obtained using the latest Emission Factor Toolkit (EFT) version 10.0 (published in August 2020) available on the Defra website. The EFT allows for the calculation of emission factors arising from road traffic for all years between 2018 and 2030. For the predictions of future year emissions, the toolkit takes into account factors such as anticipated advances in vehicle technology and changes in vehicle fleet composition, such that vehicle emissions are assumed to reduce over time. Emission factors for the relevant assessment years were therefore utilised in the assessment.

### **Selection of Background Concentrations**

- 3.2.14. Background pollutant concentrations used in the assessment have been taken from the national maps provided on the Defra website<sup>27</sup>, where background concentrations of those pollutants

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<sup>27</sup> <https://uk-air.defra.gov.uk/data/laqm-background-home>

included within the AQS have been mapped at a grid resolution of 1x1km for the whole of the UK. Estimated concentrations are available for all years between 2018 and 2030. The maps assume that background concentrations will improve (i.e. reduce) over time, in line with the predicted reduction in vehicle emissions and emissions from other sources.

- 3.2.15. It should be noted that for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, the background maps present both the ‘total’ estimated background concentrations and, for particulate matter, the individual contributions from a range of emission sources (for example, motorways, aircraft, domestic heating etc.) are provided. When detailed modelling of an individual sector is required as part of an air quality assessment, the respective contribution can be subtracted from the overall background estimate to avoid the potential for ‘double-counting’. For this assessment, as not all of the road links within the respective grid squares have been modelled, the total background concentrations have been used. There is therefore likely to be an element of double-counting within the modelling results.
- 3.2.16. Further details on the background concentrations are provided in Section Four of this report.

### **MODEL VERIFICATION AND PROCESSING OF RESULTS**

- 3.2.17. The ADMS Roads dispersion model has been widely validated for this type of assessment and is fit for purpose. Model validation undertaken by the software developer will not have included validation in the vicinity of the Proposed Development.
- 3.2.18. To determine the performance of the model at a local level, a comparison of modelled results with the results of monitoring carried out within the study area was undertaken. This process of verification aims to minimise modelling uncertainty and systematic error by correcting modelled results by an adjustment factor to gain greater confidence in the final results and was carried out following the methodology specified in Chapter 7, Section 4, of LLAQM.TG16.
- 3.2.19. Details of the verification factor calculations are presented in Appendix E. A factor of 1.8 was obtained during the verification process, which indicated that the model was under-predicting. This factor was applied to the model road-NO<sub>x</sub> outputs prior to conversion to annual mean NO<sub>2</sub> concentrations utilising the NO<sub>x</sub> to NO<sub>2</sub> calculator (version 8.1, released August 2020) provided by Defra<sup>28</sup>.
- 3.2.20. As local roadside monitoring data are not available for PM<sub>10</sub> or PM<sub>2.5</sub>, the modelled road-PM<sub>10</sub> and road-PM<sub>2.5</sub> components have been adjusted by the verification factor obtained for NO<sub>x</sub> before adding to the appropriate background concentration. The number of days with PM<sub>10</sub> concentrations greater than 50µg/m<sup>3</sup> was then estimated using the relationship with the annual mean concentration described in LLAQM.TG(16).
- 3.2.21. LLAQM.TG(16) advises that exceedances of the 1 hour mean NO<sub>2</sub> objective are unlikely to occur where annual mean concentrations are below 60µg/m<sup>3</sup>, and it provides guidance on the approach

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<sup>28</sup> DEFRA NO<sub>x</sub> to NO<sub>2</sub> Calculator. Available at: <https://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html#NOxNO2calc>

that should be taken if either measured or predicted annual mean NO<sub>2</sub> concentrations are 60µg/m<sup>3</sup> or above.

- 3.2.22. Once processed, the predicted concentrations were compared against the relevant AQS objective levels for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> set out in Appendix B.

#### Assessment of Impacts due to Emissions Generated by the Proposed Energy Centre

- 3.2.23. It is anticipated that the energy centre will include four 254/762V Wessex ModuMax mk3 boilers to supplement the four Air Source Heat Pumps that will also be included in the Proposed Development. These will be located in a centralised plant room within Block A, with all emissions released via flues discharging at 3m above the roof of the building.
- 3.2.24. For the prediction of impacts due to emissions arising from the operation of the proposed boilers, the air pollutant dispersion model ADMS 5.2 (version 5.2.4.0) has been used. This model uses detailed information regarding the pollutant releases, local building effects and local meteorological conditions to predict pollution concentrations at specific locations selected by the user.
- 3.2.25. A summary of the flue parameters and emissions to air from the energy centre plant utilised within the model is provided in **Table 1**. It should be noted that as emissions from the boilers will be combined into a common flue, the values represent the total of all four units.

**Table 1 - Emission Parameters for the Proposed Energy Centre Plant**

Parameter	Boilers
Stack Location	522655.6, 168493.5
Stack Height (m)	48.3*
Stack diameter (m)	0.75
Release temperature (°C)	82
Release velocity (m/s)	3.47
NO <sub>x</sub> emission rate (g/s)	0.033

\* The stack height was provided by T P Bennett and is 3m above the highest part of the roof of Block A.

- 3.2.26. The same meteorological data used in the assessment of traffic impacts was used in the assessment of emissions from the proposed energy centre.
- 3.2.27. The usage of the boilers will vary hour by hour across the day in line with the changing demand for hot water and heating of the future residents. To replicate this in ADMS 5.2 a diurnal emissions profile has been applied to the emissions from the boilers based on the following factors provided by the Project's M&E Consultants for the operation of the boilers across a typical day:
- 23:00 – 06:00 – 10%
  - 06:00 – 09:00 – 100%
  - 09:00 – 17:00 – 33%
  - 17:00 – 23:00 – 66%

- 3.2.28. Both nearby buildings and complex topography can have a significant effect on the dispersion characteristics of the plumes from the stacks being assessed. ADMS 5.2 has algorithms which take account of these impacts. Buildings can cause the plume to come to ground much closer to the stack than otherwise expected, causing higher pollutant concentrations. Plumes can also impact on hillsides under certain weather conditions, or within a basin or hollow which may result in pollutants being trapped for low level discharges.
- 3.2.29. All buildings associated with the Application Site were included within the model. Review of the local area indicated that there were no other existing structures of sufficient height in the immediate vicinity to affect dispersion from the proposed flue.
- 3.2.30. The topography of the surrounding area is essentially flat and at the same elevation across the entire area considered in the modelling. Therefore, terrain data have not been included in the model. The surface roughness used in the modelling was 0.5m.
- 3.2.31. The energy centre contribution to annual mean NO<sub>x</sub> concentrations was predicted, along with the 99.8<sup>th</sup> percentile of hourly mean concentrations. The predicted NO<sub>x</sub> contributions were then converted to NO<sub>2</sub> assuming 70% for long-term emissions and 35% for short-term emissions provided in guidance published by the Environment Agency<sup>29</sup>.

#### **Significant Energy Centre Contributions**

- 3.2.32. The EA's Air Emissions risk assessment guidance sets out the levels at which process contributions (contributions to concentrations from energy centre emissions) can be screened out as being insignificant; Process Contributions (PC) can be considered insignificant if:
- The long term PC is <1% of the long term environmental standard (for NO<sub>2</sub> <0.4µg/m<sup>3</sup>);
  - The short term PC is <10% of the short term environmental standard (for NO<sub>2</sub> <20µg/m<sup>3</sup>).
- 3.2.33. Where the PC exceeds these thresholds and is potentially significant, it is necessary to compare the Predicted Environmental Concentration (PEC) against the relevant statutory and guideline air quality standards, by combining the PC with appropriate background data.

#### **Combining the ADMS Roads and ADMS 5.2 Results**

- 3.2.34. The total NO<sub>2</sub> concentrations (i.e. PEC) at each receptor were calculated as follows:
- Long term standards:  $PEC = PC + \text{Background Concentration}$
- Short term standards:  $PEC_{\text{short term}} = PC_{\text{short term}} + (2 \times \text{Background}_{\text{long term}})$ .
- 3.2.35. Where the 'Background Concentration' is the annual mean NO<sub>2</sub> concentration determined from the ADMS Roads modelling presented above.
- 3.2.36. The ADMS 5.2 modelled 99.8<sup>th</sup> percentile of hourly mean NO<sub>2</sub> concentrations has been added to twice the background concentration plus road traffic contribution and then compared to the short-term objective level of 200µg/m<sup>3</sup> at the relevant sensitive receptor locations.

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<sup>29</sup> <https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports> (May 2019)

- 3.2.37. The concentrations have been compared against the relevant AQS objective levels as set out in Appendix B.

### **Selection of Sensitive Receptors**

- 3.2.38. Sensitive locations are places where the public or sensitive ecological habitats may be exposed to pollutants resulting from activities associated with the Proposed Development. These will include locations sensitive to an increase in dust deposition and PM<sub>10</sub> exposure as a result of on-site construction activities, and locations sensitive to exposure to gaseous pollutants emitted from the proposed energy centre and from the exhausts of construction and operational traffic associated with the Proposed Development.

### **CONSTRUCTION PHASE**

- 3.2.39. The IAQM assessment is undertaken where there are: 'human receptors' within 350m of the site boundary, or within 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s); and/or 'ecological receptors' within 50m of the site boundary, or within 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s). It is within these distances that the impacts of dust soiling and increased particulate matter in the ambient air will have the greatest impact on local air quality at sensitive receptors.

### **OPERATIONAL PHASE**

- 3.2.40. In terms of locations that are sensitive to pollutants emitted from engine exhausts and energy centre flues, these will include places where members of the public are likely to be regularly present over the period of time prescribed in the AQS. For instance, on a footpath where exposure will be transient (for the duration of passage along that path) comparison with a short-term standard (i.e. 15 minute mean or 1 hour mean) may be relevant. At a school or adjacent to a private dwelling, where exposure may be for longer periods, comparison with a long-term standard (such as 24 hour mean or annual mean) may be more appropriate. Box 1.1 of LLAQM.TG(16) provides examples of the locations where the air quality objectives should/should not apply.
- 3.2.41. To complete the assessment of operational phase impacts, a number of 'receptors' representative of locations of relevant public exposure were identified at which pollution concentrations were predicted. Receptors have been located adjacent to the roads that are likely to experience the greatest change in traffic flows or composition, and therefore NO<sub>2</sub> and particulate matter concentrations, as a result of the Proposed Development. Locations that are the most likely to experience a change in NO<sub>2</sub> concentrations as a result of emissions from the energy centre have also been considered in this assessment.
- 3.2.42. To complete the exposure assessment, pollution concentrations were also predicted at several locations within the Application Site. The receptors have been positioned at the lower and upper floors of the proposed residential blocks representing the potential locations of worst-case exposure on each block.
- 3.2.43. In terms of ecological receptors, the DMRB guidance defines the type of Designated Sites that require consideration and when, which depends on whether they lie within 200m of an 'affected road' as determined by specific changes to the traffic flow and composition on a road due to a proposal.

- 3.2.44. A review of the MAGIC website<sup>30</sup> did not indicate any designated ecological sites within the area immediately surrounding the Application Site. As such, impacts at ecological receptors were not considered further.
- 3.2.45. The locations of the assessment receptors are shown on **Figure 1** and **Figure 2**, and listed in Appendix F. These include both existing sensitive receptor locations and new receptor locations on the Application Site.

### **3.3. SIGNIFICANCE CRITERIA**

#### **CONSTRUCTION PHASE**

- 3.3.1. The IAQM assessment methodology recommends that significance criteria are only assigned to the identified risk of dust impacts occurring from a construction activity with appropriate mitigation measures in place. For almost all construction activities, the application of effective mitigation should prevent any significant effects occurring to sensitive receptors and therefore the residual effect will normally be negligible.
- 3.3.2. For the assessment of the impact of exhaust emissions from plant used on-site and construction vehicles accessing and leaving the Site on local concentrations of NO<sub>2</sub> and particulate matter, the significance of residual effects has been determined using professional judgement and the principles outlined in the EPUK/IAQM guidance, which are described below.

#### **OPERATIONAL PHASE**

- 3.3.3. The approach provided in the EPUK/IAQM guidance has been used within this assessment to assist in describing the air quality effects of additional emissions from traffic generated by the Proposed Development once operational.
- 3.3.4. This guidance recommends that the degree of an impact is described by expressing the magnitude of incremental change in pollution concentration as a proportion of the relevant assessment level and examining this change in the context of the new total concentration and its relationship with the assessment criterion, as summarised in **Table 2** overleaf.

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<sup>30</sup> Multi-Agency Geographic Information for the Countryside (MAGIC) website available at: <https://magic.defra.gov.uk/>



**Table 2 - Impact Descriptors for Individual Receptors**

Long term average concentration at receptors in assessment year	% Change in Concentration Relative to Air Quality Assessment Level (AQAL)			
	1	2-5	6-10	>10
75% or less of AQAL	Negligible	Negligible	Slight	Moderate
76-94% AQAL	Negligible	Slight	Moderate	Moderate
95-102% of AQAL	Slight	Moderate	Moderate	Substantial
103-109% of AQAL	Moderate	Moderate	Substantial	Substantial
110% or more of AQAL	Moderate	Substantial	Substantial	Substantial

Notes

AQAL = Air Quality Assessment Level, which for this assessment related to the UK Air Quality Strategy objectives.

Where the %change in concentrations is <0.5%, the change is described as 'Negligible' regardless of the concentration.

When defining the concentration as a percentage of the AQAL, 'without scheme' concentration should be used where there is a decrease in pollutant concentration and the 'with scheme;' concentration where there is an increase.

Where concentrations increase, the impact is described as adverse, and where it decreases as beneficial.

- 3.3.5. The EPUK/IAQM guidance notes that the criteria in **Table 2** should be used to describe impacts at individual receptors and should be considered as a starting point to make a judgement on significance of effects, as other influences may need to be accounted for. The EPUK/IAQM guidance states that the assessment of overall significance should be based on professional judgement, taking into account several factors, including:
- The existing and future air quality in the absence of the Proposed Development;
  - The extent of current and future population exposure to the impacts; and
  - The influence and validity of any assumptions adopted when undertaking the prediction of impacts.
- 3.3.6. The EPUK/IAQM guidance states that for most road transport related emissions, long-term average concentrations are the most useful for evaluating the impacts. The guidance does not include criteria for determining the significance of the effect on hourly mean NO<sub>2</sub> concentrations or daily mean PM<sub>10</sub> concentrations. The significance of effects of hourly mean NO<sub>2</sub> and daily mean PM<sub>10</sub> concentrations arising from the operational phase have therefore been determined qualitatively using professional judgement and the principles described above.
- 3.3.7. The EPUK/IAQM guidance says that *'Where the air quality is such that an air quality objective at the building facade is not met, the effect on residents or occupants will be judged as significant, unless provision is made to reduce their exposure by some means. For people working at new developments in this situation, the same will not be true as occupational exposure standards are different, although any assessment may wish to draw attention to the undesirability of the exposure.'*

3.3.8. In addition to these criteria, the flow chart method for determining the significance of the predicted air quality impacts of a proposed development and published in the London Councils guidance for air quality assessments has been used. A summary of the flow chart for determining significance is shown below in **Table 3**.

