



Ministry of Housing,  
Communities &  
Local Government

Mr Ben Borthwick  
Sainsbury's Supermarkets Ltd  
Barton Willmore  
7 Soho Square  
London  
W1D 3QB

Our ref: APP/W5780/W/16/3164036  
Your ref: 4499/15

14 March 2018

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY SAINSBURY'S SUPERMARKETS LTD  
SAINSBURY'S SUPERMARKETS LTD, 55 RODEN STREET, ILFORD, IG1 2AA  
APPLICATION REF: 4499/15**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI who held a public local inquiry over 8 days from 17 October 2017 into your client's appeal against the decision of the Council of the London Borough of Redbridge ("LBR" or "the Council") to refuse your client's application for planning permission for demolition of existing buildings and structures and development of a replacement Sainsbury's store (Use Class A1) of 4,745 sqm (net sales area), 951 sqm (GIA) of flexible commercial floorspace (Use Class A1/A2/A3/B1/D1) and 683 residential units (Use Class C3) arranged in 9 blocks including 2 terraces of mews and town houses. An energy centre and plant is provided at basement and lower ground level, along with 410 retail car parking spaces and 42 residential car parking spaces. Associated highways and landscaping works, in accordance with application ref: 4499/15, dated 13 November 2015.
2. On 23 December 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

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

3. The Inspector recommended that the appeal be allowed and planning permission be 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.

### **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 2011 and the additional information which was submitted. Having taken account of the Inspector's comments at IR9, the Secretary of State is satisfied that the Environmental Statement and other additional information provided 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 London Plan (consolidated version published in March 2016), the LBR Core Strategy Development Plan Document (DPD) (adopted March 2008), the Borough Wide Primary Policies (BWPP) DPD (adopted May 2008), the Development Sites with Housing Capacity (DSHC) DPD (adopted May 2008), the Development Opportunity Sites DPD (adopted May 2008) and the Ilford Town Centre Area Action Plan (AAP) DPD (adopted May 2008). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR29-44.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'); GLA: DD1448 Ilford Town Centre Housing Zone, LBR; GLA: MD1545 Designation of Housing Zones (Round 2); Housing White Paper (February 2017); DCMS Principles of Selection for Listed Buildings (March 2010); and RICS – Financial viability in Planning (August 2012).
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

### *Emerging plan*

10. The emerging plan comprises the Redbridge Local Plan 2015-2030 (RLP). The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR45.
11. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging plan is at an advanced stage and has been through

examination and has been found to be consistent with the Framework. As such the Secretary of State considers that the emerging plan carries substantial weight.

## **Main issues**

### *Housing need, density, design and the provision of necessary infrastructure*

#### *Housing need*

12. The Secretary of State has given careful consideration to the Inspector's analysis at IR245-309. For the reasons given at IR250-253, the Secretary of State agrees with the Inspector at IR254 that the delivery of this amount of housing would represent 60% of one year's target for the whole of the Borough. He further agrees that it should be seen as being of strategic importance and considers that this matter should be given significant weight in the overall planning balance.

#### *Density*

13. The Secretary of State has given careful consideration to the Inspector's analysis at IR255-262. For the reasons given at IR258-260, the Secretary of State agrees with the Inspector at IR261 that there is no policy conflict in terms of the proposed building heights. Like the Inspector at IR262, the Secretary of State has taken into account that officers of both the Greater London Authority (GLA) and the Council considered that the proposed density would be acceptable and appropriate.

#### *Design*

14. For the reasons given at IR263-272, the Secretary of State agrees with the Inspector at IR273 that the appeal proposals would represent a high quality of design and would create a new, stylish, well-landscaped and well-proportioned development, appropriate to its setting and surrounding.

#### *Impact on local infrastructure*

15. The Secretary of State has had regard to the Inspector's analysis at IR274-281 and agrees with his conclusions. For the reasons given at IR277 he agrees that any required and necessary improvements to local services, facilities and infrastructure, arising from the proposed development, could therefore be funded through the Community Infrastructure Levy (CIL) payment to LBR. He therefore concludes, in agreement with the Inspector at IR281 that the proposed development would make a significant contribution towards addressing housing need, and that it would be acceptable in terms of density, design and the provision of necessary infrastructure. He thus finds that it would not conflict with the relevant parts of London Plan Policies 3.2, 3.9, 7.3, 7.6 and 7.13; Core Strategy Policy SP3; BWPP Policies BD1 and BD2; AAP Policy BF3; or with the Framework, especially Sections 6 and 7 dealing respectively with delivering a wide choice of high quality homes, and good design.

#### *Living conditions*

#### *Impact on existing, neighbouring residents*

16. The Secretary of State agrees with the Inspector at IR292 that for the reasons given at IR282-291 and having regard to the scale of the site and the proposed development, the overall effects on daylight and sunlight reaching neighbouring properties would be

acceptable, when applying the flexible approach for inner city context, as highlighted by the BRE guidelines.

*Impact on future residents of the proposed dwellings*

17. The Secretary of State has given careful consideration to the Inspector's analysis on the impact on future residents of the proposed development at IR293-309. He has taken into account the Inspector's analysis at IR295 that of the 747 rooms tested, 646 (87%) would receive adequate daylight, whilst of the 684 windows tested, 560 of them (82%) would meet with BRE standards for sunlight. The Secretary of State agrees with the Inspector at IR296 that in view of the site constraints and design considerations, this high degree of compliance would mean that the development would maintain adequate levels of daylight and sunlight for future occupiers of the proposed dwellings.
18. The Secretary of State agrees with the Inspector at IR297 that most of the blocks would be spaced 18m apart and that this level of separation would be adequate to ensure that no undue overlooking would take place between facing habitable rooms. The Secretary of State agrees with the Inspector at IR298 that he does not regard privacy as a matter weighing against the proposals.
19. For the reasons given at IR300-301, the Secretary of State agrees with the Inspector at IR301 that there are no justifiable reasons on air quality grounds why planning permission should not be granted. For the reasons given at IR302, the Secretary of State agrees with the Inspector that internal noise levels could be satisfactorily addressed. He further agrees with the Inspector at IR303 that some facades which would be subject to higher external noise levels, and for which it is proposed to utilise restricted openable windows to relieve overheating. This means that occupiers of these units would be exposed to internal noise levels which exceed the acceptable criteria when windows are open, and they would have to choose between noise and cooling. The Secretary of State agrees with the Inspector that this would not be a pleasant choice to make, but as it is only likely to be an issue for limited times, such as during peak summer periods, it should not weigh heavily against the appeal proposals.
20. For the reasons given at IR304 the Secretary of State agrees that there would be no significant problems with the approach of providing private amenity space in the form of an increased internal floor area, given noise levels at some outdoor amenity space. He further agrees, for the reasons set out by the Inspector at IR305-306 that the communal amenity space proposed would be significantly larger than would be required by the emerging RLP; and that the children's play space could accommodate many more children than currently predicted and still accord with GLA standards.
21. The Secretary of State agrees with the Inspector at IR307 that any potentially adverse issues such as noise, vibration and air pollution arising during the demolition and construction phases could satisfactorily be addressed by appropriate planning conditions. He further agrees at IR308 that the need to accord fully with relevant standards has to be viewed in the light of the regeneration objectives of the site and the wider Ilford Opportunity Area.
22. For the reasons given at IR282-308, the Secretary of State agrees with the Inspector's conclusion at IR309 that with the imposition of appropriate conditions, the appeal proposals would not have an unacceptable impact on the living conditions of nearby residents or future residents of the proposed dwellings, during demolition, construction and/or operational phases, through loss of privacy, loss of daylight or sunlight, noise,

vibration, air quality or the provision of private and communal amenity space. Accordingly, he further agrees that there would be no conflict with London Plan Policy 7.6; Core Strategy Policy SP3; Policies BD1 and E8 from the BWPP; or the Framework, especially the Core Planning Principles and Sections 6 and 7.

*The effect on road safety, traffic flows and parking*

23. The Secretary of State has given careful consideration to the Inspector's analysis at IR310-331. For the reasons given at IR310-330, the Secretary of State agrees with the Inspector at IR331 that overall the proposed development would not have an unacceptable impact on road safety, traffic flows, or parking. He further agrees that he finds no material conflict with London Plan Policies 6.3 or 6.13; Policy T1 from the BWPP DPD; or with the Framework, especially Section 4 which deals with Promoting Sustainable Transport.