**Table 3 - Summary of the London Councils flow chart method for assessing the significance of air quality impacts**

Effect of Development	Outcome
Will development interfere with or prevent implementation of measures in the AQAP	Air Quality is an overriding consideration.
Is development likely to cause a worsening of air quality or introduce new exposure into the AQMA?	Air Quality is a highly significant consideration.
Would the development contribute to air quality exceedances or lead to the designation of a new AQMA?	Air Quality is a highly significant consideration.
Is the development likely to increase emissions of or increase/introduce new exposure to PM <sub>10</sub>	Air Quality is a significant consideration.
None of the above.	Air Quality is not a significant consideration but mitigation measures may still need to be considered.

3.3.9. In determining both the significance of new exposure to air pollution and the levels of mitigation required within the Proposed Development Site, consideration was given to the Air Pollution Exposure Criteria (APEC) published in the London Councils guidance for air quality assessments and shown in **Table 4**.

**Table 4 - London Councils Air Pollution Exposure Criteria**

APEC Level	Applicable Range Annual average NO <sub>2</sub>	Applicable Range PM <sub>10</sub>	Recommendation
A	> 5% below national objective	Annual Mean > 5% below national objective 24 hour mean > 1 day less than the national objective	No air quality grounds for refusal; however mitigation of any emissions should be considered.
B	Between 5% below or above national objective	Annual Mean	May not be sufficient air quality grounds for refusal, however appropriate mitigation must be considered e.g., maximise distance

APEC Level	Applicable Range Annual average NO <sub>2</sub>	Applicable Range PM <sub>10</sub>	Recommendation
		Between 5% below or above national objective 24 hour mean Between 1 day above or below the national objective	from pollution source, proven ventilation systems, parking considerations, winter gardens, internal layout considered and internal pollutant emissions minimised.
C	> 5% above national objective	Annual Mean > 5% above national objective 24 hour mean > 1 day more than the national objective	Refusal on air quality grounds should be anticipated, unless the Local Authority has a specific policy enabling such land use and ensure best endeavours to reduce exposure are incorporated. Worker exposure in commercial/industrial land uses should be considered further. Mitigation measures must be presented with air quality assessment, detailing anticipated outcomes of mitigation measures.

## MAYOR OF LONDON'S AIR QUALITY NEUTRAL POLICY

- 3.3.10. The air quality neutral assessment has been undertaken using the Gross Internal Floor Area (GIFA) of the Proposed Development, along with anticipated vehicle trip rates and energy centre emissions once operational, to calculate the NO<sub>x</sub> and PM<sub>10</sub> emissions from the building and transport elements of the Proposed Development. The relevant values for the Proposed Development calculated from information provided by the Project Team are presented in **Table 5**.

**Table 5 - Parameters used in the Air Quality Neutral Assessment**

Land Use Class	Parameter
Residential (C3)	GIFA - 456 units / 39,385m <sup>2</sup> Annual 2 way Vehicle Trips – 209,145
Commercial (B1)	GIFA - 499m <sup>2</sup> Annual 2 way Vehicle Trips – 15,555
Both	Energy centre emissions – 499.9kg/annum

Note: The number of annual vehicle trips calculated for the residential use is based on weekday trip rates and so will be conservative as weekend trips are typically lower.

3.3.11. The results were compared to the benchmarks set out in the SPG, which are shown in **Table 6** for the Proposed Development. It should be noted that as the boilers will run on natural gas, the Building Emission Benchmarks (BEBs) for PM<sub>10</sub> were not calculated.

**Table 6 - Emission Benchmarks (kg/yr)**

Benchmark Category	NO <sub>x</sub> Benchmark	PM <sub>10</sub> Benchmark
BEB	1047.3	-
Transport Emission Benchmark (TEB)	742.3	127.6

### 3.4. LIMITATIONS & ASSUMPTIONS

- 3.4.1. As suitable information for the construction phase of the Proposed Development was only partly available, professional judgement has been used in the completion of this part of the assessment.
- 3.4.2. There are uncertainties associated with both measured and predicted concentrations. The model (ADMS Roads) used in this assessment relies on input data (including predicted traffic flows), which also have uncertainties associated with them. The model itself simplifies complex physical systems into a range of algorithms. In addition, local micro-climatic conditions may affect the concentrations of pollutants that the ADMS Roads model will not take into account.
- 3.4.3. In order to reduce the uncertainty associated with predicted concentrations, model verification has been carried out following guidance set out in LLAQM.TG(16). As the model has been verified against local monitoring data and adjusted accordingly, there can be reasonable confidence in the predicted concentrations.

## 4. BASELINE CONDITIONS

### 4.1. LBOM'S REVIEW & ASSESSMENT OF AIR QUALITY

- 4.1.1. The LBoM has designated one AQMA within their administrative area as a consequence of their Review and Assessment work. The Application Site lies within this AQMA designated due to exceedances of the AQS objectives for NO<sub>2</sub> and PM<sub>10</sub>.
- 4.1.2. The LBoM has identified road traffic as the primary pollutant source within the AQMA.

### 4.2. LOCAL EMISSION SOURCES

- 4.2.1. There are a number of roads near to the Application Site that are likely to influence the local air quality, with the most significant being Burlington Road (bordering the Site to the east), the A3 to the west of the Site and the A298 to the north of the Site.
- 4.2.2. The EA's pollution register indicates that there are no large scale/ Part A1<sup>31</sup> authorised industrial processes located within the vicinity of the Site that are likely to have a significant influence on air quality at the site. Furthermore, a review of information relating to the public register available on the LBoM's website confirms that there are no smaller scale Part A2<sup>32</sup> or B<sup>33</sup> processes located within the immediate vicinity of the Site.

### 4.3. BACKGROUND AIR QUALITY DATA

- 4.3.1. **Table 7** summarises the background pollutant concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> for 2018 and 2021 obtained from the Defra maps that were utilised in the assessment. All of the annual mean background concentrations are well below the relevant objectives.

**Table 7 - Background Concentrations**

Year	Receptor	Grid Square (centre on O.S. Grid Reference)	NO <sub>2</sub> (µg/m <sup>3</sup> )	PM <sub>10</sub> (µg/m <sup>3</sup> )	PM <sub>2.5</sub> (µg/m <sup>3</sup> )
2018	Proposed, R1-R7, R11-R17, R21, R23-R48	522500, 168500	24.4	17.8	12.0
	R8-R9	522500, 167500	19.8	16.8	11.5

<sup>31</sup> Large scale industrial processes (such as power stations, chemical plants) that have the greatest potential to release pollutants into the environment (to air, land and water). Part A1 processes are regulated by the Environment Agency.

<sup>32</sup> Medium sized industries (such as brick manufacturers) that are regulated by the Local Authority as they have the potential to release pollutant emissions to air, land and water.

<sup>33</sup> Part B processes include those that are unlikely to release significant emissions to land and water and are therefore only regulated for emissions to air (e.g. paint spraying, dry cleaners). They are regulated by the local authority.

	R10	522500, 169500	21.8	17.0	11.5
	R18-R19	523500, 168500	19.4	16.7	11.5
	R20, R22	523500, 169500	22.3	17.9	12.2
2021	Proposed, R1-R7, R11-R17, R21, R23-R48	522500, 168500	21.6	16.9	11.4
	R8-R9	522500, 167500	17.5	15.9	10.9
	R10	522500, 169500	19.2	16.1	10.8
	R18-R19	523500, 168500	17.1	15.8	10.8
	R20, R22	523500, 169500	19.5	16.9	11.6

#### 4.4. LOCAL AUTHORITY AIR QUALITY MONITORING DATA

4.4.1. Concentrations of NO<sub>2</sub> measured in the vicinity of the Application Site by the LBoM are provided in **Table 8** and the locations of the monitoring sites are shown on **Figure 1**.

**Table 8 - Local Annual Mean NO<sub>2</sub> Concentrations (µg/m<sup>3</sup>)**

Site ID	Distance Proposed Development	2014	2015	2016	2017	2018
5 (Burlington Road)	110m to the west	33	28	32 <sup>a</sup>	42	38
1 (A298)	700m to the northeast	n/a	n/a	n/a	52	48
6 (Grand Drive)	720m to the southeast	32	n/a	34	45	43
4 (B279)	850m to northeast	43	32	39 <sup>b</sup>	37	30
52	25m to the northeast	-	-	-	-	35

<sup>a</sup> Means annualised as capture was less than 75%; <sup>b</sup> Mean adjusted to the point of relevant exposure

4.4.2. As shown in **Table 8**, the annual mean NO<sub>2</sub> AQS objective has been exceeded in certain years over the last 5 years at all local monitoring sites, with the exception of Site 52, at which monitoring began in 2018.

4.4.3. However, given that measured annual mean NO<sub>2</sub> concentrations are all below 60µg/m<sup>3</sup>, based on guidance in LLAQM.TG(16), it is very unlikely that the hourly mean NO<sub>2</sub> AQS objective has been exceeded.

4.4.4. Monitoring of PM<sub>10</sub> and PM<sub>2.5</sub> is not undertaken in the vicinity of the Application Site.

## 4.5. SUMMARY

- 4.5.1. The Application Site is located in an area where the main influence on air quality is emissions from road traffic.
- 4.5.2. The LBoM has declared an AQMA throughout the Borough due to exceedences of the AQS objectives for annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations.
- 4.5.3. Recent results from monitoring sites located within the vicinity of the Application Site indicate that annual mean NO<sub>2</sub> concentrations have exceeded the respective AQS objective in some years. There is therefore the potential for exceedences at the Application Site itself. This has been considered in the assessment of operational phase effects.

## 5. ASSESSMENT OF IMPACTS

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### 5.1. CONSTRUCTION PHASE

#### DUST AND PM<sub>10</sub> ARISING FROM ON-SITE ACTIVITIES

5.1.1. Construction activities that have the potential to generate and/or re-suspend dust and PM<sub>10</sub>. include:

- Site clearance and preparation including demolition activities;
- Preparation of temporary access/egress to the Application Site and haulage routes;
- Earthworks;
- Materials handling, storage, stockpiling, spillage and disposal;
- Movement of vehicles and construction traffic within the Application Site (including excavators and dumper trucks);
- Construction of buildings and areas of hardstanding;
- Internal and external finishing and refurbishment; and
- Site landscaping after completion.

5.1.2. The majority of the releases are likely to occur during the 'working week', which is taken to be:

- Monday to Friday: 09:00hrs to 18:00hrs; and,
- Saturday, Sundays and Bank Holidays: Closed.

5.1.3. However, for some potential release sources (e.g. exposed soil produced from significant earthwork activities) in the absence of dust control mitigation measures, dust generation has the potential to occur 24 hours per day over the period during which such activities are to take place.

#### ASSESSMENT OF POTENTIAL DUST EMISSION MAGNITUDE

5.1.4. The IAQM assessment methodology has been used to determine the potential dust emission magnitude for the following four different dust and PM<sub>10</sub> sources: demolition; earthworks; construction; and, trackout. The findings of the assessment are presented below.

##### Demolition

5.1.5. Total volume of buildings to be demolished on site is between 20,000m<sup>3</sup> and 50,000m<sup>3</sup>, with potentially dusty construction material, and with demolition activities occurring at heights of between 10 and 20m above ground level. Therefore, the potential dust emission magnitude is medium for demolition activities.

##### Earthworks

5.1.6. The total area of the Application Site is more than 10,000m<sup>2</sup>. However, the total material of material that will be moved is estimated to be between 20,000 and 100,000 tonnes. It is also estimated that there will be fewer than 5 heavy earth moving vehicles active at any one time, and that the formation of bunds with a height of less than 4m is likely to occur. Therefore, adopting a conservative approach, the potential dust emission magnitude is large for earthwork activities

##### Construction

5.1.7. It is anticipated that the total volume of buildings to be constructed on the Application Site will be more than 100,000m<sup>3</sup> with potentially dusty construction materials being used. In addition, on site



concrete batching will occur. Therefore, the potential dust emission magnitude is large for construction activities.

### Trackout

- 5.1.8. Information on the number of HDVs associated with this phase of the Proposed Development is not available and therefore professional judgement has been used. It has been assumed that given the size of the development area there are likely to be between 10 and 50 HDV outward movements in any one day, travelling over moderately dusty surface material, and the unpaved road length in the Application Site is likely to be less than 50m. Therefore, adopting a conservative approach, the potential dust emission magnitude of is medium for trackout.
- 5.1.9. **Table 9** provides a summary of the potential dust emission magnitude determined for each construction activity considered.

**Table 9 - Potential Dust Emission Magnitude**

Activity	Dust Emission Magnitude
Demolition	Medium
Earthworks	Large
Construction Activities	Large
Trackout	Medium

## ASSESSMENT OF SENSITIVITY OF THE STUDY AREA

- 5.1.10. A windrose generated using the meteorological data used for the dispersion modelling of operational phase impacts is provided in Appendix G. This shows that the prevailing wind direction is from the west to south-west, with a large proportion of winds from the northeast. Therefore, receptors located to north-east to east of the Application Site in particular are more likely to be affected by dust and particulate matter emitted and re-suspended during the construction phase.
- 5.1.11. Under low wind speed conditions, it is likely that the majority of dust would be deposited in the area immediately surrounding the source. The Mayor of London's guidance advises that construction dust and particulate effects will be most relevant within a 350m radius of a construction site. The key receptors within 350m include residential properties to the east, commercial units to the south and west, a car park to the west, Raynes Park High School to the north and the Sacred Heart Primary School to the south-west. There are also residential properties located along Burlington Road that may be sensitive to potential trackout impacts.
- 5.1.12. There are no ecological designated sites located within 50m of the Application Site boundary or the road network within 500m of the Application Site. Therefore, there is no requirement to consider ecological receptors any further.
- 5.1.13. Taking the above into account and following the IAQM assessment methodology, the sensitivity of the area to changes in dust and PM<sub>10</sub> has been derived for each of the construction activities considered. The results are shown in **Table 10** overleaf.

**Table 10 - Sensitivity of the Study Area**

Potential Impact	Sensitivity of the Surrounding Area			
	Demolition	Earthworks	Construction	Trackout
Dust Soiling	Medium	Medium	Medium	High
Human Health	Low	Low	Low	Low

### Risk of Impacts

- 5.1.14. The predicted dust emission magnitude has been combined with the defined sensitivity of the area to determine the risk of impacts during the construction phase, prior to mitigation. **Table 11** below provides a summary of the risk of dust impacts for the Proposed Development. The risk category identified for each construction activity has been used to determine the level of mitigation required.

**Table 11 - Summary Dust Risk Table to Define Site Specific Mitigation**

Potential Impact	Risk			
	Demolition	Earthworks	Construction	Trackout
Dust Soiling	Medium	Medium	Medium	Medium
Human Health	Low	Low	Low	Low

### CONSTRUCTION VEHICLES & PLANT

- 5.1.15. The greatest impact on air quality due to emissions from vehicles and plant associated with the construction phase will be in the areas immediately adjacent to the site access. It is anticipated that construction traffic will access the site via Burlington Road. Due to the size of the Site, it is considered likely that the construction traffic will be low in comparison to the existing traffic flows on this road.
- 5.1.16. Final details of the exact plant and equipment likely to be used on Site will be determined by the appointed contractor, it is considered likely to comprise dump trucks, tracked excavators, diesel generators, asphalt spreaders, rollers, compressors and trucks. The number of plant and their location within the Site are likely to be variable over the construction period.
- 5.1.17. Based on the current local air quality in the area, the proximity of sensitive receptors to the roads likely to be used by construction vehicles, and the likely numbers of construction vehicles and plant that will be used, the impacts are therefore considered to be of negligible significance.

## 5.2. OPERATION PHASE

- 5.2.1. Full results of the dispersion modelling are presented in Appendix H and a summary is provided overleaf.