*The effect on the retail function of Ilford Town Centre*

24. The Secretary of State has given careful consideration to the Inspector's analysis and for the reasons given at IR332-337, he agrees with the Inspector at IR338 that the proposed development would not have an unacceptable impact on the retail function of Ilford Town Centre. He further agrees that he finds no material conflict with Policy R3 from the BWPP DPD or with the Framework, especially Section 2 which deals with ensuring the vitality of town centres.

*The effect on the settings of designated heritage assets and on any non-designated heritage assets*

25. The Secretary of State has given careful consideration to the Inspector's analysis at IR339-357. For the reasons given at IR339-347, the Secretary of State agrees with the Inspector at IR347 that the taller elements of the appeal proposals would be seen behind the listed Hospital complex when viewed from Ilford Hill. The Secretary of State has taken into account at IR348 that existing, tall buildings already lie in close proximity to the Hospital complex. The Secretary of State agrees with the Inspector at IR349 that the proposed development would be a high-quality further addition to the varied and developing urban context in this locality. For the reasons given at IR350, the Secretary of State agrees with the Inspector that further visual enclosure, as would be caused by the proposed development, would serve to harm the setting of this group of buildings, and thereby adversely impact on their significance. The Secretary of State further agrees with the Inspector at IR351 that the appeal proposals would harm the significance of the Hospital complex listed buildings, but this harm would be at the low end of the less than substantial range.

26. For the reasons given at IR352, the Secretary of State agrees with the Inspector that the appeal proposals would not adversely impact upon the significance of the listed NatWest Bank building. For the reasons given at IR353-354, the Secretary of State agrees with the Inspector that the appeal proposals would not adversely impact upon the significance of the locally listed Conservative Club on Ilford Hill and the Papermaker's Arms.

27. For the reasons given at IR339-355, the Secretary of State agrees with the Inspector at IR356 that the appeal proposals would result in a low level of less than substantial harm to the significance of the Hospital complex of listed buildings, but would have no unacceptable impact on any other statutory listed buildings, or locally listed buildings, or their settings. As such, he further agrees that there would be some conflict with both Core

Strategy Policy SP3 and Policy E3 from the BWPP DPD, both of which indicate that the settings of listed buildings should be preserved. However, the Secretary of State further agrees at IR357 that these policies are not consistent with the Framework's requirement that any harm to heritage assets needs to be balance against any public benefits. Any policy conflict can therefore only carry moderate weight.

*Whether the proposed development would provide the maximum reasonable amount of affordable housing*

28. The Secretary of State has given careful consideration to the Inspector's analysis at IR358-377. The Secretary of State has taken into account at IR361 that the affordable housing offer is below the Borough-wide strategic target of 50% and it is also below the 30% target set out in the Mayor's Housing Zone bid for Ilford. The Secretary of State agrees with the Inspector at IR362 that affordable housing policy at both national and local level contains the provision for the amount of affordable housing to be reduced below target levels, having regard to viability considerations on a scheme by scheme basis. The Secretary of State has given careful consideration to the Inspector's analysis at IR358-365 and agrees at IR366 that although the amount of affordable housing offered falls well below the targets referred to above, the detailed financial evidence before the inquiry overwhelmingly shows – regardless of whether present day costs and values or a growth model are used – that the amount of affordable housing being offered is the most that the scheme could viably provide. He further agrees that the latest information on this matter shows that the forecast rate of return would still be well below the target IRR values of 12.4% in the present-day model and 15.9% in the growth model. For the reasons given at IR368, the Secretary of State agrees with the Inspector that he gives Dr Colenutt's points very little weight. For the reasons given at IR369, the Secretary of State agrees with the Inspector that there is no good reason to dispute the agreed conclusions of the financial experts.
29. The Secretary of State agrees with the Inspector at IR371 that the agreed review process accords fully with guidance set out in the Mayor's AHVSPG (Affordable Housing and Viability Supplementary Planning Guidance), and would ensure that if viability were to improve, the affordable housing offer would improve proportionately. He further agrees at IR372 that the provisions within the s106 Agreement appear reasonable – they would be enforceable, and would allow the appropriate form of housing to be determined so as to best meet local needs.
30. For the reasons given at IR358-376, the Secretary of State agrees with the Inspector at IR376 that at first sight, the affordable housing offer of 27 units appears low. However, he agrees that very detailed financial justification has been provided to support the Appellant's position, with that position being independently reviewed for the Council and endorsed on 3 separate occasions. He further agrees with the Inspector that when taken along with the agreed CIL contributions, the offer of 27 units is the maximum reasonable amount of affordable housing that the Appellant could provide. He further agrees with the Inspector at IR377 that he finds no material conflict with London Plan Policies 3.11 or 3.12; Policy SP8 of the Core Strategy; or with the Framework, especially paragraph 173 which deals with ensuring viability and deliverability.

*Whether the proposed development would represent sustainable development, in the terms of the Framework*

31. The Secretary of State has given careful consideration to the Inspector's analysis at IR378-390.

### *The economic role*

32. For the reasons given at IR380, the Secretary of State agrees with the Inspector that significant weight should be given to the proposed provision of the new homes that the scheme would give rise to, which would amount to 20% of the total housing numbers to be delivered in Ilford over the period 2015-2020, or 60% of one year's housing target for the whole of the Borough. He further agrees that these new residents would also generate a significant amount of annual household expenditure, much of which could be spent locally, thereby helping to support local shops, businesses and services.
33. The Secretary of State has given careful consideration to the Inspector's analysis at IR381 that it is estimated that the new store would create an additional 187 FTE job opportunities. A further 17-76 FTE jobs are also predicted to be generated by the smaller commercial units. The Secretary of State further agrees at IR382 that there would be further economic benefits arising from the various CIL contributions, comprising a payment to the Council of some £7.53 million; about £3.77 million to the Mayor of London; and a Crossrail contribution of about £63,000.
34. For the reasons given at IR379-383, the Secretary of State agrees with the Inspector that the proposed development would satisfy the economic role of sustainable development.

### *The social role*

35. For the reasons given at IR384-387, the Secretary of State agrees with the Inspector that the proposed development would satisfy the social role of sustainable development and gives this matter significant weight.

### *The environmental role*

36. For the reasons given at IR388-389, the Secretary of State agrees that the proposals would bring environmental benefits to the area. There would, however, be an environmental disbenefit arising from the low level of less than substantial harm identified to the Hospital complex of listed buildings. He further agrees that, on balance, the proposed development would still satisfy the environmental role of sustainable development and that this would add further weight in the proposals' favour.

### *Other matters*

37. The Secretary of State has given careful consideration to the Inspector's analysis at IR391-402 and considers that the matters raised are neutral in the overall planning balance.

### **Planning conditions**

38. The Secretary of State has given consideration to the Inspector's analysis at IR405-407, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 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 206 of the Framework and that the conditions set out at Annex A should form part of his decision.

## **Planning obligations**

39. Having had regard to the Inspector's analysis at IR403-404, the planning obligation dated 27 October 2017, paragraphs 203-205 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 IR403-404 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

## **Planning balance and overall conclusion**

40. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy Policy SP3 and Policy E3 from the BWPP DPD of the development plan, and is therefore 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.
41. Given that policies for heritage are not consistent with the Framework's requirements that any harm to heritage assets needs to be balanced against any public benefits, paragraph 14 of the Framework indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.
42. The Secretary of State considers that there would be a low level of 'less than substantial' harm caused to the significance of the Grade II\* listed Hospital Chapel and its associated buildings, which carries moderate weight against the proposal.
43. He considers that the provision of housing, including affordable, carries significant weight in favour of the development. He further considers that the economic and social benefits carry significant weight, and that the environmental benefits carry moderate weight. Additional benefits would also flow from the CIL contributions, and also the submitted s106 Agreement.
44. Paragraph 134 of the Framework is a 'specific policy' for the purposes of paragraph 14 of the Framework, and the Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the Grade II\* listed Hospital Chapel and its associated buildings is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. Against these he weighs the benefits he finds above.
45. Overall the Secretary of State agrees with the Inspector at IR411 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the Grade II\* listed Hospital Chapel and its associated buildings. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.
46. The Secretary of State considers that the public benefits arising from the proposals would significantly outweigh the low level of 'less than substantial' harm to the significance of the Grade II\* listed Hospital Chapel and its associated buildings. He therefore concludes that the Framework's heritage policies do not indicate that the proposed development should be restricted. He further concludes that the adverse impacts of the proposals do

not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Overall he considers that there are therefore material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

47. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted, subject to conditions.

### **Formal decision**

48. 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 demolition of existing buildings and structures and development of a replacement Sainsbury's store (Use Class A1) of 4,745 sqm (net sales area), 951 sqm (GIA) of flexible commercial floorspace (Use Class A1/A2/A3/B1/D1) and 683 residential units (Use Class C3) arranged in 9 blocks including 2 terraces of mews and town houses. An energy centre and plant is provided at basement and lower ground level, along with 410 retail car parking spaces and 42 residential car parking spaces. Associated highways and landscaping works, in accordance with application ref: 4499/15, dated 13 November 2015.

49. 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**

50. 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.

51. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

52. A copy of this letter has been sent to the Council of the London Borough of Redbridge and "Neighbourhoods of Ilford South Engage" ("NOISE"), and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by the Secretary of State to sign in that behalf

## Annex A – Schedule of conditions

1. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** *In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following plans and documents: 01 AP 0100 100 P1; 01 AP 0110 100 P1; 01 AP 0120 100 P1; 01 AP 0120 101 P1; 01 AP 0120 102 P1; 01 AP 0000 100 P2; 01 AP 0000 101 P2; 01 AP 0010 001 P2; 01 AP 0010 002 P3; 01 AP 0010 003 P3; 01 AP 0010 004 P2; 01 AP 0010 005 P2; 01 AP 0010 006 P2; 01 AP 0010 007 P2; 01 AP 0010 008 P2; 01 AP 0010 009 P2; 01 AP 0010 010 P2; 01 AP 0010 012 P2; 01 AP 0010 013 P2; 01 AP 0010 015 P2; 01 AP 0010 016 P2; 01 AP 0010 017 P2; 01 AP 0010 018 P2; 01 AP 0010 019 P2; 01 AP 0010 031 P2; 01 AP 0010 032 P2; 01 AP 0010 040 P2; 01 AP 0020 101 P3; 01 AP 0020 102 P2; 01 AP 0020 103 P3; 01 AP 0020 104 P2; 01 AP 0020 110 P2; 01 AP 0020 111 P2; 01 AP 0030 101 P2; 01 AP 0030 102 P1; 01 AP 0030 103 P2; 01 AP 0030 104 P2; 01 AP 0030 105 P1; 01 AP 0030 106 P3; 01 AP 0030 107 P2; 01 AP 0030 108 P2; 01 AP 0030 109 P2; 01 AP 0030 110 P3; 01 AP 0030 111 P2; 01 AP 0030 112 P2; 01 AP 0030 113 P2; 01 AP 0030 114 P2; 01 AP 0030 115 P1; 01 AP 0030 116 P2; 01 AP 0200 001 P2; 01 AP 0200 002 P1; 01 AP 0300 001 P1; 01 AP 0410 001 P2; 01 AP 0410 002 P2; 01 AP 0410 003 P2; 01 AP 0410 004 P1; 01 AP 0410 005 P1; 01 AP 0410 006 P1; 01 AP 0410 007 P1; 01 AP 0410 008 P1; 01 AP 2000 001 P1; 01 AP 2000 002 P1; 01 AP 2000 003 P1; 01 AP 2000 004 P1; 01 AP 2000 005 P1; 01 AP 2000 006 P2; 01 AP 2000 007 P2; 01 AP 2000 008 P2; 01 AP 2000 009 P2; 01 AP 2000 010 P1; 01 AP 2000 011 P2; 01 AP 2000 012 P2; 01 AP 2000 013 P2; 01 AP 2000 014 P2; 01 AP 2000 015 P2; 01 AP 2000 016 P2; 01 AP 2000 017 P1; 01 AP 2000 018 P1; 01 AP 2000 019 P1; 01 AP 2000 020 P1; 01 AP 2000 021 P1; 01 AP 2000 022 P1; 01 AP 2000 023 P1; 01 AP 2000 024 P1; 01 AP 2000 025 P1; 01 AP 2000 026 P1; 01 AP 2000 027 P1; 01 AP 2000 028 P1; 01 AP 2000 029 P1; 01 AP 2000 030 P1; 01 AP 2000 031 P1; 01 AP 2000 032 P1; 01 AP 2000 033 P1; 01 AP 2000 034 P1; 01AP 4100 01 P1; 01AP 4100 02 P1; 01AP 4100 03 P1; 01AP 4100 04 P1; 01AP 4100 05 P1; 01AP 4100 06 P1; 01AP 4100 07 P1; 01AP 4100 08 P1; 01AP 4100 09 P1; 01AP 4100 10 P1; 01AP 4100 11 P1; 01AP 4100 12 P1; 01AP 4100 13 P1; 01AP 4100 14 P1; 01AP 4100 15 P1; 01AP 4100 16 P1; 01AP 4100 17 P1; 01AP 4100 18 P1; 01AP 4100 19 P1; 01AP 4100 20 P1; 01AP 4100 21 P1; 01AP 4100 22 P1; 01AP 4100 23 P1; 01AP 4100 24 P1; 01AP 4100 25 P1; 01AP 4100 26 P1; 01AP 4100 27 P1; 01AP 4100 28 P1; 01AP 4100 29 P1; 01AP 4100 30 P1; 01 AP 9000 001 P1; 01 AP 9000 002 P1; 01 AP 9000 003 P1; 01 AP 9000 004 P1; 01 AP 9000 005 P1; 01 AP 9000 006 P1; 01 AP 9000 101 P1; 01 AP 9000 102 P1; ASK216; ASK217; ASK218; ASK220; SCH013 P2; SCH014 P1; SCH015 P2; 01 AP 4100 030 P1; Sustainability Statement November 2015; Energy Statement November 2015; Fire Safety Strategy Report November 2015; Mayer Brown Road Safety Audit Response Report Stage 1 Road Safety Audit March 2016; Mayer Brown Road Stage 1 Road Safety Audit March 2016; Mayer Brown Technical Note (February 2016); Phase 1 Habitat Survey March 2016; Drainage Strategy 033894 rev 02 Draft 11 March 2016; and Arboricultural Report reference GC.142421.15 dated 27.10.15.

**Reason:** *To provide certainty, and in the interests of proper planning.*

### **Pre-commencement**

3. Prior to the commencement of development, a method statement for the reduction of emissions from construction vehicles shall be submitted to and approved in writing by the local planning authority.

The statement shall include (but not be limited to) evidence to demonstrate that all mobile vehicles associated with the demolition/construction should comply with the standard of the London Low Emission Zone and all Non Road Mobile Machinery being used in the development should be registered on the following site: <https://nrmm.london/>. The development shall only be carried out in accordance with the approved details.

**Reason:** *The London Borough of Redbridge is an air quality management area, therefore construction vehicles and plant must meet the requirements of the Low Emission Zone and the NRMM requirements for outer London to minimise additional pollution loading from the construction process.*

4. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) a scheme shall be submitted to and approved in writing by the local planning authority describing the means by which the provision and implementation of highways and public realm improvements, including (but not limited to):
- a) the provision of a signalised crossing across Roden Street;
  - b) pedestrian and cycle links to and from the site;
  - c) a cycle link between the existing Chapel Road/Winston Way signals to the new pedestrian/cycle crossing (required by part (a) of this condition) and the adopted boundary to rear of new footway along Roden Street;
  - d) road markings and a timeframe for implementation associated with the above.

are to be achieved and implemented.

These highways and public realm improvements shall be informed by an up-to-date PERS Audit which shall be submitted as part of the details submitted to discharge this condition. The approved improvements shall be implemented in accordance with the approved programme of implementation.