## ANNUAL MEAN NO<sub>2</sub> CONCENTRATIONS

- 5.2.2. The AQS objective for annual mean NO<sub>2</sub> concentrations is 40µg/m<sup>3</sup>. The results of the assessment show that in the 2018 baseline scenario, concentrations exceed the annual mean objective at five existing receptors where there would be relevant exposure over the averaging period of the objective. Annual mean NO<sub>2</sub> concentrations are below the objective at the remaining relevant receptors. The highest predicted concentration at a relevant receptor is 48.0µg/m<sup>3</sup> at Receptor 7 - Malden Way. These results support the findings of nearby monitoring undertaken by the LBoM, which show that concentrations are currently above the AQS objective at some locations within the AQMA.
- 5.2.3. By 2021, the assessed opening year of the Proposed Development, concentrations exceed the annual mean objective at one relevant existing receptor and are below the objective at the remaining relevant receptors, both with and without the development. The highest concentrations are again predicted at Receptor 7 - Malden Way, where they are 41.6µg/m<sup>3</sup> 'without development' and 41.7µg/m<sup>3</sup> 'with development'. The greatest increase in concentrations due to the Proposed Development is 0.30µg/m<sup>3</sup> at Receptor 2 - Burlington Road where the annual mean NO<sub>2</sub> concentration with the development operational is 34.8µg/m<sup>3</sup>.
- 5.2.4. The predicted changes in annual mean NO<sub>2</sub> concentrations at all receptors are <1% of the AQS objective as a result of emissions from the Proposed Development's energy centre. The impact of emissions to air from the energy centre on annual mean NO<sub>2</sub> concentrations are therefore not significant in accordance with the EA criteria.
- 5.2.5. Annual mean concentrations are predicted to decrease very slightly at 9 of the modelled receptors due to the Proposed Development, mainly along West Barnes Lane, as there is predicted to be a decrease in vehicle trips along this road with the development in place due to a change in the vehicle distribution. At 3 receptors concentrations do not change due to the development, and at the remaining receptors the concentrations increase.
- 5.2.6. As a result of emissions to air from the Proposed Development (i.e. from both the energy centre and traffic combined), the predicted changes in annual mean NO<sub>2</sub> concentrations at 41 of the modelled receptors where the objective applies are <0.5% of the AQAL and the impacts are therefore classed as negligible.
- 5.2.7. For the 6 remaining relevant receptors, the changes in annual mean NO<sub>2</sub> concentrations due to the Proposed Development are equivalent to between 0.5 and 1% of the AQAL and total concentrations are <94% of the AQAL; therefore, in line with the EPUK/IAQM guidance, the impacts at these locations are also described as negligible.

## HOURLY MEAN NO<sub>2</sub> CONCENTRATIONS

- 5.2.8. The predicted annual mean NO<sub>2</sub> concentrations were all below 60µg/m<sup>3</sup>, and therefore hourly mean NO<sub>2</sub> concentrations are unlikely to exceed the hourly mean AQS objective.
- 5.2.9. The predicted changes in hourly mean NO<sub>2</sub> concentrations due to emissions to air from the energy centre are <20% of the AQS objective at all receptors. The impact of emissions to air from the energy centre on hourly mean NO<sub>2</sub> concentrations are therefore not significant in accordance with the EA criteria. The calculated total hourly mean NO<sub>2</sub> concentrations are also well below the hourly mean NO<sub>2</sub> AQS objective of 200µg/m<sup>3</sup>.

- 5.2.10. The impact of the Proposed Development on hourly mean NO<sub>2</sub> concentrations at existing sensitive receptors will therefore be negligible.

### **ANNUAL MEAN PM<sub>10</sub> CONCENTRATIONS**

- 5.2.11. The AQS objective for annual mean PM<sub>10</sub> concentrations is 40µg/m<sup>3</sup>. The results of the assessment show that in the 2018 baseline scenario, concentrations at all of the receptors considered are predicted to easily meet the objective. The highest predicted concentration is 23.7µg/m<sup>3</sup> at Receptor 7 - Malden Way. These results agree with the conclusions of the Review and Assessment work undertaken by the LBoM.
- 5.2.12. Predicted concentrations of PM<sub>10</sub> are well below the annual mean objective at all receptors in each of the modelled scenarios. In 2021, the highest concentrations are predicted at Receptor 7 - Malden Way, where a concentration of 22.6µg/m<sup>3</sup> is predicted in the 2021 'without development' scenario and a concentration of 22.7µg/m<sup>3</sup> in the 'with development' scenario. The predicted changes in annual mean PM<sub>10</sub> concentrations are all <0.5% of the relevant AQS objective, and therefore based on the EPUK/IAQM guidance, the impact of the Proposed Development on annual mean PM<sub>10</sub> concentrations is negligible.

### **DAILY MEAN PM<sub>10</sub> CONCENTRATIONS**

- 5.2.13. The AQS objective for daily mean PM<sub>10</sub> concentrations is 50µg/m<sup>3</sup> to be exceeded no more than 35 times a year. The results of the dispersion modelling indicate that the objective is not exceeded on any occasion at any receptor location.
- 5.2.14. The Proposed Development will not result in any changes to the number of days experiencing concentrations greater than 50µg/m<sup>3</sup>. Therefore, the impact on daily mean PM<sub>10</sub> concentrations is thus also negligible.

### **ANNUAL MEAN PM<sub>2.5</sub> CONCENTRATIONS**

- 5.2.15. Predicted annual mean concentrations of PM<sub>2.5</sub> are all well below AQS objective of 25µg/m<sup>3</sup> in all modelled scenarios.
- 5.2.16. In 2018, the highest predicted concentration of 15.6µg/m<sup>3</sup> at Receptor 7 - Malden Way. In 2021, the highest predicted concentration is 14.8µg/m<sup>3</sup> in both the 'without development' and 'with development' scenarios, which is predicted at Receptor 7 - Malden Way. All changes in PM<sub>2.5</sub> as a result of the Proposed Development are <0.5% of the relevant AQS objective and therefore, based on the EPUK/IAQM guidance, the Proposed Development will have a negligible impact on annual mean PM<sub>2.5</sub> concentrations.

### **EXPOSURE OF FUTURE RESIDENTS**

- 5.2.17. Predicted concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> are all below the relevant AQS objectives at all proposed receptors located on the Application Site.
- 5.2.18. The highest predicted annual mean NO<sub>2</sub> concentration is 34.0µg/m<sup>3</sup>, whilst the highest predicted annual mean PM<sub>10</sub> concentration is 19.3µg/m<sup>3</sup>, with 3 days exceeding 50µg/m<sup>3</sup>. The highest predicted PM<sub>2.5</sub> concentration is 12.9µg/m<sup>3</sup>.
- 5.2.19. All predicted concentrations are classified as APEC - A in accordance with the relevant guidance. As such, mitigation to prevent exposure of future residents to poor air quality is not required within the Proposed Development.

## AIR QUALITY NEUTRAL ASSESSMENT

5.2.20. A summary of the findings of the air quality neutral assessment are presented in **Table 12**.

**Table 12 - Summary of Air Quality Neutral Assessment Results**

Category	Parameter	NO <sub>x</sub> (kg/annum)	PM <sub>10</sub> (kg/annum)
Building Emissions	Benchmark	1047.3	N/A
	Proposed Development	499.9	N/A
	Difference	+547.3	-
Transport Emissions	Benchmark	742.3	127.6
	Proposed Development	900.9	154.7
	Difference	-158.6	-27.0

- 5.2.21. As Table 12 shows, the building emissions were found to be compliant with the NO<sub>x</sub> BEB, but transport emissions were found to be deficient in respect of the NO<sub>x</sub> and PM<sub>10</sub> TEBs. The difference between the NO<sub>x</sub> BEB and building emissions for the Proposed Development is greater than the difference between the TEB and the transport emissions for the Proposed Development.
- 5.2.22. It should be noted that the transport emissions for the Proposed Development were based on a conservative number of annual two-way vehicle trips associated with the residential use and are therefore expected to be lower in reality reducing the transport emissions from the Proposed Development. Additionally, the number of vehicles trips used in the assessment does not take into account the effect of the measures included in the submitted Residential Travel Plan in reducing the number of development generated trips.
- 5.2.23. The conclusions of the air quality neutral assessment are the same as those reached for the air quality neutral assessment undertaken as part of the air quality assessment that was submitted with the planning application, for which the LBoM identified a financial contribution for the provision of off-site offsetting mitigation.

## 6. MITIGATION & RESIDUAL EFFECTS

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### 6.1. CONSTRUCTION PHASE

#### MITIGATION

6.1.1. Based on the assessment results, mitigation will be required. Recommended mitigation measures are given below.

##### General Communication

- A stakeholder communications plan that includes community engagement before work commences on site should be developed and implemented.
- The name and contact details of person(s) accountable for air quality and dust issues should be displayed on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information should also be displayed.

##### General Dust Management

- A Dust Management Plan (DMP), which may include measures to control other emissions, in addition to the dust and PM<sub>10</sub> mitigation measures given in this report, should be developed and implemented, and approved by the Local Authority. The DMP may include a requirement for monitoring of dust deposition, dust flux, real-time PM<sub>10</sub> continuous monitoring and/or visual inspections.

##### Site Management

- All dust and air quality complaints should be recorded and causes identified. Appropriate remedial action should be taken in a timely manner with a record kept of actions taken including of any additional measures put in-place to avoid reoccurrence.
- The complaints log should be made available to the local authority on request.
- Any exceptional incidents that cause dust and/or air emissions, either on- or offsite should be recorded, and then the action taken to resolve the situation recorded in the log book.

##### Monitoring

- Daily on-site and off-site inspections should be undertaken, where receptors (including roads) are nearby to monitor dust. The inspection results should be recorded and made available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100m of site boundary, with cleaning to be provided if necessary.
- Regular site inspections to monitor compliance with the DMP should be carried out, inspection results recorded, and an inspection log made available to the local authority when asked.
- The frequency of site inspections should be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.
- Dust deposition, dust flux, or real-time PM<sub>10</sub> continuous monitoring locations should be agreed with the Local Authority, if required. If possible baseline monitoring should start at least three months before work commences on site.

### **Preparing and maintaining the site**

- Plan the site layout so that machinery and dust causing activities are located away from receptors, as far as is practicable.
- Where practicable, erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Where practicable, fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period.
- Avoid site runoff of water or mud.
- Keep site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover appropriately.
- Where practicable, cover, seed or fence stockpiles to prevent wind whipping.

### **Operating vehicle/machinery and sustainable travel**

- Ensure all on-road vehicles comply with the requirements of the London Low Emission Zone and the London NRMM standards, where applicable.
- Ensure all vehicle operators switch off engines when stationary - no idling vehicles.
- Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable.
- A Construction Logistics Plan should be produced to manage the sustainable delivery of goods and materials.

### **Operations**

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.
- Use enclosed chutes and conveyors and covered skips.
- Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.
- Ensure equipment is readily available on site to clean any dry spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.

### **Waste management**

- Avoid bonfires and burning of waste materials.

### **Measures Specific to Demolition**

- Ensure effective water suppression is used during demolition operations. Hand held sprays are more effective than hoses attached to equipment as the water can be directed to where it is needed. In addition, high volume water suppression systems, manually controlled, can produce fine water droplets that effectively bring the dust particles to the ground.
- Avoid explosive blasting, using appropriate manual or mechanical alternatives.
- Bag and remove any biological debris or damp down such material before demolition.

### **Measures Specific to Earthworks**

- Stockpile surface areas should be minimised (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pick-up.
- Where practicable, windbreak netting/screening should be positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed excavation and material handling operations, to provide a physical barrier between the Application Site and the surroundings.
- Where practicable, stockpiles of soils and materials should be located as far as possible from sensitive properties, taking account of the prevailing wind direction.
- During dry or windy weather, material stockpiles and exposed surfaces should be dampened down using a water spray to minimise the potential for wind pick-up.

### **Measures Specific to Construction**

- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery.
- For smaller supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust.
- All construction plant and equipment should be maintained in good working order and not left running when not in use.

### **Measures Specific to Trackout**

- Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being in frequent use.
- Avoid dry sweeping of large areas.
- Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.
- Inspect on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable.
- Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).
- Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout permits.
- Access gates to be located at least 10m from receptors where possible.

6.1.2. Detailed mitigation measures to control construction traffic should be discussed with the LBoM to establish the most suitable access and haul routes for the site traffic. The most effective mitigation will be achieved by ensuring that construction traffic does not pass along sensitive roads (residential roads, congested roads, via unsuitable junctions, etc.) where possible, and that vehicles are kept clean (through the use of wheel washers, etc.) and sheeted when on public highways. Timing of large-scale vehicle movements to avoid peak hours on the local road network will also be beneficial.



## **RESIDUAL EFFECTS**

- 6.1.3. The residual effects of dust and PM<sub>10</sub> generated by construction activities following the application of the mitigation measures described above and good site practice is negligible.
- 6.1.4. The residual effects of emissions to air from construction vehicles and plant on local air quality is also negligible.

## **6.2. OPERATIONAL PHASE**

### **MITIGATION**

- 6.2.1. The change in pollutant concentrations attributable air emissions associated with the operational phase of the Proposed Development (i.e. impacts on local air quality) are negligible (themselves not warranting the need for mitigation). Notwithstanding this, a Residential Travel Plan has been submitted for the Proposed Development. This includes the provision of Electric Vehicle charging facilities in line with the London Plan, and measures to encourage walking, cycling and public transport. These will all be beneficial to local air quality.
- 6.2.2. Predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations were classified as APEC - A at all receptors on the Proposed Development. As such, mitigation in the form of mechanical ventilation or air filtration is not considered necessary.