**Reason:** *In order to ensure that the proposed works to the highways are undertaken in a manner which minimises its effect on the surrounding highways and results in a development that is safe and accessible for pedestrians, public transport users and motorists.*

5. Prior to the commencement of development, a Demolition & Construction Management and Logistics Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:
- a) Demolition plans;
  - b) The location of notice board/s on the site to include details of the site manager, including contact details (phone, facsimile, email, postal address);
  - c) A strategy for the parking of vehicles of site operatives and visitors;
  - d) A strategy for the loading and unloading of plant and materials;
  - e) A strategy for the storage of plant and materials used in constructing the development;
  - f) Details of any parking bay suspension along Riverdene Road;

- g) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) Details of any means of protection of services such as pipes and water mains within the road;
- i) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- j) Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during construction works;
- k) Location of workers' conveniences (eg toilets, showers);
- l) Reasonable measures to be adopted, such as a restriction on the size of construction vehicles and machinery accessing the site, to minimise any potential damage occurring to adjacent streets throughout the construction period;
- m) Location of vehicle and construction machinery access during the period of site works including identification of any works necessary to the public highway necessary to provide a means of access during the construction and/or operation of the development;
- n) Numbers and timing of truck movements throughout the day and the proposed routes broken down by size of trucks;
- o) Vehicle holding areas;
- p) Construction traffic routes;
- q) Noise suppression measures;
- r) Procedures including wheel washing for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places;
- s) A Dust Management Plan, including details of mitigation measures for dust and emissions during demolition and construction along with a monitoring regime for the same; and,
- t) A Demolition and Construction Site Waste Management Plan which includes details of managing demolition and construction waste having regard to the site waste hierarchy (prevention, reuse, recycling, recovery, safe disposal).

The development hereby permitted shall only be carried out in accordance with the approved details.

**Reason:** *In order to ensure that the construction of the development is undertaken in a manner which minimises its effect on the local environment and to comply with Policy SP3 of the Core Strategy.*

6. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the approved piling method statement.

**Reason:** *The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.*

7. A. Prior to the commencement of development:

1. The following shall be carried out in accordance with British Standard 10175: 2011 "Investigation of Potentially Contaminated Sites - Code of Practice" by a suitably qualified person:

- (a) a desk-top study and site reconnaissance to identify potential sources of contamination;
  - (b) a site investigation to fully and effectively characterise the nature and extent of any contamination; and,
  - (c) the preparation of a site investigation report, with proposals for a remediation scheme to render the site fit for the proposed use(s) and details of any risk assessments as may be needed in support of the scheme. The scheme shall include a timetable of the sequence of remediation works in relation to development works.
2. The site investigation report and remediation scheme shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved scheme.
  3. If during the course of development any contamination is discovered that was not previously identified then this shall be reported to the local planning authority together with revised remediation proposals.
- B. Prior to first occupation of the development, a validation report by a suitably qualified person, verifying implementation and completion of the scheme, shall be submitted to and approved in writing by the local planning authority. The validation report shall include verification of the quality of any imported soil.

**Reason:** *In order to ensure that contaminated soil at the site is dealt with so that it poses negligible risk to future occupiers to comply with policy SP3 of the Core Strategy. A pre commencement condition is required as there is the potential for an immediate health risk from the proposal.*

8. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) a drainage strategy detailing on and/or off-site drainage works shall be submitted to, and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

**Reason:** *The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development in order to avoid adverse environmental impact upon the community, as well as to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

**Pre-commencement (excluding site clearance, demolition and preparatory construction works)**

9. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) details for the provision of an additional 33 (thirty three) cycle spaces for the commercial uses shall be submitted to and approved in writing by the local planning authority.

The approved 33 (thirty three) spaces shall be provided prior to the first occupation of the commercial units and thereafter be made permanently available and maintained in accordance with the approved details.

**Reason:** *In order to ensure the development complies with Policy T5 of the Council's Borough Wide Primary Policies DPD and Policy 6.9 of the London Plan (2016).*

10. Prior to the commencement of development (excluding site clearance, demolition and preparatory construction works), design stage assessment(s), supported by relevant

BRE interim certificate(s), shall be submitted to and approved in writing by the local planning authority. The assessment and certificates will demonstrate that the commercial elements of the development will achieve a BREEAM rating of no less than "Very Good".

The development shall be constructed and maintained in accordance with the details approved in the design stage assessment, so as to achieve a final certification rating of no less than "Very Good". The final BRE accreditation certificate(s) shall be submitted to the local planning authority within 6 months of first occupation of any part of the commercial elements of the development, confirming that the development has achieved a BREEAM rating(s) of no less than "Very Good".

**Reason:** *In order to ensure that the development is constructed in an environmentally sustainable manner and to comply with Policy SP3 of the Council's Core Strategy DPD, Policy BD1 of this Council's Borough Wide Primary Policies DPD and Policies 5.2 and 5.3 of the London Plan (2016).*

11. Prior to commencement of the development (excluding site clearance, demolition and preparatory construction works), details (samples/plans as appropriate) of all facing materials, shall be submitted to and approved in writing by the local planning authority and shall be substantially in accordance with drawing no 01 AP 4100 030 P1. The details shall include:
- a) Brickwork;
  - b) Cladding;
  - c) Windows and doors (including reveals and frames);
  - d) Soffits;
  - e) Balconies and privacy screens;
  - f) Canopies;
  - g) External guttering;
  - h) Details of all rooftop structures including flues, satellite dishes, plant, lift overruns, cleaning cradles; and,
  - i) Plant enclosures.

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

**Reason:** *To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policy BD1 of the Council's Borough Wide Primary Policies DPD.*

12. Notwithstanding condition 2 of this permission, prior to commencement of the development (excluding site clearance, demolition and preparatory construction works), a scheme for a Sustainable Urban Drainage System shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of:
- a) Tanking of basement level and de-watering of excavated areas;
  - b) How reduction in surface water runoff to 3 times the greenfield runoff rate (i.e. 9.1 litres/second) through the implementation of attenuation storage units at podium level will be achieved;
  - c) Installation petrol/oil interceptors;
  - d) Distribution of foul water flows into the surrounding sewer network;
  - e) Installation of rainfall attenuation units for capturing and reusing water;
  - f) Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - g) A timetable for its implementation; and,

- h) Shall provide a management and maintenance plan for the lifetime of the development.

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

**Reason:** *To ensure the development does not contribute to urban flooding downstream in accordance with London Plan Policy 5.13.*

### **Above grade works**

13. Prior to the carrying out of above grade works, details of measures to be taken to insulate and/or screen from external noise the residential units, balconies and amenity areas hereby approved shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided prior to first residential occupation of the site and shall be retained thereafter.

**Reason:** *In order to ensure that the residential accommodation and amenity areas to be provided are suitably protected from any source of disturbance, and to accord with Policy SP3 of the Council's Core Strategy DPD and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

14. Notwithstanding condition 2 of this permission and the details shown on drawing no 01 AP 0200 002 Rev P01 submitted with the application, prior to the carrying out of above grade works, details of the child play space areas, which shall cover an area of no less than 2,440 square metres, shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) Detailed design of the play spaces and play equipment; and,
  - b) A maintenance plan to demonstrate how the play spaces and play equipment will be repaired and/or replaced (as appropriate) over time.

The level 03 (podium) child play space areas serving residential blocks 1–7 of the podium development shall be accessible to all future children occupying that element of the development. The level -01 (lower ground) child play space areas serving the Town and Mews houses shall be accessible to all future children occupying that part of the development. The approved measures shall be provided prior to first residential occupation of the relevant part of the development and the play spaces shall be retained thereafter.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

15. Notwithstanding the details shown in the submitted Design and Access Statement, prior to the carrying out of above grade works detailed plans, to a scale of 1:50, shall be submitted to and approved in writing by the local planning authority to identify the location, size and detailed design of 72 (seventy-two) wheelchair adaptable dwellings. The units identified as wheelchair housing shall comply with Building Regulations Operational Requirements Approved Document M4 (3) Category 3: wheelchair user dwellings (2015 edition).

The development shall be carried out in accordance with the approved details and evidence of compliance shall be notified to the building control body appointed for the development in an appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control check compliance.

**Reason:** *In order to ensure the development complies with the terms of the application and to secure the provision of visitable and adaptable homes appropriate*

*to meet diverse and changing needs, in accordance with Policy H2 (Housing Choice) of the Council's Borough Wide Primary Policies DPD and Policy 3.8 of the London Plan 2016.*

16. Prior to the carrying out of above grade works details shall be submitted to and approved in writing by the local planning authority to demonstrate that the development can achieve a Part 2 "Secured by Design" Accreditation. The development shall only be carried out in accordance with the approved details. Within 3 months of first occupation of each building or part of a building or use, a Part 2 "Secured by Design" accreditation shall be obtained for such building or part of such building or use.

**Reason:** *To ensure that Secured by Design principles are implemented into the development as far as reasonable and in accordance with policy 7.3 of the London Plan (2016) and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

### **Before occupation**

17. Prior to the first occupation of each of the commercial units (including the superstore), the following details shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit:
  - a) Details of any associated extraction/flue/filtration/ventilation systems to be installed, including details of any other external plant or machinery (including ventilation units and air intake louvers), together with details of its method of construction, appearance, finish and acoustic performance. The measures shall be in accordance with the relevant DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems (January 2005).

The commercial units shall only be occupied in accordance with the approved details.

**Reason:** *In order to ensure that the commercial uses respect the amenities enjoyed by occupants of neighbouring properties and that they do not suffer an unreasonable loss of amenity from the operation of the uses hereby permitted and to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

18. Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.

**Reason:** *In order to prevent the use causing an undue disturbance to occupants of neighbouring property at unreasonable hours of the day, and to accord with Policy SP3 of the Council's Core Strategy DPD and Policy R1 of the Council's Borough Wide Primary Policies DPD.*

19. Notwithstanding condition 2 of this permission, prior to the first use/occupation of the superstore, other retail/employment uses and Town and Mews houses hereby approved, a Landscape Strategy, including a scheme for hard and soft landscaping, for all public realm (including publicly accessible open space as identified in drawings nos 01 AP 9000 001 Rev P01; 01 AP 9000 002 Rev P01; & 01 AP 9000 003 Rev P010) and communal landscaping works at lower ground level and ground level shall be submitted to and agreed in writing by the local planning authority.

A. The soft landscaping scheme shall include:

- a) A planting plan;
- b) A written specification (including cultivation and other operations associated with trees, plants and grass);
- c) A Schedule of plants and trees, setting out the species, sizes, numbers/densities and soil depths; and,
- d) The scheme shall also include a programme setting out how the plan will be put into practice including measures for protecting plants and trees both during and after development has finished.

The new planting shall be carried out in the first planting and/or seeding season following the first occupation of the superstore, other retail/employment uses and Town and Mews houses or the substantial completion of the development, whichever is the sooner and shall comply with the requirements specified in BS 3936 (1992) "Specification of Nursery Stock Part 1 Trees and Shrubs", and in BS 4428 (1989) "Recommendations for General Landscape Operations". None of the new trees, plants or shrubs planted shall be lopped or topped within a period of 5 years from the completion of the development.

Any trees, plants or shrubs, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.

B. The hard landscaping scheme shall include:

- a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time;
- b) All details of any fencing, gates, walls or other means of enclosure within the development; and,
- c) A programme setting out how the plan will be put into practice.

The hard landscaping schemes shall be installed prior to first occupation of the superstore, other retail/employment uses and Town and Mews houses and maintained thereafter in accordance with the maintenance plans hereby approved.

**Reason:** *To ensure a satisfactory appearance, to take opportunities to enhance biodiversity, to ensure that there is appropriate communal and publicly accessible space within the development, and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

20. Notwithstanding condition 2 of this permission, prior to the first occupation of any residential units contained in blocks 1–7 hereby approved, a Landscape Strategy, including a scheme for hard and soft landscaping on the podium shall be submitted to and agreed in writing by the local planning authority.

A. The soft landscaping scheme shall include:

- a) A planting plan;
- b) A written specification (including cultivation and other operations associated with trees, plants and grass);
- c) A Schedule of plants and trees, setting out the species, sizes, numbers/densities and soil depths; and,
- d) The scheme shall also include a programme setting out how the plan will be put into practice including measures for protecting plants and trees both during and after development has finished.

The new planting shall be carried out in the first planting and/or seeding season following the first occupation of any residential units contained in blocks 1–7 or the substantial completion of the development, whichever is the sooner and shall comply with the requirements specified in BS 3936 (1992) "Specification of Nursery Stock Part 1 Trees and Shrubs", and in BS 4428 (1989) "Recommendations for General Landscape Operations". None of the new trees, plants or shrubs planted shall be lopped or topped within a period of 5 years from the completion of the development.

Any trees, plants or shrubs, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.

- B. The hard landscaping scheme shall include:
- a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time;
  - b) All details of any fencing, gates, walls or other means of enclosure within the development; and,
  - c) A programme setting out how the plan will be put into practice.

The hard landscaping schemes shall be installed prior to first occupation of any residential unit within blocks 1-7 and maintained thereafter in accordance with the maintenance plans hereby approved.

**Reason:** *To ensure a satisfactory appearance, to take opportunities to enhance biodiversity, to ensure that there is appropriate communal and publicly accessible space within the development, and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

21. Prior to the first occupation of any part of the development hereby approved, a Car Park Management Plan ("CPMP") shall be submitted to and approved in writing by the local planning authority. The CPMP shall include details of:
- a) The location of the 24 (twenty-four) and 15 (fifteen) car parking spaces to be allocated to blue badge holders and Parent & Child spaces respectively;
  - b) How the 42 (forty-two) residential car parking spaces will be allocated (and re-allocated, as necessary) to blue badge holders within the residential development;
  - c) Details of provision of active electric vehicle charging points for 20% of the residential car parking spaces and a further 20% passive provision; and,
  - d) Details of provision of active electric vehicle charging points for 10% of the commercial car parking spaces and a further 10% passive provision.

The development shall be carried out in accordance with the approved details, and the arrangements thereby approved shall be retained thereafter.

**Reason:** *In order to ensure the development accords with Policy T5 of the Council's Borough Wide Primary Policies DPD and Policy 6.13 of the London Plan (2016).*

22. Prior to the first occupation of any part of the development, details of measures to be implemented to ensure the development is safeguarded to allow future connection to a decentralised energy network, should one become available, shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) Confirmation that a communal heating system will be used and not individual gas boilers;

- b) Internal heating systems designed so they can be connected to a heat network with minimal retrofit; and,
- c) Pipe work routes to be safeguarded to the boundary of the plot where connection to the heat network is likely to be made.

The energy safeguarding measures as approved shall be implemented prior to first occupation of the development and maintained as such thereafter.

**Reason:** *In order to safeguard connection of the development to a future decentralised energy network, and to comply with Policies 5.5 and 5.6 of the London Plan and Policy BD1 of the Borough Wide Primary Policies DPD.*

23. Prior to the first occupation of any part of the development and prior to the installation of any external lighting (whichever is sooner), details of all external lighting, including the location, specification, fixtures and fittings, measures to reduce light spillage, and the maintenance of such external lighting, shall be submitted to and approved in writing by the local planning authority.

The approved external lighting shall be installed and operational prior to first occupation and shall be maintained thereafter.

**Reason:** *In the interests of securing sustainable development, and ensure that the resulting appearance and construction of the development is of a high standard, in accordance with the requirements of policy BD1 of the Council's Borough Wide Primary Policies DPD.*

24. Prior to the first occupation of the podium level residential element of the development, details of measures for screening views from the communal gardens and walkways into habitable rooms of the residential units located at podium level shall be submitted to and approved in writing by the local planning authority.

The residential units shown on drawing no 01 AP 0010 006 P02 shall not be occupied until the approved measures have been completed. The approved measures shall be maintained thereafter.

**Reason:** *In order to protect the privacy and amenities enjoyed by occupants of residential properties and to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

25. Prior to the first occupation of any part of the development details of the following shall be submitted to and approved in writing by the local planning authority:
- a) All Combined Heat and Power ("CHP") Plant in the Thermal input range 50kWth – 20MWth shall be evaluated against CHP emission standards prescribed in Appendix 7 of the Greater London Authority ("GLA") Sustainable Design and Construction Supplementary Planning Guidance ("SPG"); and,
  - b) Evidence to demonstrate that the proposed CHP meets the prescribed emission standard shall be provided. If the proposed CHP plant does not meet the prescribed emission standard, evidence must be submitted regarding mitigation technique/s applied for the CHP combustion appliance to meet the required standard.

The CHP emission standard hereby agreed shall be maintained thereafter.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*

26. Prior to the first occupation of the superstore and 6 (six) commercial units, a commercial Delivery and Service Management Plan ("DSMP") in accordance with Transport for London best practice guidance shall be submitted to and approved in writing by the local planning authority.