### **RESIDUAL EFFECTS**

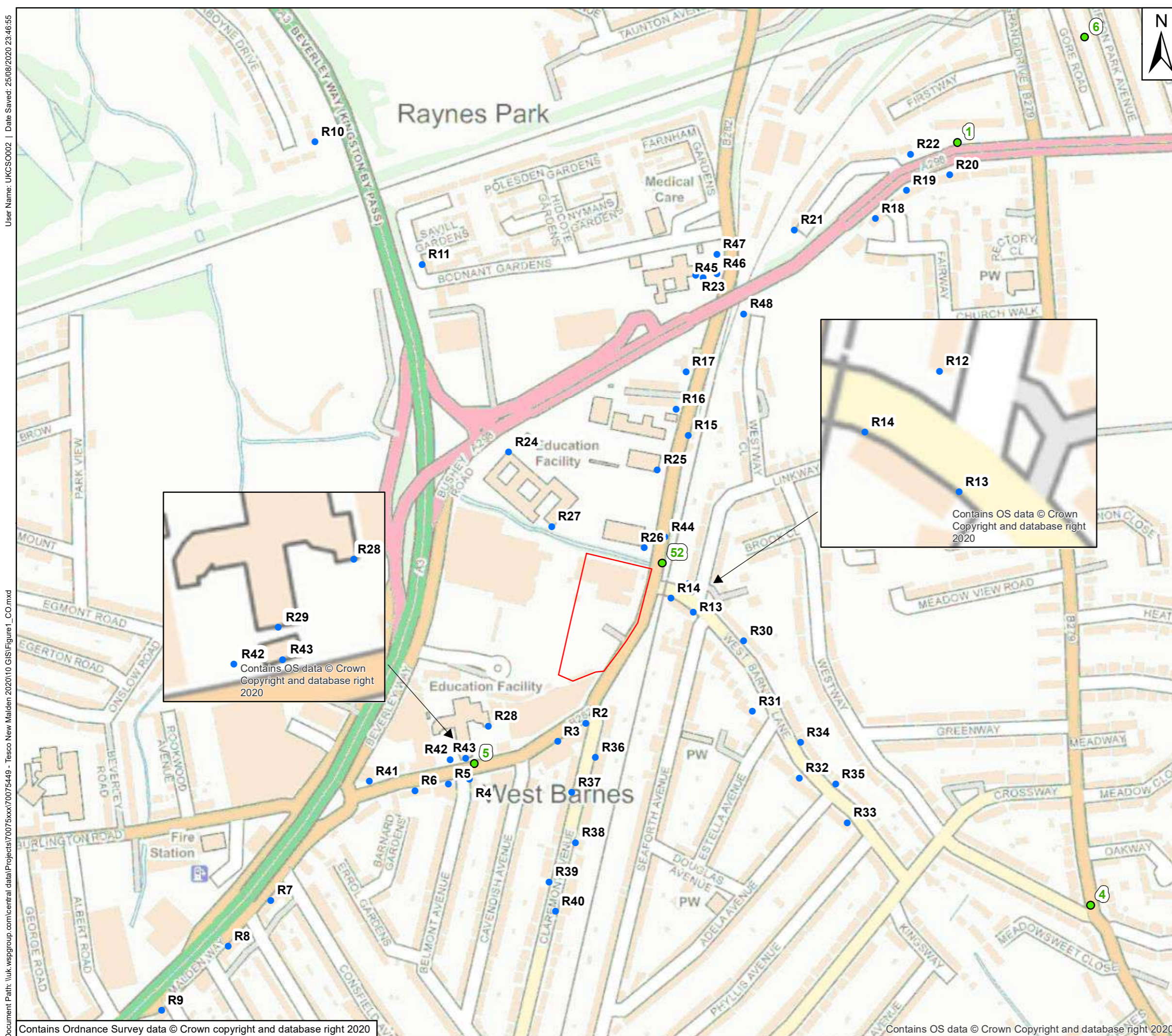
- 6.2.3. The residual effects of the Proposed Development on air quality are negligible for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> according to the EPUK /IAQM assessment criteria.
- 6.2.4. At all but one of the modelled receptor locations, concentrations are predicted to meet the statutory objectives both with and without the Proposed Development in 2021. The Proposed Development does not cause any new exceedances.
- 6.2.5. Future users of the Proposed Development would not be exposed to NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> concentrations that exceed the AQS objectives.

## 7. CONCLUSIONS

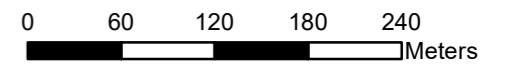
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- 7.1.1. A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out for this phase of the Proposed Development using the IAQM methodology. This identified that there is a Medium Risk of dust soiling impacts and a Low Risk of increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM<sub>10</sub> releases would be significantly reduced. The residual effects of dust and PM<sub>10</sub> generated by construction activities on air quality are therefore considered to be insignificant. The residual effects of emissions to air from construction vehicles and plant on local air quality will be negligible.
- 7.1.2. In addition, a quantitative assessment of the potential impacts during the operational phase was undertaken using ADMS Roads and ADMS 5.2 to predict the changes in NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations that would occur due to traffic generated by the Proposed Development and emissions from the proposed energy centre.
- 7.1.3. The results show that the Proposed Development would cause negligible residual effects on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all of the sensitive receptor locations.
- 7.1.4. The results also indicate that NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations were classified as APEC - A at all proposed receptor locations on the Application Site. As such, mitigation in the form of mechanical ventilation or filtration is not necessary.
- 7.1.5. In terms of the air quality neutral assessment, the Proposed Development is air quality neutral for the building emissions, but not air quality neutral for the transport emissions. However, the transport emissions for the Proposed Development were based on a conservative number of vehicle trips associated with the residential use and are therefore expected to be lower in reality. Additionally, the number of vehicles trips used in the assessment does not take into account the effect of the measures included in the submitted Residential Travel Plan in reducing the number of development generated trips.
- 7.1.6. The conclusions of the air quality neutral assessment are the same as those reached for the air quality neutral assessment undertaken as part of the air quality assessment that was submitted with the planning application, for which the LBoM identified a financial contribution for the provision of off-site offsetting mitigation.
- 7.1.7. Following the application of mitigation measures, it is considered that the Proposed Development complies with national, regional and local policy for air quality.

**Figure 1 – Location of Assessment Receptors - Existing Receptors**



- Key
- Site Boundary
  - Existing Receptors
  - Diffusion Tube








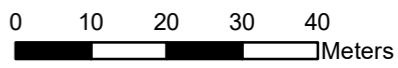

Client:	Redrow Homes Limited
Project:	265 Burlington Road, New Malden
Title:	Modelled Existing Receptors

Drawing No: Figure 1	Drawn: CO
Date: Aug 2020	Checked: JC
Scale: 1,545 @ A3	Approved: JC



**Figure 2 – Location of Assessment Receptors - Proposed Development Receptors**



  Site Boundary  Proposed Receptors  Buildings Modelled  Energy Centre Flue	 0 10 20 30 40 Meters	
		
	Client: <p style="text-align: center;">Redrow Homes Limited</p>	
	Project: <p style="text-align: center;">265 Burlington Road, New Malden</p>	
Title: <p style="text-align: center;">Proposed Receptors</p>		
Drawing No: <b>Figure 2</b> Date: <b>Aug 2020</b> Scale: <b>1,000 @ A3</b>	Drawn: <b>CO</b> Checked: <b>JC</b> Approved: <b>JC</b>	



# Appendix A

GLOSSARY

<b>Term</b>	<b>Definition</b>
AADT Annual Average Daily Traffic	A daily total traffic flow (24 hrs), expressed as a mean daily flow across all 365 days of the year.
Adjustment	Application of a correction factor to modeled results to account for uncertainties in the model
Accuracy	A measure of how well a set of data fits the true value.
Air quality objective	Policy target generally expressed as a maximum ambient concentration to be achieved, either without exception or with a permitted number of exceedances within a specific timescale (see also air quality standard).
Air quality standard	The concentrations of pollutants in the atmosphere which can broadly be taken to achieve a certain level of environmental quality. The standards are based on the assessment of the effects of each pollutant on human health including the effects on sensitive sub groups (see also air quality objective).
Ambient air	Outdoor air in the troposphere, excluding workplace air.
Annual mean	The average (mean) of the concentrations measured for each pollutant for one year.
AQMA	Air Quality Management Area.
Conservative	Tending to over-predict the impact rather than under-predict.
Data capture	The percentage of all the possible measurements for a given period that were validly measured.
DEFRA	Department for Environment, Food and Rural Affairs.
DfT	Department for Transport.
Dust	Dust comprises particles typically in the size range 1-75 micrometres ( $\mu\text{m}$ ) in aerodynamic diameter and is created through the action of crushing and abrasive forces on materials
Emission rate	The quantity of a pollutant released from a source over a given period of time.
Exceedance	A period of time where the concentrations of a pollutant is greater than the appropriate air quality standard.
HDV/HGV	Heavy Duty Vehicle/Heavy Goods Vehicle.
IAQM	Institute of Air Quality Management.
LAQM	Local Air Quality Management.
LBoM	London Borough of Merton.



Term	Definition
Model adjustment	Following model verification, the process by which modelled results are amended. This corrects for systematic error.
NO <sub>2</sub>	Nitrogen dioxide.
NO <sub>x</sub>	Nitrogen oxides.
PM <sub>10</sub>	Particulate matter with an aerodynamic diameter of less than 10 micrometres.
PM <sub>2.5</sub>	Particulate matter with an aerodynamic diameter of less than 2.5 micrometres.
Trackout	The transport of dust and dirt from the construction / demolition site onto the public road network, where it may be deposited and then re-suspended by vehicles using the network. This arises when heavy duty vehicles (HDVs) leave the construction / demolition site with dusty materials, which may then spill onto the road, and/or when HDVs transfer dust and dirt onto the road having travelled over muddy ground on site.
µg/m <sup>3</sup> (microgrammes per cubic metre)	A measure of concentration in terms of mass per unit volume. A concentration of 1ug/m <sup>3</sup> means that one cubic metre of air contains one microgram (millionth of a gram) of pollutant.
Uncertainty	A measure, associated with the result of a measurement, which characterizes the range of values within which the true value is expected to lie. Uncertainty is usually expressed as the range within which the true value is expected to lie with a 95% probability, where standard statistical and other procedures have been used to evaluate this figure. Uncertainty is more clearly defined than the closely related parameter 'accuracy', and has replaced it on recent European legislation.
Validation (modelling)	Refers to the general comparison of modelled results against monitoring data carried out by model developers.
Verification (modelling)	Comparison of modelled results versus any local monitoring data at relevant locations.

# Appendix B

RELEVANT UK AIR QUALITY  
STRATEGY OBJECTIVES

<b>National Air Quality Objectives and European Directive Limit Values for the protection of human health</b>						
<b>Pollutant</b>	<b>Applies to</b>	<b>Objective</b>	<b>Measured as</b>	<b>Date to be achieved by and maintained thereafter</b>	<b>European Obligations</b>	<b>Date to be achieved by and maintained thereafter</b>
Nitrogen dioxide (NO <sub>2</sub> )	UK	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1 hour mean	31.12.2005	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	01.01.2010
	UK	40µg/m <sup>3</sup>	annual mean	31.12.2005	40µg/m <sup>3</sup>	01.01.2010
Particulate Matter (PM <sub>10</sub> ) (gravimetric) <sup>A</sup>	UK (except Scotland)	40µg/m <sup>3</sup>	annual mean	31.12.2004	40µg/m <sup>3</sup>	01.01.2005
	UK (except Scotland)	50µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24 hour mean	31.12.2004	50µg/m <sup>3</sup> not to be exceeded more than 35 times a year	01.01.2005
Particulate Matter (PM <sub>2.5</sub> )	UK (except Scotland)	25µg/m <sup>3</sup>	annual mean	2020	Target value 25µg/m <sup>3</sup>	2010

<sup>A</sup> Measured using the European gravimetric transfer sampler or equivalent

µg/m<sup>3</sup> = microgram per cubic metre

# Appendix C

IAQM CONSTRUCTION ASSESSMENT  
METHODOLOGY

## STEP 1 – SCREENING THE NEED FOR A DETAILED ASSESSMENT

An assessment will normally be required where there are:

- ‘Human receptors’ within 350m of the site boundary; or within 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s); and/or
- ‘Ecological receptors’ within 50m of the site boundary; or within 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s).

Where the need for a more detailed assessment is screened out, it can be concluded that the level of risk is “negligible”.

## STEP 2A – DEFINE THE POTENTIAL DUST EMISSION MAGNITUDE

The following are examples of how the potential dust emission magnitude for different activities can be defined. (Note that not all the criteria need to be met for a particular class). Other criteria may be used if justified in the assessment.

**Table 2A: Examples of Human Receptor Sensitivity to Construction Phase Impacts**

Dust Emission Magnitude	Activity
Large	<b>Demolition</b> >50,000m <sup>3</sup> building demolished, dusty material (e.g. concrete), on-site crushing/screening, demolition >20m above ground level
	<b>Earthworks</b> >10,000m <sup>2</sup> site area, dusty soil type (e.g. clay), >10 earth moving vehicles active simultaneously, >8m high bunds formed, >100,000 tonnes material moved
	<b>Construction</b> >100,000m <sup>3</sup> building volume, on site concrete batching, sandblasting
	<b>Trackout</b> >50 HDVs out / day, dusty surface material (e.g. clay), >100m unpaved roads
Medium	<b>Demolition</b> 20,000 - 50,000m <sup>3</sup> building demolished, dusty material (e.g. concrete) 10-20m above ground level
	<b>Earthworks</b> 2,500 - 10,000m <sup>2</sup> site area, moderately dusty soil (e.g. silt), 5-10 earth moving vehicles active simultaneously, 4m - 8m high bunds, 20,000 -100,000 tonnes material moved
	<b>Construction</b> 25,000 - 100,000m <sup>3</sup> building volume, dusty material e.g. concrete, on site concrete batching
	<b>Trackout</b>

	10 - 50 HDVs out / day, moderately dusty surface material (e.g. clay), 50 -100m unpaved roads
Small	<b>Demolition</b> <20,000m <sup>3</sup> building demolished, non-dusty material (e.g metal cladding), <10m above ground level, work during wetter months
	<b>Earthworks</b> <2,500m <sup>2</sup> site area, soil with large grain size (e.g. sand), <5 earth moving vehicles active simultaneously, <4m high bunds, <20,000 tonnes material moved, earthworks during wetter months
	<b>Construction</b> <25,000m <sup>3</sup> , non-dusty material (e.g. metal cladding or timber)
	<b>Trackout</b> <10 HDVs out / day, non-dusty soil, < 50m unpaved roads

## STEP 2B – DEFINE THE SENSITIVITY OF THE AREA

The tables below present the IAQM assessment methodology to determine the sensitivity of the area to dust soiling, human health and ecological impacts respectively. The IAQM guidance provides guidance to allow the sensitivity of individual receptors to dust soiling and health effects to assist in the assessment of the overall sensitivity of the study area.

**Table 2Ba: Sensitivity of the Area to Dust Soiling Effects**

Receptor Sensitivity	Number of Receptors	Distance from the Source (m)			
		<20	<50	<100	<350
High	>100	High	High	Medium	Low
	10-100	High	Medium	Low	Low
	1-10	Medium	Low	Low	Low
Medium	>1	Medium	Low	Low	Low
Low	>1	Low	Low	Low	Low

**Table 2Bb: Sensitivity of the Area to Human Health Impacts**

Receptor Sensitivity	Annual Mean PM <sub>10</sub> Concentration (µg/m <sup>3</sup> )	Number of Receptors	Distance from the Source (m)				
			<20	<50	<100	<200	<350
High	>32	>100	High	High	High	Medium	Low

		10-100	High	High	Medium	Low	Low
		1-10	High	Medium	Low	Low	Low
		>100	High	High	Medium	Low	Low
	28-32	10-100	High	Medium	Low	Low	Low
		1-10	High	Medium	Low	Low	Low
		>100	High	Medium	Low	Low	Low
	24-28	10-100	High	Medium	Low	Low	Low
		1-10	Medium	Low	Low	Low	Low
		>100	Medium	Low	Low	Low	Low
	<24	10-100	Low	Low	Low	Low	Low
		1-10	Low	Low	Low	Low	Low
		>100	Low	Low	Low	Low	Low
Medium	>32	>10	High	Medium	Low	Low	Low
		1-10	Medium	Low	Low	Low	Low
	28-32	>10	Medium	Low	Low	Low	Low
		1-10	Low	Low	Low	Low	Low
	24-28	>10	Low	Low	Low	Low	Low
		1-10	Low	Low	Low	Low	Low
	<24	>10	Low	Low	Low	Low	Low
		1-10	Low	Low	Low	Low	Low
	Low	-	>1	Low	Low	Low	Low

**Table 2Bc: Sensitivity of the Area to Ecological Impacts**

Receptor Sensitivity	Distance from the Sources (m)	
	<20	<50
High	High	Medium
Medium	Medium	Low
Low	Low	Low

## STEP 2C – DEFINE THE RISK OF IMPACTS

The dust emissions magnitude determined at Step 2A should be combined with the sensitivity of the area determined at Step 2B to determine the risk of impacts without mitigation applied. For those cases where the risk category is ‘negligible’ no mitigation measures beyond those required by legislation will be required.

**Table 2C: Risk of Dust Impacts**

Sensitivity of surrounding area	Dust Emission Magnitude		
	Large	Medium	Small
Demolition			
High	High Risk	Medium Risk	Medium Risk
Medium	High Risk	Medium Risk	Low Risk
Low	Medium Risk	Low Risk	Negligible
Earthworks and Construction			
High	High Risk	Medium Risk	Low Risk
Medium	Medium Risk	Medium Risk	Low Risk
Low	Low Risk	Low Risk	Negligible
Trackout			
High	High Risk	Medium Risk	Low Risk
Medium	Medium Risk	Low Risk	Negligible
Low	Low Risk	Low Risk	Negligible

## STEP 3 –SITE SPECIFIC MITIGATION

Having determined the risk categories for each of the four activities it is possible to determine the site-specific measures to be adopted. These measures will be related to whether the site is considered to be a low, medium or high risk site. The IAQM guidance details the mitigation measures required for high, medium and low risk sites as determined in Step 2C.

## STEP 4 – DETERMINE SIGNIFICANT EFFECTS

Once the risk of dust impacts has been determined in Step 2C and the appropriate dust mitigation measures identified in Step 3, the final step is to determine whether there are significant effects arising from the construction phase. For almost all construction activities, the application of effective mitigation should prevent any significant effects occurring to sensitive receptors and therefore the residual effect will normally be negligible.





# Appendix D

TRAFFIC & EMISSIONS DATA

## 2018 BASELINE

Road Link	Speed (kph)	AADT	% HDV	NO <sub>x</sub> Emission Factors (g/km/s)	PM <sub>10</sub> Emission Factors (g/km/s)	PM <sub>2.5</sub> Emission Factors (g/km/s)
West Barnes Lane (east of Burlington Road)	32	11,905	1.1	0.05674	0.00509	0.00315
West Barnes Lane (east of Burlington Road) Junction	15	11,905	1.1	0.07617	0.00539	0.00345
West Barnes Lane	32	13,619	2.3	0.06913	0.00602	0.00372
West Barnes Lane Junction	15	13,619	2.3	0.09560	0.00638	0.00408
Burlington Road	40	18,115	2.2	0.08246	0.00784	0.00480
Burlington Road Junctions	20	18,115	2.2	0.11222	0.00827	0.00523
Burlington Road near Crossing	15	18,115	2.2	0.12596	0.00845	0.00540
Claremont Avenue	32	3,438	1.0	0.01630	0.00147	0.00091
Claremont Avenue Junction	20	3,438	1.0	0.01968	0.00152	0.00096
A3	64	81,955	2.6	0.31861	0.03499	0.02105
Malden Way NB	48	9,801	2.7	0.04207	0.00425	0.00258
Malden Way SB	48	14,750	2.5	0.06275	0.00636	0.00386
Beverley Way Southbound	64	16,041	2.4	0.06212	0.00683	0.00411
Beverley Way SB Slower	40	16,041	2.4	0.07398	0.00700	0.00428
Beverley Way SB Junction	20	16,041	2.4	0.10125	0.00738	0.00466
A298 EB	48	10,106	3.4	0.04471	0.00447	0.00271
A298 WB	48	10,740	3.4	0.04751	0.00475	0.00288
Beverley Way NB	48	15,940	2.3	0.06749	0.00685	0.00416



Site Access	15	3,016	0.7	0.01863	0.00135	0.00086
Roundabout A	20	15,070	2.4	0.09476	0.00693	0.00438
Roundabout B	20	10,631	2.1	0.06570	0.00485	0.00306
Roundabout C	20	12,731	2.2	0.07884	0.00581	0.00367
Roundabout D	20	15,263	2.7	0.09825	0.00708	0.00447
Roundabout E	20	5,870	3.2	0.03896	0.00276	0.00174

## 2021 WITHOUT DEVELOPMENT

Road Link	Speed (kph)	AADT	% HDV	NO <sub>x</sub> Emission Factors (g/km/s)	PM <sub>10</sub> Emission Factors (g/km/s)	PM <sub>2.5</sub> Emission Factors (g/km/s)
West Barnes Lane (east of Burlington Road)	32	11,717	1.1	0.04485	0.00472	0.00281
West Barnes Lane (east of Burlington Road) Junction	15	11,717	1.1	0.05952	0.00492	0.00300
West Barnes Lane	32	14,355	2.3	0.05653	0.00596	0.00353
West Barnes Lane Junction	15	14,355	2.3	0.07652	0.00621	0.00379
Burlington Road	40	18,948	2.2	0.06751	0.00775	0.00456
Burlington Road Junctions	20	18,948	2.2	0.09023	0.00805	0.00486
Burlington Road near Crossing	15	18,948	2.2	0.10050	0.00818	0.00498
Claremont Avenue	32	3,594	1.0	0.01372	0.00144	0.00086
Claremont Avenue Junction	20	3,594	1.0	0.01646	0.00148	0.00090
A3	64	84,890	2.6	0.25781	0.03442	0.01996
Malden Way NB	48	10,216	2.7	0.03401	0.00420	0.00245
Malden Way SB	48	15,287	2.5	0.05071	0.00625	0.00365
Beverley Way Southbound	64	16,630	2.4	0.05044	0.00672	0.00390
Beverley Way SB Slower	40	16,630	2.4	0.05959	0.00685	0.00403
Beverley Way SB Junction	20	16,630	2.4	0.07994	0.00712	0.00429
A298 EB	48	10,466	3.4	0.03528	0.00438	0.00255
A298 WB	48	11,122	3.4	0.03750	0.00466	0.00271



Beverley Way NB	48	16,513	2.3	0.05467	0.00673	0.00393
Site Access	15	3,806	0.7	0.01899	0.00158	0.00097
Roundabout A	20	15,720	2.4	0.07542	0.00672	0.00405
Roundabout B	20	11,083	2.1	0.05273	0.00470	0.00284
Roundabout C	20	13,317	2.2	0.06342	0.00566	0.00341
Roundabout D	20	15,959	2.7	0.07751	0.00688	0.00415
Roundabout E	20	6,128	3.2	0.03025	0.00268	0.00161

## 2021 WITH DEVELOPMENT

Road Link	Speed (kph)	AADT	% HDV	NO <sub>x</sub> Emission Factors (g/km/s)	PM <sub>10</sub> Emission Factors (g/km/s)	PM <sub>2.5</sub> Emission Factors (g/km/s)
West Barnes Lane (east of Burlington Road)	32	11,551	1.1	0.04421	0.00465	0.00277
West Barnes Lane (east of Burlington Road) Junction	15	11,551	1.1	0.05868	0.00485	0.00296
West Barnes Lane	32	14,238	2.3	0.05607	0.00591	0.00350
West Barnes Lane Junction	15	14,238	2.3	0.07590	0.00616	0.00376
Burlington Road	40	19,557	2.2	0.06968	0.00800	0.00470
Burlington Road Junctions	20	19,557	2.2	0.09312	0.00831	0.00501
Burlington Road near Crossing	15	19,557	2.2	0.10373	0.00844	0.00514
Claremont Avenue	32	3,561	1.0	0.01360	0.00143	0.00085
Claremont Avenue Junction	20	3,561	1.0	0.01631	0.00147	0.00089
A3	64	85,118	2.6	0.25850	0.03452	0.02001
Malden Way NB	48	10,365	2.7	0.03451	0.00426	0.00249
Malden Way SB	48	15,489	2.5	0.05138	0.00633	0.00370
Beverley Way Southbound	64	16,743	2.4	0.05078	0.00677	0.00393
Beverley Way SB Slower	40	16,743	2.4	0.05999	0.00690	0.00405
Beverley Way SB Junction	20	16,743	2.4	0.08048	0.00716	0.00432
A298 EB	48	10,496	3.4	0.03539	0.00439	0.00256
A298 WB	48	11,155	3.4	0.03761	0.00467	0.00272



Beverley Way NB	48	16,641	2.3	0.05509	0.00678	0.00396
Site Access	15	4,102	0.7	0.02047	0.00170	0.00104
Roundabout A	20	15,748	2.4	0.07556	0.00673	0.00406
Roundabout B	20	11,327	2.1	0.05391	0.00481	0.00290
Roundabout C	20	13,367	2.2	0.06367	0.00568	0.00343
Roundabout D	20	16,018	2.7	0.07784	0.00691	0.00417
Roundabout E	20	6,249	3.2	0.03088	0.00273	0.00164

# Appendix E

MODEL VERIFICATION



The comparison of modelled concentrations with local monitored concentrations is a process termed ‘verification’. Model verification investigates the discrepancies between modelled and measured concentrations, which can arise due to the presence of inaccuracies and/or uncertainties in model input data, modelling and monitoring data assumptions. The following are examples of potential causes of such discrepancy:

- a) Estimates of background pollutant concentrations;
- b) Meteorological data uncertainties;
- c) Traffic data uncertainties;
- d) Model input parameters, such as ‘roughness length’; and
- e) Overall limitations of the dispersion model.

## NITROGEN DIOXIDE

Most nitrogen dioxide is produced in the atmosphere by the reaction of nitric oxide (NO) with ozone. It is therefore most appropriate to verify the model in terms of the primary pollutant emissions of nitrogen oxides (NO<sub>x</sub> = NO + NO<sub>2</sub>), in line with the guidance provided within LAQM.TG16.

The model was initially run to predict the 2017 annual mean road-NO<sub>x</sub> contribution at three diffusion tubes within the modelled road network. The model outputs of road-NO<sub>x</sub> were compared with the ‘measured’ road-NO<sub>x</sub>, which was determined from the NO<sub>2</sub> concentrations measured using diffusion tubes at the monitoring locations, utilising the NO<sub>x</sub> from NO<sub>2</sub> calculator provided by Defra and the NO<sub>2</sub> background concentration (from the Defra background maps). As discussed in the methodology section, the most recent suitable data available for model verification purposes is 2018 data.

The table below presents the data used in the verification.

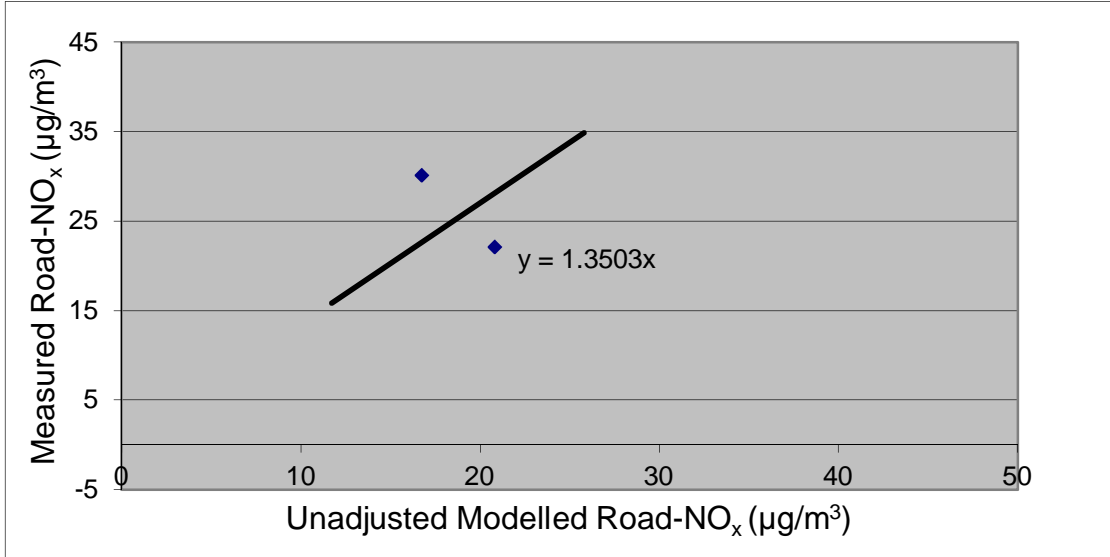
**Table E1 – Data used in model verification**

Monitoring Site	Measured Annual Mean NO <sub>2</sub> Concentration (µg/m <sup>3</sup> )	Background NO <sub>2</sub> (µg/m <sup>3</sup> )	Measured Road-NO <sub>x</sub> (µg/m <sup>3</sup> ) (from NO <sub>x</sub> :NO <sub>2</sub> calculator)	Modelled Road-NO <sub>x</sub> (µg/m <sup>3</sup> )	Ratio
1	47.8	22.3	60.35	9.74	6.20
5 (BA)	38.0	24.4	30.08	16.73	1.80
52	34.6	24.4	22.08	20.81	1.06

The model performance at the location of Diffusion Tube Site 1 was poor and could not be improved upon through adjustment of the model parameters, such as traffic speed. The location of the monitoring site adjacent to a bus stop and approximately 95m to the west of a busy signalised junction, which was not included within the model, is likely to be the reason for the poor performance at this location. Consequently, it was removed from the model verification process.

The road-NO<sub>x</sub> adjustment factor was determined as the slope of the best fit line between the 'measured' road contribution and the model derived road contribution, forced through zero (Figure E1 below) for Diffusion Tube Sites 5 (BA) and 52.

**Figure E1: Comparison of Measured Road-NO<sub>x</sub> with Unadjusted Modelled Road-NO<sub>x</sub>**



However, to provide a worst case approach to the assessment, the ratio of measured road-NO<sub>x</sub> to unadjusted Modelled Road-NO<sub>x</sub> calculated at Diffusion Tube Site 5, of 1.8, was used to provide adjusted modelled road-NO<sub>x</sub> concentrations.

The total nitrogen dioxide concentrations were then determined by inputting the adjusted modelled road-NO<sub>x</sub> concentrations and the background NO<sub>2</sub> concentration into the NO<sub>x</sub> to NO<sub>2</sub> calculator.

### **PM<sub>10</sub> AND PM<sub>2.5</sub>**

There are no local PM<sub>10</sub> or PM<sub>2.5</sub> monitoring data against which the model could be verified. Consequently, the verification factor determined above for adjusting the road-NO<sub>x</sub> contribution has been applied to the predicted road-PM<sub>10</sub> and road-PM<sub>2.5</sub> contributions, consistent with guidance set out in LAQM.TG16.