The DSMP shall show the location of an on-site vehicular service and delivery bay along with its associated lighting and shall describe the means by which servicing of the commercial units are to be provided. The DSMP shall identify how and what types of vehicles are anticipated to service the buildings. The number of spaces available for servicing vehicles and their delivery times shall also be detailed to demonstrate that the proposed system would work within the available space.

Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

**Reason:** *In order to ensure the development accords with Policy T6 of the Council's Borough Wide Primary Policies DPD.*

27. Prior to the first occupation of the residential units, a residential Delivery and Service Management Plan ("DSMP") in accordance with Transport for London best practice guidance shall be submitted to and approved in writing by the local planning authority.

The DSMP shall describe the means by which servicing of the residential buildings are to be provided including means of provision for servicing and delivery vehicles. The DSMP shall identify how and what types of vehicles are anticipated to service the buildings. The number of spaces available for servicing vehicles and their delivery times shall also be detailed to demonstrate that the proposed system would work within the available space.

Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

**Reason:** *In order to ensure the development accords with Policy T6 of the Council's Borough Wide Primary Policies DPD.*

28. Prior to the first occupation of the superstore and commercial development, a commercial Waste Management Plan ("WMP") for the operational phase of the development shall be submitted to and approved in writing by the local planning authority.

The WMP plan shall provide details of the design and materials of the refuse and recycling enclosure/s, access (including access and usability by persons with mobility impairment), separation (including separated storage of recyclable materials), monitoring to deter contamination of bins, and details of collection and removal. The development shall be carried out and maintained in accordance with the WMP as approved.

**Reason:** *To provide adequate provision for the storage of refuse in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

29. Prior to the first occupation of the residential development, a residential Waste Management Plan ("WMP") for the operational phase of the development shall be submitted to and approved in writing by the local planning authority.

The WMP plan shall provide details of the design and materials of the refuse and recycling enclosure/s, access (including access and usability by persons with mobility impairment), separation (including separated storage of recyclable materials), monitoring to deter contamination of bins, and details of collection and removal. The development shall be carried out and maintained in accordance with the WMP as approved.

**Reason:** *To provide adequate provision for the storage of refuse in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

30. Notwithstanding condition 2 of this permission, prior to the first occupation of the residential development a scheme shall be submitted to and approved in writing by the local planning authority to demonstrate how the photovoltaic ("PV") array will be maximised to assist output and electricity generation to the development. The scheme shall include details of the location of the PV array and provide confirmation of the estimated area, output and electricity generation. The approved scheme shall be implemented and be operational before first occupation.

**Reason:** *In order to ensure the development complies with the terms of the application and in the interests of reducing carbon emissions in accordance with Policy 5.2 of the London Plan.*

31. Prior to the first occupation of the development a statement (with supporting evidence) shall be submitted to and approved in writing by the local planning authority to demonstrate that the overall development shall achieve carbon emission reduction savings of no less than 19% below the Target Emissions Rate in Building Regulations (2013) of which the residential element shall achieve carbon emission reduction savings of no less than 34% below the Target Emissions Rate in Building Regulations (2013). The development shall be carried out and maintained in accordance with the approved Statement.

**Reason:** *In order to ensure the optimum energy and resource efficiency measures, low-carbon and decentralised energy, and on-site renewable energy generation and to comply with Policies 5.2, 5.5, 5.6 and 5.7 of the London Plan, Policy BD1 of the Borough Wide Primary Policies DPD and the Sustainable Design and Construction SPD (January 2012).*

32. Prior to the occupation of any of the residential units the following details shall be submitted to and approved in writing by the local planning authority:
- a) Evidence to demonstrate that all non-CHP gas fired boilers to be installed must achieve dry NO<sub>x</sub> emission levels equivalent to or less than 40 mg/kWh.

Each dwelling shall only be first occupied in accordance with the approved details.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*

33. Prior to the first occupation of the supermarket or the first commercial unit (whichever is the first to be occupied), a Travel Plan regarding the commercial and supermarket development shall be submitted to and approved in writing by the local planning authority. The Plan shall describe the means by which users of supermarket and commercial element of the the development shall be encouraged to travel to the site by means other than the private car. The Plan as approved shall be implemented, monitored and reviewed on an annual basis and a copy of that annual

review and action plan arising shall be submitted in writing to the local planning authority. The measures described in the action plan shall be implemented in the time period identified in the action plan.

**Reason:** *In order to ensure all future users of the commercial and supermarket development are aware of all means of travel in the vicinity of the application site and to minimise unnecessary vehicular movements to and from the site in accordance with Policy T1 of the London Borough of Redbridge Borough Wide Primary Policies DPD (2008).*

34. Prior to first occupation of any of the residential units, a Travel Plan regarding the residential development shall be submitted to and approved in writing by the local planning authority. The Plan shall describe the means by which residents, visitors and users of residential elements of the the development shall be encouraged to travel to the site by means other than the private car. The Plan as approved shall be implemented, monitored and reviewed on an annual basis and a copy of that annual review and action plan arising shall be submitted in writing to the local planning authority. The measures described in the action plan shall be implemented in the time period identified in the action plan.

**Reason:** *In order to ensure all future residents are aware of all means of travel in the vicinity of the application site and to minimise unnecessary vehicular movements to and from the site in accordance with Policy T1 of the London Borough of Redbridge Borough Wide Primary Policies DPD (2008).*

### **Contingent conditions**

35. Notwithstanding Article 3, Schedule 2, Part 2, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), details of any permanent Closed Circuit Television (CCTV) system shall be submitted to and approved in writing by the local planning authority prior to any installation of such CCTV.

The CCTV system/s shall only be installed in accordance with the approved details and shall be maintained as such thereafter.

**Reason:** *In the interests of ensuring any CCTV does not unduly harm the character and appearance of the development in accordance with Policy SP3 of the Council's Core Strategy and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

36. Prior to occupation of any part of the development hereby approved, a Noise Assessment to establish the lowest measured background noise level (LA90, 15 minutes) as measured one metre from nearest affected residential window(s) for the installation of any external plant, mechanical ventilation or flue shall be submitted to and approved in writing by the local planning authority.

The external plant, mechanical ventilation or flue shall be not be installed unless it is designed to achieve a noise level of 10db below the lowest established measured background noise (LA90, 15 minutes) with the Noise Assessment approved pursuant to this condition.

The external plant, mechanical ventilation or flue equipment shall be maintained thereafter in accordance with manufacturer's instructions.

**Reason:** *To ensure that the development does not result in undue noise disturbance to residents, and ensure that the residential accommodation and amenity areas to be provided are suitably protected from any external source of disturbance, and to*

*accord with Policy SP3 of the Council's Core Strategy DPD and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

### **Compliance conditions**

37. All of the dwellings (with the exception of the 72 (seventy-two) units to be constructed in accordance with condition 15) shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition).

**Reason:** *In order to ensure that the development provides (or can be adapted to provide) satisfactory accommodation for people whose mobility is impaired, and to accord with Policy H2 of the Council's Borough Wide Primary Policies DPD.*

38. Prior to the occupation of each dwelling, that dwelling shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition).

**Reason:** *To comply with London Plan Policy 5.15.*

39. Notwithstanding Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no extensions, alterations or outbuildings shall be carried out to the single dwelling houses hereby approved without the grant of further specific permission from the local planning authority.

**Reason:** *The dwellings benefit from architectural consistency that could be harmed by piecemeal extensions and alterations and in order that any further additions may be considered by the local planning authority, having regard to the size of the dwelling, its plot and the amenities enjoyed by occupants of neighbouring property and to comply with Policies BD1 & BD5 of the Council's Borough Wide Primary Policies DPD.*

40. Prior to the first occupation of the residential development, parking for 1,008 (one thousand and eight) long-stay bicycle spaces for future occupiers of the residential development, and 23 (twenty-three) short stay bicycle spaces for visitors to the residential development, shall be provided as shown on the approved plans and thereafter be made permanently available and maintained for the relevant users of and visitors to the development.

**Reason:** *In order to ensure the development complies with the terms of the application and with Policy T5 of the Council's Borough Wide Primary Policies DPD.*

41. Prior to the first occupation of the supermarket, parking for 127 (one hundred and twenty seven) cycle spaces for the employees and customers of the supermarket and commercial uses shall be provided as shown on the approved plans and thereafter be made permanently available and maintained for the relevant users of and visitors to the development.