# Appendix F

## MODELLED RECEPTORS

**Table F1 – Receptor Locations Used in the Assessment**

Receptor	Description / Address	Grid Reference		Height above Ground Level (m)
		X	Y	
R1	Residential - Claremont Avenue	522675.7	168304.6	1.5
R2	Residential - Burlington Road	522648.1	168288.3	1.5
R3	Residential - Burlington Road	522610.91	168264.7	4.5
R4	Residential - Burlington Road	522494.41	168215	1.5
R5	Residential - Burlington Road	522466.7	168208.4	1.5
R6	Residential - Burlington Road	522422.5	168199.41	1.5
R7	Residential - Malden Way	522232.2	168054.5	1.5
R8	Residential - Malden Way	522175.9	167993.7	1.5
R9	Residential - Malden Way	522087.9	167909.1	1.5
R10	Residential - Aboyne Drive	522290.6	169057.2	1.5
R11	Residential - Bodnant Gardens	522431.9	168894.8	1.5
R12	Residential – West Barnes Lane	522783.8	168473.1	1.5
R13	Residential – West Barnes Lane	522789.9	168435.5	1.5
R14	Residential - West Barnes Lane	522760.5	168454.1	1.5
R15	Residential - West Barnes Lane (B282)	522783.3	168669	1.5
R16	Residential - West Barnes Lane (B282)	522767.4	168703.7	1.5
R17	Residential - West Barnes Lane (B282)	522780.4	168753.4	1.5
R18	Residential - Bushey Road	523030.5	168955.6	1.5
R19	Residential - Bushey Road	523071.8	168992.6	1.5

R20	Residential - Bushey Road	523128.6	169013	1.5
R21	Residential – Bushey Court	522923.6	168940.4	1.5
R22	Residential - Bushey Court	523076.9	169040.7	1.5
R23	West Wimbledon Primary School	522793.2	168880.5	1.5
R24	Raynes Park High School	522546.4	168646.9	1.5
R25	Raynes Park High School	522742.6	168623.4	1.5
R26	Raynes Park High School	522725.1	168520.5	1.5
R27	Raynes Park High School	522603.2	168548.5	1.5
R28	Sacred Heart Catholic Primary School	522519.4	168284.6	1.5
R29	Sacred Heart Catholic Primary School	522487.6	168256.1	1.5
R30	Residential - West Barnes Lane	522856.6	168397.2	1.5
R31	Residential - West Barnes Lane	522868.1	168304.5	1.5
R32	Residential - West Barnes Lane	522930.2	168216.1	1.5
R33	Residential - West Barnes Lane	522993.4	168157	1.5
R34	Residential - West Barnes Lane	522931.7	168263.4	1.5
R35	Residential - West Barnes Lane	522978	168208	1.5
R36	Residential - Claremont Avenue	522660.7	168243.4	1.5
R37	Residential - Claremont Avenue	522629.7	168197.5	1.5
R38	Residential - Claremont Avenue	522634.4	168130.6	1.5
R39	Residential - Claremont Avenue	522599.6	168078.7	1.5
R40	Residential - Claremont Avenue	522608.1	168040.1	1.5
R41	Krispy Kreme outdoor seating (relevant for short term objectives only)	522362.2	168212.1	1.5



R42	Sacred Heart Catholic Primary School	522469	168240.4	1.5
R43	Sacred Heart Catholic Primary School	522489.4	168242.4	1.5
R44	Residential - West Barnes Lane (B282)	522752.7	168534.8	1.5
R45	West Wimbledon Primary School	522803.3	168877.3	1.5
R46	West Wimbledon Primary School	522821.2	168882.6	1.5
R47	West Wimbledon Primary School	522821.2	168908.4	1.5
R48	Residential - Barnscroft	522856.8	168829.5	1.5
PR1	Proposed Development 1	522657.6	168501.2	1.5, 7.2, 10.2, 13.2, 37.2, 41.4
PR2	Proposed Development 2	522657.6	168501.2	1.5, 7.2, 10.2, 13.2, 31.2
PR3	Proposed Development 3	522681.1	168484.9	1.5, 7.2, 10.2, 13.2, 31.2
PR4	Proposed Development 4	522662.4	168478.7	1.5, 7.2, 10.2, 13.2, 37.2, 41.4
PR5	Proposed Development 5	522641.1	168471.1	1.5, 7.2, 10.2, 13.2, 37.2, 41.4
PR6	Proposed Development 6	522669.4	168440.6	1.5, 7.2, 10.2, 13.2, 30.6
PR7	Proposed Development 7	522657	168456.09	1.5, 7.2, 10.2, 13.2, 34.2
PR8	Proposed Development 8	522706.6	168480.4	1.5, 7.2, 10.2, 13.2, 25.2
PR9	Proposed Development 9	522722.3	168461.8	1.5, 7.2, 10.2, 13.2, 25.2
PR10	Proposed Development 10	522709.4	168424.4	1.5, 7.2, 10.2, 13.2, 22.2
PR11	Proposed Development 11	522695.8	168448.6	1.5, 7.2, 10.2, 13.2, 22.2

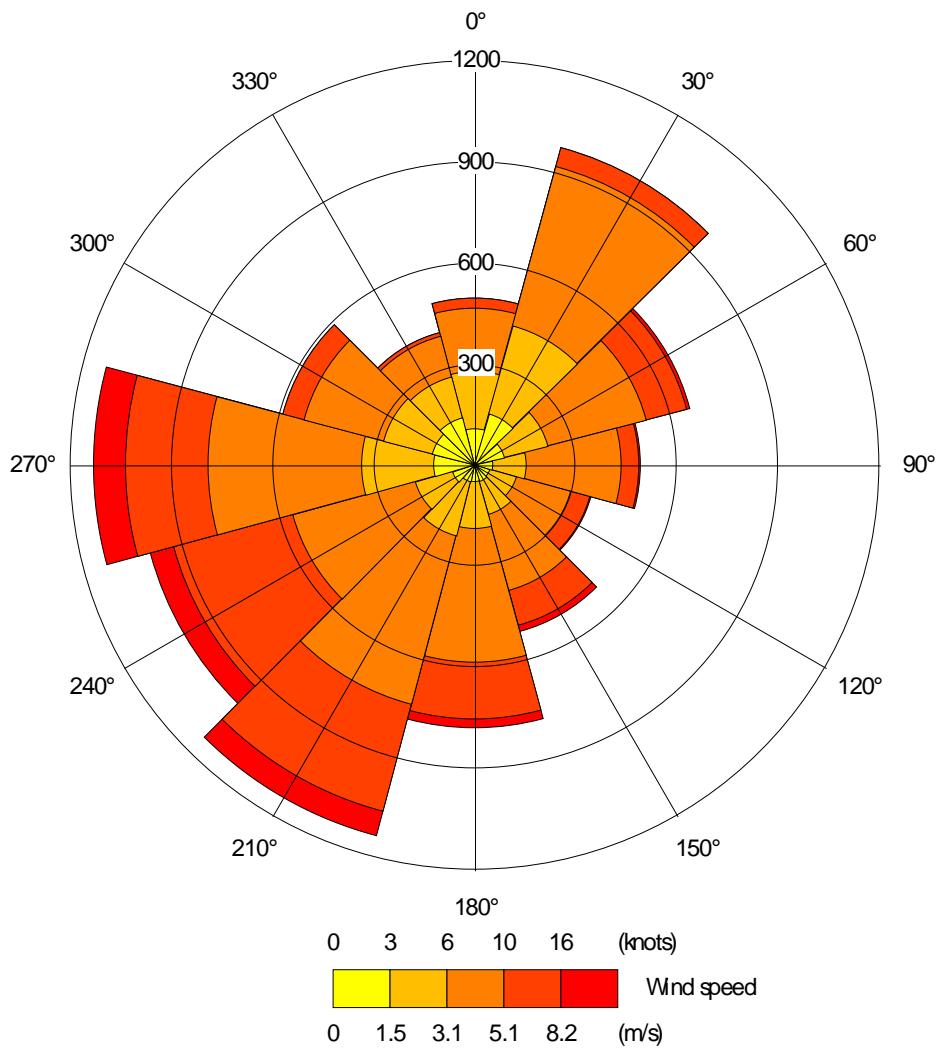
PR12	Proposed Development 12	522694.2	168418.1	1.5, 7.2, 10.2, 13.2, 22.2
PR13	Proposed Development 13	522689.7	168391.3	1.5, 7.2, 10.2, 13.2, 27.6
PR14	Proposed Development 14	522668.7	168360.8	1.5, 7.2, 10.2, 13.2, 27.6
PR15	Proposed Development 15	522668.9	168399.9	1.5, 7.2, 10.2, 13.2, 27.6
PR16	Proposed Development 16	522646.6	168413.9	1.5, 7.2, 10.2, 13.2, 41.4, 47.4
PR17	Proposed Development 17	522647	168403.3	1.5, 7.2, 10.2, 13.2, 41.4, 47.4
PR18	Proposed Development 18	522632.4	168351.5	1.5, 7.2, 10.2, 13.2, 28.8
PR19	Proposed Development 19	522634.1	168443.2	1.5, 7.2, 10.2, 13.2, 34.2

# Appendix G

WIND ROSE



# WIND ROSE FOR HEATHROW AIRPORT 2018



# Appendix H

MODEL RESULTS

## ANNUAL MEAN NO<sub>2</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - EXISTING RECEPTORS

ID	Receptor Location	Annual Mean NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> )					Impact
		2018 Baseline	2021 Baseline	2021 With Dev	Change (µg/m <sup>3</sup> )	% Change Relative to Objective	
R1	Residential - Claremont Avenue	34.5	30.0	30.2	0.19	0.5	Negligible
R2	Residential - Burlington Road	39.8	34.5	34.8	0.30	0.7	Negligible
R3	Residential - Burlington Road	32.7	28.5	28.7	0.16	0.4	Negligible
R4	Residential - Burlington Road	36.6	31.8	32.1	0.23	0.6	Negligible
R5	Residential - Burlington Road	36.8	32.0	32.2	0.22	0.6	Negligible
R6	Residential - Burlington Road	38.8	33.6	33.9	0.23	0.6	Negligible
R7	Residential - Malden Way	<b>48.0</b>	<b>41.6</b>	<b>41.7</b>	0.11	0.3	Negligible
R8	Residential - Malden Way	<b>43.9</b>	37.9	38.0	0.11	0.3	Negligible
R9	Residential - Malden Way	<b>44.3</b>	38.3	38.4	0.10	0.3	Negligible
R10	Residential - Aboyne Drive	30.8	26.6	26.7	0.02	0.1	Negligible
R11	Residential - Bodnant Gardens	37.1	32.1	32.2	0.04	0.1	Negligible
R12	Residential – West Barnes Lane	33.7	29.2	29.2	0.02	0.0	Negligible
R13	Residential – West Barnes Lane	36.1	31.2	31.2	-0.01	0.0	Negligible
R14	Residential - West Barnes Lane	38.6	33.3	33.3	0.04	0.1	Negligible
R15	Residential - West Barnes Lane (B282)	37.0	32.2	32.1	-0.03	-0.1	Negligible
R16	Residential - West Barnes Lane (B282)	32.2	28.0	28.0	0.01	0.0	Negligible



R17	Residential - West Barnes Lane (B282)	32.7	28.5	28.5	0.01	0.0	Negligible
R18	Residential - Bushey Road	26.9	23.2	23.2	0.02	0.1	Negligible
R19	Residential - Bushey Road	27.5	23.7	23.7	0.03	0.1	Negligible
R20	Residential - Bushey Road	28.7	24.8	24.8	0.02	0.1	Negligible
R21	Residential – Bushey Court	29.7	25.9	25.9	0.01	0.0	Negligible
R22	Residential - Bushey Court	28.4	24.5	24.5	0.02	0.1	Negligible
R23	West Wimbledon Primary School	30.3	26.4	26.4	0.01	0.0	Negligible
R24	Raynes Park High School	34.3	29.8	29.8	0.05	0.1	Negligible
R25	Raynes Park High School	31.3	27.3	27.4	0.03	0.1	Negligible
R26	Raynes Park High School	33.1	28.8	28.8	0.05	0.1	Negligible
R27	Raynes Park High School	29.9	26.1	26.1	0.04	0.1	Negligible
R28	Sacred Heart Catholic Primary School	31.4	27.3	27.4	0.11	0.3	Negligible
R29	Sacred Heart Catholic Primary School	33.2	28.9	29.0	0.14	0.3	Negligible
R30	Residential - West Barnes Lane	32.0	27.8	27.8	-0.02	0.0	Negligible
R31	Residential - West Barnes Lane	28.9	25.2	25.2	0.00	0.0	Negligible
R32	Residential - West Barnes Lane	29.9	26.0	26.0	-0.03	-0.1	Negligible
R33	Residential - West Barnes Lane	29.9	26.1	26.0	-0.04	-0.1	Negligible
R34	Residential - West Barnes Lane	30.6	26.6	26.6	-0.03	-0.1	Negligible

R35	Residential - West Barnes Lane	30.4	26.4	26.4	-0.04	-0.1	Negligible
R36	Residential - Claremont Avenue	31.1	27.2	27.2	0.07	0.2	Negligible
R37	Residential - Claremont Avenue	30.0	26.3	26.3	0.05	0.1	Negligible
R38	Residential - Claremont Avenue	29.0	25.4	25.5	0.03	0.1	Negligible
R39	Residential - Claremont Avenue	28.4	24.9	25.0	0.01	0.0	Negligible
R40	Residential - Claremont Avenue	29.1	25.6	25.6	0.00	0.0	Negligible
R41	Krispy Kreme outdoor seating*	-	-	-	-	-	-
R42	Sacred Heart Catholic Primary School	35.5	30.9	31.1	0.17	0.4	Negligible
R43	Sacred Heart Catholic Primary School	35.4	30.8	31.0	0.20	0.5	Negligible
R44	Residential - West Barnes Lane (B282)	<b>42.6</b>	36.8	36.8	-0.05	-0.1	Negligible
R45	West Wimbledon Primary School	31.2	27.2	27.2	0.01	0.0	Negligible
R46	West Wimbledon Primary School	33.4	29.1	29.1	0.00	0.0	Negligible
R47	West Wimbledon Primary School	32.1	28.0	28.0	-0.02	0.0	Negligible
R48	Residential - Barnscroft	34.0	29.5	29.5	0.01	0.0	Negligible

Results rounded to 1.d.p, except for absolute changes where results are presented to 2 d.p

\* Receptor 41 is not a relevant location of exposure in relation to the annual mean AQS objective.



## ANNUAL MEAN NO<sub>2</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - PROPOSED DEVELOPMENT RECEPTORS\*

ID	Annual Mean NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> ) 2021 With Dev														APEC Category
	Height (m)														
	1.5	7.2	10.2	13.2	22.2	25.2	27.6	28.8	30.6	31.2	34.2	37.2	41.4	47.4	
PR1	26.1	25.5	25.1	24.7	-	-	-	-	-	-	-	22.5	22.3	-	APEC - A
PR2	26.3	25.6	25.1	24.6	-	-	-	-	-	22.7	-	-	-	-	APEC - A
PR3	26.5	25.7	25.1	24.5	-	-	-	-	-	22.7	-	-	-	-	APEC - A
PR4	26.4	25.7	25.2	24.7	-	-	-	-	-	-	-	22.5	22.4	-	APEC - A
PR5	26.3	25.7	25.2	24.7	-	-	-	-	-	-	-	22.4	22.3	-	APEC - A
PR6	27.2	25.8	25.1	24.4	-	-	-	-	22.6	-	-	-	-	-	APEC - A
PR7	26.5	25.7	25.1	24.6	-	-	-	-	-	-	22.5	-	-	-	APEC - A
PR8	27.9	25.9	25.0	24.3	-	23.0	-	-	-	-	-	-	-	-	APEC - A
PR9	34.0	26.2	24.9	24.2	-	22.9	-	-	-	-	-	-	-	-	APEC - A
PR10	33.8	26.4	25.0	24.2	23.1	-	-	-	-	-	-	-	-	-	APEC - A
PR11	28.2	26.1	25.0	24.3	23.2	-	-	-	-	-	-	-	-	-	APEC - A
PR12	30.6	26.3	25.0	24.3	23.2	-	-	-	-	-	-	-	-	-	APEC - A
PR13	33.0	26.3	25.0	24.3	-	-	22.7	-	-	-	-	-	-	-	APEC - A
PR14	30.8	26.2	25.0	24.3	-	-	22.7	-	-	-	-	-	-	-	APEC - A
PR15	28.9	26.0	25.1	24.4	-	-	22.8	-	-	-	-	-	-	-	APEC - A
PR16	29.9	25.7	25.0	24.5	-	-	-	-	-	-	-	-	22.2	22.2	APEC - A
PR17	27.7	25.8	25.1	24.5	-	-	-	-	-	-	-	-	22.2	22.1	APEC - A
PR18	27.2	25.9	25.1	24.5	-	-	-	22.7	-	-	-	-	-	-	APEC - A
PR19	26.9	25.7	25.1	24.6	-	-	-	-	-	-	22.5	-	-	-	APEC - A

## 1-HOUR MEAN NO<sub>2</sub> CONCENTRATIONS (µg/m<sup>3</sup>) – EXISTING RECEPTORS

ID	Receptor Location	1-hour Mean NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> )				
		2021 Background	2021 Traffic Contribution	2021 Energy Centre Contribution	Total	% Objective
R1	Residential - Claremont Avenue	21.6	8.6	0.3	60.6	30.3
R2	Residential - Burlington Road	21.6	13.3	0.3	69.9	35.0
R3	Residential - Burlington Road	21.6	7.1	0.2	57.6	28.8
R4	Residential - Burlington Road	21.6	10.5	0.3	64.3	32.2
R5	Residential - Burlington Road	21.6	10.6	0.3	64.6	32.3
R6	Residential - Burlington Road	21.6	12.3	0.2	67.9	34.0
R7	Residential - Malden Way	21.6	20.1	0.2	83.5	41.8
R8	Residential - Malden Way	17.5	20.5	0.1	76.1	38.1
R9	Residential - Malden Way	17.5	20.9	0.1	76.9	38.5
R10	Residential - Aboyne Drive	19.2	7.4	0.1	53.4	26.7
R11	Residential - Bodnant Gardens	21.6	10.6	0.2	64.5	32.3
R12	Residential – West Barnes Lane	21.6	7.7	0.4	58.9	29.4
R13	Residential – West Barnes Lane	21.6	9.6	0.4	62.7	31.3
R14	Residential - West Barnes Lane	21.6	11.8	0.4	67.1	33.5
R15	Residential - West Barnes Lane (B282)	21.6	10.6	0.3	64.5	32.3
R16	Residential - West Barnes Lane (B282)	21.6	6.5	0.2	56.2	28.1
R17	Residential - West Barnes Lane (B282)	21.6	6.9	0.2	57.2	28.6
R18	Residential - Bushey Road	17.1	6.1	0.1	46.6	23.3
R19	Residential - Bushey Road	17.1	6.6	0.1	47.5	23.8



R20	Residential - Bushey Road	19.5	5.3	0.1	49.6	24.8
R21	Residential – Bushey Court	21.6	4.3	0.1	51.9	25.9
R22	Residential - Bushey Court	19.5	5.0	0.1	49.1	24.6
R23	West Wimbledon Primary School	21.6	4.8	0.1	52.9	26.4
R24	Raynes Park High School	21.6	8.3	0.3	59.9	30.0
R25	Raynes Park High School	21.6	5.8	0.3	54.9	27.5
R26	Raynes Park High School	21.6	7.2	0.7	58.3	29.1
R27	Raynes Park High School	21.6	4.6	0.3	52.6	26.3
R28	Sacred Heart Catholic Primary School	21.6	5.9	0.3	55.1	27.6
R29	Sacred Heart Catholic Primary School	21.6	7.5	0.3	58.3	29.2
R30	Residential - West Barnes Lane	21.6	6.2	0.3	55.8	27.9
R31	Residential - West Barnes Lane	21.6	3.7	0.3	50.8	25.4
R32	Residential - West Barnes Lane	21.6	4.4	0.3	52.2	26.1
R33	Residential - West Barnes Lane	21.6	4.5	0.2	52.2	26.1
R34	Residential - West Barnes Lane	21.6	5.0	0.3	53.4	26.7
R35	Residential - West Barnes Lane	21.6	4.8	0.2	53.0	26.5
R36	Residential - Claremont Avenue	21.6	5.7	0.3	54.7	27.4
R37	Residential - Claremont Avenue	21.6	4.8	0.2	52.8	26.4
R38	Residential - Claremont Avenue	21.6	3.9	0.2	51.1	25.6
R39	Residential - Claremont Avenue	21.6	3.4	0.2	50.1	25.0
R40	Residential - Claremont Avenue	21.6	4.0	0.2	51.3	25.6
R41	Krispy Kreme outdoor seating	21.6	20.4	0.2	84.1	42.0



R42	Sacred Heart Catholic Primary School	21.6	9.5	0.3	62.4	31.2
R43	Sacred Heart Catholic Primary School	21.6	9.4	0.3	62.2	31.1
R44	Residential - West Barnes Lane (B282)	21.6	15.2	0.4	73.9	37.0
R45	West Wimbledon Primary School	21.6	5.6	0.2	54.5	27.2
R46	West Wimbledon Primary School	21.6	7.5	0.2	58.2	29.1
R47	West Wimbledon Primary School	21.6	6.4	0.1	56.1	28.0
R48	Residential - Barnscroft	21.6	7.9	0.2	59.1	29.5

Results rounded to 1.d.p

### 1-HOUR MEAN NO<sub>2</sub> CONCENTRATIONS (µg/m<sup>3</sup>) – PROPOSED RECEPTORS

ID	1-Hour Mean NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> ) 2021 With Dev													
	Height (m)													
	1.5	7.2	10.2	13.2	22.2	25.2	27.6	28.8	30.6	31.2	34.2	37.2	41.4	47.4
PR1	52.6	51.6	50.7	49.8	-	-	-	-	-	-	-	45.5	45.1	-
PR2	53.2	51.8	50.7	49.7	-	-	-	-	-	46.0	-	-	-	-
PR3	53.6	51.9	50.8	49.7	-	-	-	-	-	46.0	-	-	-	-
PR4	53.1	51.8	50.8	49.8	-	-	-	-	-	-	-	45.4	45.1	-
PR5	53.0	51.8	50.8	49.9	-	-	-	-	-	-	-	45.3	45.1	-
PR6	54.7	52.0	50.5	49.3	-	-	-	-	45.6	-	-	-	-	-
PR7	53.5	51.8	50.7	49.6	-	-	-	-	-	-	45.4	-	-	-
PR8	56.5	52.5	50.6	49.3	-	46.6	-	-	-	-	-	-	-	-
PR9	68.5	53.1	50.4	49.0	-	46.4	-	-	-	-	-	-	-	-
PR10	68.1	53.2	50.4	48.9	46.6	-	-	-	-	-	-	-	-	-
PR11	56.9	52.7	50.6	49.2	46.9	-	-	-	-	-	-	-	-	-



PR12	61.5	53.0	50.5	49.0	46.7	-	-	-	-	-	-	-	-	-
PR13	66.4	52.9	50.3	48.9	-	-	46.0	-	-	-	-	-	-	-
PR14	61.8	52.6	50.3	48.9	-	-	46.0	-	-	-	-	-	-	-
PR15	58.1	52.4	50.5	49.1	-	-	45.9	-	-	-	-	-	-	-
PR16	60.3	51.9	50.5	49.4	-	-	-	-	-	-	-	-	45.2	47.5
PR17	55.9	52.0	50.5	49.4	-	-	-	-	-	-	-	-	45.4	47.1
PR18	54.6	52.0	50.5	49.2	-	-	-	45.8	-	-	-	-	-	-
PR19	54.4	52.0	50.8	49.8	-	-	-	-	-	-	45.5	-	-	-

### ANNUAL MEAN PM<sub>10</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - EXISTING RECEPTORS

ID	Receptor Location	Annual Mean PM <sub>10</sub> Concentrations (µg/m <sup>3</sup> )					
		2018 Baseline	2021 Baseline	2021 With Dev	Change (µg/m <sup>3</sup> )	% Change Relative to Objective	Impact
R1	Residential - Claremont Avenue	19.6	18.6	18.6	0.0	0.1	Negligible
R2	Residential - Burlington Road	20.6	19.6	19.6	0.1	0.2	Negligible
R3	Residential - Burlington Road	19.4	18.4	18.5	0.0	0.1	Negligible
R4	Residential - Burlington Road	20.3	19.4	19.4	0.1	0.1	Negligible
R5	Residential - Burlington Road	20.4	19.4	19.4	0.1	0.1	Negligible
R6	Residential - Burlington Road	20.8	19.8	19.8	0.1	0.1	Negligible
R7	Residential - Malden Way	23.7	22.6	22.7	0.0	0.1	Negligible
R8	Residential - Malden Way	22.7	21.7	21.7	0.0	0.1	Negligible
R9	Residential - Malden Way	22.9	21.9	21.9	0.0	0.1	Negligible
R10	Residential - Aboyne Drive	19.1	18.1	18.1	0.0	0.0	Negligible

R11	Residential - Bodnant Gardens	20.8	19.8	19.8	0.0	0.0	Negligible
R12	Residential – West Barnes Lane	19.3	18.3	18.3	0.0	0.0	Negligible
R13	Residential – West Barnes Lane	19.7	18.7	18.7	0.0	0.0	Negligible
R14	Residential - West Barnes Lane	20.1	19.1	19.1	0.0	0.0	Negligible
R15	Residential - West Barnes Lane (B282)	20.2	19.3	19.3	0.0	0.0	Negligible
R16	Residential - West Barnes Lane (B282)	19.3	18.3	18.3	0.0	0.0	Negligible
R17	Residential - West Barnes Lane (B282)	19.4	18.5	18.5	0.0	0.0	Negligible
R18	Residential - Bushey Road	18.3	17.3	17.3	0.0	0.0	Negligible
R19	Residential - Bushey Road	18.4	17.4	17.4	0.0	0.0	Negligible
R20	Residential - Bushey Road	19.2	18.2	18.2	0.0	0.0	Negligible
R21	Residential – Bushey Court	18.8	17.9	17.9	0.0	0.0	Negligible
R22	Residential - Bushey Court	19.1	18.1	18.1	0.0	0.0	Negligible
R23	West Wimbledon Primary School	18.9	18.0	18.0	0.0	0.0	Negligible
R24	Raynes Park High School	20.0	19.0	19.0	0.0	0.0	Negligible
R25	Raynes Park High School	19.1	18.1	18.1	0.0	0.0	Negligible
R26	Raynes Park High School	19.3	18.3	18.3	0.0	0.0	Negligible
R27	Raynes Park High School	18.9	18.0	18.0	0.0	0.0	Negligible
R28	Sacred Heart Catholic Primary School	19.2	18.2	18.3	0.0	0.0	Negligible



R29	Sacred Heart Catholic Primary School	19.6	18.6	18.7	0.0	0.1	Negligible
R30	Residential - West Barnes Lane	19.2	18.2	18.2	0.0	0.0	Negligible
R31	Residential - West Barnes Lane	18.6	17.6	17.6	0.0	0.0	Negligible
R32	Residential - West Barnes Lane	18.8	17.8	17.8	0.0	0.0	Negligible
R33	Residential - West Barnes Lane	18.8	17.8	17.8	0.0	0.0	Negligible
R34	Residential - West Barnes Lane	19.0	17.9	17.9	0.0	0.0	Negligible
R35	Residential - West Barnes Lane	18.9	17.9	17.9	0.0	0.0	Negligible
R36	Residential - Claremont Avenue	19.1	18.1	18.1	0.0	0.0	Negligible
R37	Residential - Claremont Avenue	18.9	17.9	17.9	0.0	0.0	Negligible
R38	Residential - Claremont Avenue	18.7	17.7	17.7	0.0	0.0	Negligible
R39	Residential - Claremont Avenue	18.6	17.6	17.6	0.0	0.0	Negligible
R40	Residential - Claremont Avenue	18.7	17.7	17.7	0.0	0.0	Negligible
R41	Krispy Kreme outdoor seating*	23.0	21.9	22.0	0.1	0.1	Negligible
R42	Sacred Heart Catholic Primary School	20.1	19.1	19.2	0.0	0.1	Negligible
R43	Sacred Heart Catholic Primary School	20.1	19.1	19.1	0.0	0.1	Negligible
R44	Residential - West Barnes Lane (B282)	20.8	19.8	19.8	0.0	0.0	Negligible
R45	West Wimbledon Primary School	19.1	18.2	18.2	0.0	0.0	Negligible

R46	West Wimbledon Primary School	19.6	18.6	18.6	0.0	0.0	Negligible
R47	West Wimbledon Primary School	19.3	18.3	18.3	0.0	0.0	Negligible
R48	Residential - Barnscroft	19.7	18.8	18.8	0.0	0.0	Negligible

Results rounded to 1.d.p

\* Receptor 41 is not relevant in relation to the annual mean AQS objective.

### ANNUAL MEAN PM<sub>10</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - PROPOSED DEVELOPMENT RECEPTORS

ID	Annual Mean PM <sub>10</sub> Concentrations (µg/m <sup>3</sup> ) 2021 With Dev														APEC Category
	Height (m)														
	1.5	7.2	10.2	13.2	22.2	25.2	27.6	28.8	30.6	31.2	34.2	37.2	41.4	47.4	
PR1	17.8	17.7	17.6	17.5	-	-	-	-	-	-	-	17.0	16.9	-	APEC - A
PR2	17.8	17.7	17.6	17.5	-	-	-	-	-	17.1	-	-	-	-	APEC - A
PR3	17.9	17.7	17.6	17.5	-	-	-	-	-	17.1	-	-	-	-	APEC - A
PR4	17.8	17.7	17.6	17.5	-	-	-	-	-	-	-	17.0	16.9	-	APEC - A
PR5	17.9	17.7	17.6	17.5	-	-	-	-	-	-	-	17.0	16.9	-	APEC - A
PR6	18.0	17.8	17.6	17.5	-	-	-	-	17.1	-	-	-	-	-	APEC - A
PR7	17.9	17.7	17.6	17.5	-	-	-	-	-	-	17.0	-	-	-	APEC - A
PR8	18.1	17.8	17.6	17.4	-	17.1	-	-	-	-	-	-	-	-	APEC - A
PR9	19.2	17.8	17.6	17.4	-	17.1	-	-	-	-	-	-	-	-	APEC - A
PR10	19.2	17.8	17.6	17.4	17.2	-	-	-	-	-	-	-	-	-	APEC - A
PR11	18.2	17.8	17.6	17.5	17.2	-	-	-	-	-	-	-	-	-	APEC - A
PR12	18.6	17.8	17.6	17.4	17.2	-	-	-	-	-	-	-	-	-	APEC - A
PR13	19.3	17.8	17.6	17.4	-	-	17.1	-	-	-	-	-	-	-	APEC - A
PR14	18.9	17.8	17.6	17.5	-	-	17.1	-	-	-	-	-	-	-	APEC - A



PR15	18.4	17.8	17.6	17.5	-	-	17.1	-	-	-	-	-	-	-	APEC - A
PR16	18.5	17.8	17.6	17.5	-	-	-	-	-	-	-	-	16.9	16.9	APEC - A
PR17	18.1	17.8	17.6	17.5	-	-	-	-	-	-	-	-	16.9	16.9	APEC - A
PR18	18.1	17.8	17.6	17.5	-	-	-	17.1	-	-	-	-	-	-	APEC - A
PR19	18.0	17.8	17.6	17.5	-	-	-	-	-	-	17.0	-	-	-	APEC - A