**Reason:** *In order to ensure the development complies with the terms of the application and with Policy T5 of the Council's Borough Wide Primary Policies DPD.*

42. Notwithstanding Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no walls, fences, gates or any other means of enclosure shall be installed other than that approved under conditions 19 and 20 of this permission.

**Reason:** *In order that any further additions may be considered by the local planning authority, having regard to the size of the dwelling, its plot and the amenities enjoyed by occupants of neighbouring property and to comply with Policies BD1 & BD5 of the Council's Borough Wide Primary Policies DPD.*

43. Building, engineering or other operations such as demolition, works preparatory to or ancillary to the construction of the development hereby approved shall take place only between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0800 and 1300 Saturdays only and no works shall be carried out at any times on Sundays or Public Holidays. This condition shall apply unless otherwise agreed in writing by the local planning authority.

**Reason:** *To safeguard the amenity of surrounding residents.*

44. All communal amenity spaces shown on the podium plan (level 03) hereby approved, shall be accessible at all times to all future residents of the residential blocks 1–7.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

45. All communal amenity and child play spaces shown on the lower ground floor plan (level -01) hereby approved, shall be accessible at all times to all future residents of the Mews and Town houses hereby approved.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

46. During construction, ground-borne vibration shall not exceed 2.0mm/s Peak Particle Velocity ("PPV") at residential properties neighbouring the site and 3.0mm/s Peak Particle Velocity ("PPV") at commercial properties neighbouring the site.

**Reason:** *In order to ensure that construction of the development at this site is undertaken in a manner that minimises its effect on the local environment, in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

47. Prior to the first residential occupation of such building/s or part of a building, all lifts shown on the approved plans shall be installed and be operational. The lifts shall be appropriately maintained and permanently retained as approved.

**Reason:** *To ensure that adequate step-free access is provided to all accessible floors, in accordance with Policy 7.2 of the London Plan 2016.*

48. Prior to the occupation of the supermarket details of the mechanical ventilation system to be provided within the basement car park shall be submitted to and approved in writing by the local planning authority. The supermarket shall only be occupied in accordance with the approved details.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*



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

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Date: 14 December 2017

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**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE COUNCIL OF THE LONDON BOROUGH OF REDBRIDGE**  
**APPEAL BY**  
**SAINSBURY'S SUPERMARKETS LTD**

Inquiry Opened on 17 October 2017

Sainsbury's Supermarkets Ltd, 55 Roden Street, Ilford, IG1 2AA

File Ref: APP/W5780/W/16/3164036

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**File Ref: APP/W5780/W/16/3164036**

**Sainsbury's Supermarkets Ltd, 55 Roden Street, Ilford, IG1 2AA**

- 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 Sainsbury's Supermarkets Ltd against the decision of the Council of the London Borough of Redbridge.
- The application Ref 4499/15, dated 13 November 2015, was refused by notice dated 22 August 2016.
- The development proposed is described on the application form as "demolition of existing buildings and structures and development of a replacement Sainsbury's store (Use Class A1) of 4,745 sqm (net sales area), 951 sqm (GIA) of flexible commercial floorspace (Use Class A1/A2/A3/B1/D1) and 683 residential units (Use Class C3) arranged in 9 blocks including 2 terraces of mews and town houses. An energy centre and plant is provided at basement and lower ground level, along with 410 retail car parking spaces and 42 residential car parking spaces. Associated highways and landscaping works".
- The inquiry sat for 8 days on 17 to 20 and 24 to 27 October 2017.

**Summary of Recommendation: The appeal be allowed and planning permission granted, subject to conditions.**

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### Procedural Matters

1. The inquiry concerned an appeal made by Sainsbury's Supermarkets Ltd ("SSL" or "the Appellant"), relating to an application for full planning permission. This was refused by the Council of the London Borough of Redbridge ("LBR" or "the Council") in August 2016 for a single reason, which is set out in full in the Statement of Common Ground<sup>1</sup> ("SOCG"). In summary, it alleges that the proposed affordable housing offer fails to reflect the identified significant and unmet need for affordable housing in the Borough and, as a consequence, does not represent sustainable development. SSL subsequently lodged an appeal on 25 November 2016.
2. However, by a direction dated 23 December 2016, the Secretary of State for Communities and Local Government ("the SoS") recovered the appeal for his own determination. The reason for the direction was stated to be that the appeal raises policy issues relating to residential development of 150 or more dwellings OR on more than 5 hectares ("ha") of land, 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.
3. A local group calling itself "Neighbourhoods of Ilford South Engage" ("NOISE") raised a number of other objections to the appeal proposals, covering a wide range of topics. NOISE appeared at the inquiry as a Rule 6(6) Party to oppose the appeal proposals.
4. The direction did not identify any specific matters about which the SoS wished to be informed but I indicated, when opening the inquiry, that it was likely that the main considerations upon which the SoS would base his decision would be those which flow from the Council's reason for refusal, coupled with those which arise from the various objections made by NOISE. With these points in mind, and taking account of the matters raised in evidence at the inquiry, I regard the main considerations in this case to be:

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<sup>1</sup> See section 4.5 of Core Document (CD) SSL17

- The contribution of the proposed development to addressing housing need, and its effect in terms of density, design and the provision of necessary infrastructure;
  - The effect of the proposed development on the living conditions of neighbouring residents, and on the living conditions of future residents of the proposed dwellings;
  - Its effect on road safety, traffic flows and parking;
  - Its effect on the retail function of Ilford Town Centre;
  - Its effect on the settings of designated heritage assets and on any non-designated heritage assets;
  - Whether the proposed development would provide the maximum reasonable amount of affordable housing; and
  - Whether the proposed development would represent sustainable development, in the terms of the National Planning Policy Framework<sup>2</sup> (“the Framework”).
5. In the period leading up to the inquiry the Council and the Appellant continued to discuss matters and sought to agree the assumptions to be used for the viability appraisals. Agreement was reached on a significant number of issues, culminating in an agreed SOCG on Financial Viability Matters<sup>3</sup> (“FVSOCG”). In addition, the Council and the Appellant have now agreed that provision should be made in a planning obligation, for a mechanism which includes reviews at the 3 stages described in the Mayor of London’s recently issued Affordable Housing and Viability Supplementary Planning Guidance<sup>4</sup> (“AHVSPG”).
6. In light of these events the Council formed the view that its objective of securing the maximum reasonable amount of affordable housing would best be achieved by the aforementioned planning obligation, with its agreed review mechanism. As a result the Council indicated to the Planning Inspectorate, by letter dated 14 October 2017, that it no longer resisted the appeal and would withdraw the evidence it had submitted. This position was confirmed in the opening statement made on behalf of the Council at the start of the inquiry<sup>5</sup>, with the result that the only opposition to the appeal proposals at the inquiry was from NOISE and other interested persons. Council officers did, however, attend the inquiry sessions to discuss the submitted planning obligation and the suggested planning conditions.
7. The submitted planning obligation was in the form of an Agreement between the Appellant and the Council, made under Section 106 (“S106”) of the Town and Country Planning Act 1990, as amended<sup>6</sup>. A summary of this S106 Agreement can be found at CD SSL33, and I discuss it in more detail later in this Report.
8. The Planning and Retail Statement<sup>7</sup> (“PRS”) explains that LBR has a Community Infrastructure Levy (“CIL”) regime in place<sup>8</sup>, and that in line with this CIL regime, if planning permission is granted SSL would make CIL payments towards: education facilities, leisure facilities, transport improvements, health care facilities, library services, community care facilities, open space provision, and community facilities.

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<sup>2</sup> CD A1

<sup>3</sup> CD LBR7

<sup>4</sup> CD B15 – issued August 2017

<sup>5</sup> CD LBR8

<sup>6</sup> CD SSL40

<sup>7</sup> CD C4

<sup>8</sup> In accordance with the Community Infrastructure Levy Regulations, 2010

The officer's Report to the Council's Regulatory Committee<sup>9</sup> states that the development would be liable for a CIL payment to LBR of some £7.53 million, and a CIL payment to the Mayor of London of some £3.77 million. There would also be a specific Crossrail CIL payable of some £63,000.