### DAILY MEAN PM<sub>10</sub> (NO. OF DAYS OF EXCEEDANCE) - EXISTING RECEPTORS

ID	Receptor Location	Days with PM <sub>10</sub> Concentrations >50µg/m <sup>3</sup>			
		2021 Baseline	2021 With Dev	Change (days)	Impact
R1	Residential - Claremont Avenue	2	2	0	Negligible
R2	Residential - Burlington Road	3	3	0	Negligible
R3	Residential - Burlington Road	2	2	0	Negligible
R4	Residential - Burlington Road	3	3	0	Negligible
R5	Residential - Burlington Road	3	3	0	Negligible
R6	Residential - Burlington Road	3	3	0	Negligible
R7	Residential - Malden Way	7	7	0	Negligible
R8	Residential - Malden Way	6	6	0	Negligible
R9	Residential - Malden Way	6	6	0	Negligible
R10	Residential - Aboyne Drive	1	1	0	Negligible
R11	Residential - Bodnant Gardens	3	3	0	Negligible
R12	Residential – West Barnes Lane	2	2	0	Negligible
R13	Residential – West Barnes Lane	2	2	0	Negligible
R14	Residential - West Barnes Lane	2	2	0	Negligible

R15	Residential - West Barnes Lane (B282)	3	3	0	Negligible
R16	Residential - West Barnes Lane (B282)	2	2	0	Negligible
R17	Residential - West Barnes Lane (B282)	2	2	0	Negligible
R18	Residential - Bushey Road	1	1	0	Negligible
R19	Residential - Bushey Road	1	1	0	Negligible
R20	Residential - Bushey Road	2	2	0	Negligible
R21	Residential – Bushey Court	1	1	0	Negligible
R22	Residential - Bushey Court	1	1	0	Negligible
R23	West Wimbledon Primary School	1	1	0	Negligible
R24	Raynes Park High School	2	2	0	Negligible
R25	Raynes Park High School	2	2	0	Negligible
R26	Raynes Park High School	2	2	0	Negligible
R27	Raynes Park High School	1	1	0	Negligible
R28	Sacred Heart Catholic Primary School	2	2	0	Negligible
R29	Sacred Heart Catholic Primary School	2	2	0	Negligible
R30	Residential - West Barnes Lane	2	2	0	Negligible
R31	Residential - West Barnes Lane	1	1	0	Negligible
R32	Residential - West Barnes Lane	1	1	0	Negligible
R33	Residential - West Barnes Lane	1	1	0	Negligible
R34	Residential - West Barnes Lane	1	1	0	Negligible
R35	Residential - West Barnes Lane	1	1	0	Negligible
R36	Residential - Claremont Avenue	1	1	0	Negligible



R37	Residential - Claremont Avenue	1	1	0	Negligible
R38	Residential - Claremont Avenue	1	1	0	Negligible
R39	Residential - Claremont Avenue	1	1	0	Negligible
R40	Residential - Claremont Avenue	6	6	0	Negligible
R41	Krispy Kreme outdoor seating	2	2	0	Negligible
R42	Sacred Heart Catholic Primary School	2	2	0	Negligible
R43	Sacred Heart Catholic Primary School	3	3	0	Negligible
R44	Residential - West Barnes Lane (B282)	2	2	0	Negligible
R45	West Wimbledon Primary School	2	2	0	Negligible
R46	West Wimbledon Primary School	2	2	0	Negligible
R47	West Wimbledon Primary School	2	2	0	Negligible
R48	Residential - Barnscroft	2	2	0	Negligible

### DAILY MEAN PM<sub>10</sub> (NO. OF DAYS OF EXCEEDANCE) - PROPOSED DEVELOPMENT RECEPTORS

ID	Days with PM <sub>10</sub> Concentrations >50µg/m <sup>3</sup> 2021 With Dev														APEC Category
	Height (m)														
	1.5	7.2	10.2	13.2	22.2	25.2	27.6	28.8	30.6	31.2	34.2	37.2	41.4	47.4	
PR1	1	1	1	1	-	-	-	-	-	-	-	1	1	-	APEC - A
PR2	1	1	1	1	-	-	-	-	-	1	-	-	-	-	APEC - A
PR3	1	1	1	1	-	-	-	-	-	1	-	-	-	-	APEC - A
PR4	1	1	1	1	-	-	-	-	-	-	-	1	1	-	APEC - A
PR5	1	1	1	1	-	-	-	-	-	-	-	1	1	-	APEC - A
PR6	1	1	1	1	-	-	-	-	1	-	-	-	-	-	APEC - A



PR7	1	1	1	1	-	-	-	-	-	-	1	-	-	-	APEC - A
PR8	1	1	1	1	-	1	-	-	-	-	-	-	-	-	APEC - A
PR9	2	1	1	1	-	1	-	-	-	-	-	-	-	-	APEC - A
PR10	3	1	1	1	1	-	-	-	-	-	-	-	-	-	APEC - A
PR11	2	1	1	1	1	-	-	-	-	-	-	-	-	-	APEC - A
PR12	2	1	1	1	1	-	-	-	-	-	-	-	-	-	APEC - A
PR13	3	1	1	1	-	-	1	-	-	-	-	-	-	-	APEC - A
PR14	2	1	1	1	-	-	1	-	-	-	-	-	-	-	APEC - A
PR15	2	1	1	1	-	-	1	-	-	-	-	-	-	-	APEC - A
PR16	2	1	1	1	-	-	-	-	-	-	-	-	1	1	APEC - A
PR17	2	1	1	1	-	-	-	-	-	-	-	-	1	1	APEC - A
PR18	1	1	1	1	-	-	-	1	-	-	-	-	-	-	APEC - A
PR19	1	1	1	1	-	-	-	-	-	-	1	-	-	-	APEC - A

### ANNUAL MEAN PM<sub>2.5</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - EXISTING RECEPTORS

ID	Receptor Location	Annual Mean PM <sub>2.5</sub> Concentrations (µg/m <sup>3</sup> )					Impact
		2018 Baseline	2021 Baseline	2021 With Dev	Change (µg/m <sup>3</sup> )	% Change Relative to Objective	
R1	Residential - Claremont Avenue	13.1	12.4	12.5	0.0	0.1	Negligible
R2	Residential - Burlington Road	13.8	13.0	13.1	0.0	0.1	Negligible
R3	Residential - Burlington Road	13.0	12.3	12.3	0.0	0.0	Negligible
R4	Residential - Burlington Road	13.6	12.9	12.9	0.0	0.1	Negligible



R5	Residential - Burlington Road	13.6	12.9	12.9	0.0	0.1	Negligible
R6	Residential - Burlington Road	13.9	13.1	13.2	0.0	0.1	Negligible
R7	Residential - Malden Way	15.6	14.8	14.8	0.0	0.1	Negligible
R8	Residential - Malden Way	15.1	14.3	14.3	0.0	0.1	Negligible
R9	Residential - Malden Way	15.2	14.4	14.4	0.0	0.0	Negligible
R10	Residential - Aboyne Drive	12.8	12.1	12.1	0.0	0.0	Negligible
R11	Residential - Bodnant Gardens	13.8	13.1	13.1	0.0	0.0	Negligible
R12	Residential – West Barnes Lane	13.0	12.3	12.3	0.0	0.0	Negligible
R13	Residential – West Barnes Lane	13.3	12.5	12.5	0.0	0.0	Negligible
R14	Residential - West Barnes Lane	13.5	12.7	12.7	0.0	0.0	Negligible
R15	Residential - West Barnes Lane (B282)	13.5	12.8	12.8	0.0	0.0	Negligible
R16	Residential - West Barnes Lane (B282)	12.9	12.3	12.3	0.0	0.0	Negligible
R17	Residential - West Barnes Lane (B282)	13.0	12.3	12.3	0.0	0.0	Negligible
R18	Residential - Bushey Road	12.4	11.7	11.7	0.0	0.0	Negligible
R19	Residential - Bushey Road	12.5	11.8	11.8	0.0	0.0	Negligible
R20	Residential - Bushey Road	13.0	12.3	12.3	0.0	0.0	Negligible
R21	Residential – Bushey Court	12.7	12.0	12.0	0.0	0.0	Negligible
R22	Residential - Bushey Court	13.0	12.3	12.3	0.0	0.0	Negligible

R23	West Wimbledon Primary School	12.7	12.0	12.0	0.0	0.0	Negligible
R24	Raynes Park High School	13.4	12.6	12.6	0.0	0.0	Negligible
R25	Raynes Park High School	12.8	12.1	12.1	0.0	0.0	Negligible
R26	Raynes Park High School	12.9	12.2	12.2	0.0	0.0	Negligible
R27	Raynes Park High School	12.7	12.0	12.0	0.0	0.0	Negligible
R28	Sacred Heart Catholic Primary School	12.9	12.2	12.2	0.0	0.0	Negligible
R29	Sacred Heart Catholic Primary School	13.1	12.4	12.5	0.0	0.0	Negligible
R30	Residential - West Barnes Lane	12.9	12.2	12.2	0.0	0.0	Negligible
R31	Residential - West Barnes Lane	12.5	11.9	11.9	0.0	0.0	Negligible
R32	Residential - West Barnes Lane	12.7	12.0	11.9	0.0	0.0	Negligible
R33	Residential - West Barnes Lane	12.7	12.0	11.9	0.0	0.0	Negligible
R34	Residential - West Barnes Lane	12.8	12.0	12.0	0.0	0.0	Negligible
R35	Residential - West Barnes Lane	12.7	12.0	12.0	0.0	0.0	Negligible
R36	Residential - Claremont Avenue	12.8	12.1	12.1	0.0	0.0	Negligible
R37	Residential - Claremont Avenue	12.7	12.0	12.0	0.0	0.0	Negligible
R38	Residential - Claremont Avenue	12.6	11.9	11.9	0.0	0.0	Negligible
R39	Residential - Claremont Avenue	12.5	11.8	11.8	0.0	0.0	Negligible
R40	Residential - Claremont Avenue	12.6	11.9	11.9	0.0	0.0	Negligible



R41	Krispy Kreme outdoor seating*	15.2	14.4	14.4	0.0	0.1	Negligible
R42	Sacred Heart Catholic Primary School	13.5	12.7	12.8	0.0	0.1	Negligible
R43	Sacred Heart Catholic Primary School	13.4	12.7	12.7	0.0	0.1	Negligible
R44	Residential - West Barnes Lane (B282)	13.9	13.2	13.2	0.0	0.0	Negligible
R45	West Wimbledon Primary School	12.8	12.2	12.2	0.0	0.0	Negligible
R46	West Wimbledon Primary School	13.1	12.4	12.4	0.0	0.0	Negligible
R47	West Wimbledon Primary School	12.9	12.3	12.3	0.0	0.0	Negligible
R48	Residential - Barnscroft	13.2	12.5	12.5	0.0	0.0	Negligible

Results rounded to 1.d.p

\* Receptor 41 is not relevant in relation to the annual mean AQS objective.

### ANNUAL MEAN PM<sub>2.5</sub> CONCENTRATIONS (µg/m<sup>3</sup>) - PROPOSED DEVELOPMENT RECEPTORS

ID	Annual Mean PM <sub>2.5</sub> Concentrations (µg/m <sup>3</sup> ) 2021 With Dev														APEC Category
	Height (m)														
	1.5	7.2	10.2	13.2	22.2	25.2	27.6	28.8	30.6	31.2	34.2	37.2	41.4	47.4	
PR1	12.0	11.9	11.8	11.8	-	-	-	-	-	-	-	11.5	11.4	-	APEC - A
PR2	12.0	11.9	11.8	11.8	-	-	-	-	-	11.5	-	-	-	-	APEC - A
PR3	12.0	11.9	11.8	11.8	-	-	-	-	-	11.5	-	-	-	-	APEC - A
PR4	12.0	11.9	11.8	11.8	-	-	-	-	-	-	-	11.5	11.4	-	APEC - A
PR5	12.0	11.9	11.9	11.8	-	-	-	-	-	-	-	11.5	11.4	-	APEC - A
PR6	12.1	11.9	11.8	11.8	-	-	-	-	11.5	-	-	-	-	-	APEC - A
PR7	12.0	11.9	11.8	11.8	-	-	-	-	-	-	11.5	-	-	-	APEC - A

PR8	12.1	11.9	11.8	11.7	-	11.6	-	-	-	-	-	-	-	-	APEC - A
PR9	12.8	12.0	11.8	11.7	-	11.6	-	-	-	-	-	-	-	-	APEC - A
PR10	12.8	12.0	11.8	11.7	11.6	-	-	-	-	-	-	-	-	-	APEC - A
PR11	12.2	11.9	11.8	11.7	11.6	-	-	-	-	-	-	-	-	-	APEC - A
PR12	12.5	12.0	11.8	11.7	11.6	-	-	-	-	-	-	-	-	-	APEC - A
PR13	12.9	12.0	11.8	11.7	-	-	11.5	-	-	-	-	-	-	-	APEC - A
PR14	12.6	12.0	11.8	11.7	-	-	11.5	-	-	-	-	-	-	-	APEC - A
PR15	12.3	12.0	11.8	11.8	-	-	11.5	-	-	-	-	-	-	-	APEC - A
PR16	12.4	11.9	11.8	11.8	-	-	-	-	-	-	-	-	11.4	11.4	APEC - A
PR17	12.2	11.9	11.8	11.8	-	-	-	-	-	-	-	-	11.4	11.4	APEC - A
PR18	12.1	12.0	11.9	11.8	-	-	-	11.5	-	-	-	-	-	-	APEC - A
PR19	12.1	11.9	11.9	11.8	-	-	-	-	-	-	-	11.5	-	-	APEC - A



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## Appendix 22

*“The small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by paragraph 70 of the National Planning Policy Framework of 2019.”*

2.16 Although this is not yet adopted strategic policy, this FYHLS paper has assessed housing supply against the figure in the draft new London Plan, as the figure has not been subject to Directed Changes by the Secretary of State for Housing, Communities and Local Government<sup>4</sup> and it is therefore considered to have significant material weight. Paragraph 006 of the PPG<sup>5</sup> confirms that where there is a conflict between adopted strategic housing requirement policies (for example if a new spatial development strategy supersedes an adopted local plan) the most recently adopted policies will need to be used for the purposes of calculating FYHLS in accordance with Section 38 (5) of the PCPA.

2.17 This housing trajectory projects delivery for a fifteen-year period, from 2020/21 to 2034/35; for the purposes of the trajectory, the housing target of 774 homes per annum is rolled forward post-2029. Paragraph 4.1.12 of the draft new London Plan states:

*“If a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041), and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites.”*

2.18 Rolling over the 774 homes per annum figure is consistent with paragraph 4.1.12. There are no significant additional sites from the 2017 SHLAA that would suggest an increase is necessary, nor is there any committed transport infrastructure improvements which would provide any significant further incentive for development. The small sites component of the target makes up around half of the overall target, and paragraph 4.1.12 advocates rolling this forward post 2029; this will also justify a windfall assumption for each year post 2028/29, given the justification for using such assumptions stated in paragraph 4.2.4 (discussed above).

#### Adopted Bromley Local Plan (January 2019)

2.19 Policy 1: Housing Supply specifies that the Council will make provision for a minimum average of 641 additional homes per annum (which was derived from the adopted London Plan). As noted above, this trajectory has assessed housing supply against the updated target in the draft new London Plan (774 homes per annum).

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<sup>4</sup> Available here: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/secretary-states-response>

<sup>5</sup> Planning Practice Guidance, Housing Supply and Delivery, Paragraph: 006 Reference ID: 68-006-20190722, available from: <https://www.gov.uk/guidance/housing-supply-and-delivery>