9. The proposed development meets the applicable thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, as amended, and the Appellant has submitted an Environmental Statement ("ES") which has assessed the likely effects of the proposed development on a wide range of environmental receptors. The Council appointed Environmental Impact Assessment ("EIA") consultants Land Use Consulting ("LUC") to review the ES, and as a result the Appellant submitted additional information. Following receipt of this further information LUC has confirmed that in its opinion, the ES is compliant with the requirements of the EIA Regulations. I share that view.
10. The ES, along with other relevant documentation submitted with the planning application, clarification information, consultee responses and representations made by other interested persons constitutes the "environmental information", which I have taken into account in coming to my recommendation.
11. I visited the appeal site ("the Site") and the surrounding area in the early afternoon of 26 October 2017, in the company of representatives of the Appellant, the Council, NOISE, and a number of interested persons. In addition, I undertook further unaccompanied visits to the Site and surrounding area, at different times of day, throughout the duration of the inquiry.

### **The Site and the surrounding area**

12. A full description of the Site and surrounding area is given in the Design and Access Statement<sup>10</sup> ("DAS"), the PRS, and the SOCG. In summary, the Site lies within the Ilford Metropolitan Centre and comprises some 2.1 ha, located about 200 metres south of Ilford rail station. It is bordered by Chapel Road and Roden Street to the north; by Audrey Road to the south; by Winston Way to the east; and by Riverdene Road to the west. From its highest point adjoining Winston Way, the Site falls some 5m to the corner of Riverdene Road and Audrey Road. Prior to its use as a supermarket, the Site was home to Ilford Limited, which became famous for its photographic plates and film<sup>11</sup>.
13. The majority of the Site operates as a large 1 and 2-storey supermarket, constructed in the 1980s and located in the eastern part of the Site, with the remainder of the Site used generally for surface level and decked car parking and a service yard. There is also an area of public realm in the form of the pedestrianised Chapel Square, sited at the north-eastern corner. Customer vehicle access to the Site is taken from Roden Street, whilst the commercial delivery access is located on Riverdene Road, running parallel to the rear of dwellings on Audrey Road.
14. Residential properties lie generally to the south and west of the Site, predominantly 2-storey terraced houses but with some taller residential blocks, including Golding

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<sup>9</sup> CD C27

<sup>10</sup> CD C3

<sup>11</sup> See para 4.02 in CD SSL1

Court, and Westside Apartments further to the west. Pioneer Point lies to the east of the Site, comprising 2 towers of 33 storeys and 25 storeys, containing a mix of residential and commercial uses, and the Site is also close to shops on Ilford Lane to the south-east and on the High Road to the north-east. A modern church lies adjacent to the Site's south-eastern corner and a range of building types and uses lie to the north of the Site, within the Metropolitan Centre.

15. The Site is not located within or adjacent to a Conservation Area, and none of the buildings on the Site are statutorily listed, although there are a number of designated heritage assets within its vicinity<sup>12</sup>. These include the Grade II\* listed Chapel to Ilford Hospital of St Mary and St Thomas, located a short distance to the north of the Site at Ilford Hill, together with a number of nearby Grade II listed buildings, some of which are part of this Hospital complex.
16. A number of locally listed buildings also lie in the vicinity of the Site, including the Papermaker's Arms public house which is located immediately adjacent to the Site's north-west corner, at the junction of Roden Street and Riverdene Road<sup>13</sup>. A comprehensive description of all these designated and non-designated heritage assets is contained in the Built Heritage chapter of the ES<sup>14</sup>, and the Heritage Statement ("HS") at Appendix 12.1 of the ES. A Townscape and Visual Impact Assessment<sup>15</sup> ("TVIA") of the proposals has also been undertaken as part of the ES.
17. Ilford is defined as a Greater London Authority ("GLA") Housing Zone<sup>16</sup>, and a number of residential developments are currently under construction close to the Site. These include a mixed use development of some 330 apartments and office space (including a 23-storey main tower), at the Britannia Music site on the northern side of Roden Street; a development of some 140 residential units and about 300 square metres ("sqm") of commercial floor area at Paragon Heights; and the provision of some 120 residential units and 2,140 sqm of retail floor area at Valentines House.

## **Planning Policy and Guidance**

18. The Council's reason for refusal alleged that the proposals would not amount to sustainable development and, as a consequence, would be in conflict with Strategic Policy 8 ("SP8") of the Council's Core Strategy Development Plan Document ("DPD"), Policies 3.9, 3.11 and 3.12 of the London Plan, and the Framework. Although this reason for refusal is no longer being pursued by the Council, NOISE continues to allege conflict with a number of development plan policies. In these circumstances it is necessary to set out the relevant planning policy framework against which these proposals should be assessed. I begin at the national level, with the Framework, which is a material consideration in this case, as development plan policies need to be consistent with the Framework's provisions.

### *The Framework and other National Guidance*

19. Paragraph 7 of the Framework sets out the 3 dimensions of sustainable development, namely economic, social and environmental, whilst paragraph 14

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<sup>12</sup> See paragraph (para) 5.3.1 of CD SSL17

<sup>13</sup> See para 5.3.2 of CD SSL17

<sup>14</sup> Chapter 12 in CD C12

<sup>15</sup> Volume 2 in CD C12; also February 2016 revision, in CD C18

<sup>16</sup> See CD A4

explains that there is a presumption in favour of sustainable development at the heart of the Framework, and also sets out the approach to be adopted for decision-taking. Paragraph 17 sets out a list of 12 core land use planning principles that should underpin both plan making and decision taking.

20. Paragraph 23<sup>17</sup> explains that planning policies should promote competitive town centre environments, and indicates that local planning authorities (“LPAs”) should recognise town centres as the heart of their communities and pursue policies to support their vitality and viability. This paragraph also notes that residential development can play an important role in ensuring the vitality of centres, and indicates that LPAs should set out policies to encourage residential development on appropriate sites.
21. Paragraph 32<sup>18</sup> states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA”). Amongst other matters it requires Plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up; whether safe and suitable access to the site can be achieved for all people; and it makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
22. Section 6<sup>19</sup> sets out guidance to deliver a wide choice of high quality homes and to boost significantly the supply of housing. In this regard, paragraph 47 requires LPAs to ensure that their Local Plans meet the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of their housing strategy over the plan period.
23. Paragraph 49 states that 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 LPA cannot demonstrate a 5-year housing land supply of deliverable housing sites. Paragraph 50 sets out criteria to enable LPAs to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
24. Paragraph 56<sup>20</sup> states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, paragraph 57 indicates the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes. Paragraph 66 requires applicants to work closely with those directly affected by their proposals, to evolve designs that take account of the views of the community. Proposals that can demonstrate this, in developing the design of the new development, should be looked on more favourably.
25. Paragraph 132<sup>21</sup> states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

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<sup>17</sup> Within Section 2 – Ensuring the vitality of town centres

<sup>18</sup> Within Section 4 – Promoting sustainable transport

<sup>19</sup> Section 6 – Delivering a wide range of high quality homes

<sup>20</sup> Within Section 7 – Requiring good design

<sup>21</sup> Within Section 12 – Conserving and enhancing the historic environment

be given to the asset's conservation. Paragraph 133 explains that where proposals would lead to substantial harm to or loss of a designated heritage asset, LPAs should refuse planning permission unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits to outweigh that harm or loss. In cases where a development proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, as detailed in paragraph 134, whilst paragraph 135 makes it clear that the effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application.

26. Finally, paragraph 173 highlights that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. It explains that to ensure viability, the costs of any requirements likely to be applied to development, such as affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer, to enable the development to be deliverable.
27. The Planning Practice Guidance<sup>22</sup> ("PPG"), initially published in 2014, is also a material consideration in the determination of these proposals. Amongst other matters, it contains detailed guidance on viability and decision-taking, noting that there is no single approach to assessing the viability of schemes<sup>23</sup>, although it does set out the underlying principles for understanding viability in planning<sup>24</sup>. It indicates that LPAs should be flexible in seeking planning obligations, where an applicant is able to satisfactorily demonstrate that the planning obligation would cause the development to be unviable. It notes that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability, and the financial viability of the individual scheme should be carefully considered in line with the principles in the guidance<sup>25</sup>.

### The adopted development plan

28. As detailed in paragraph 7.2.1 of the SOCG, The development plan consists of the following:
- The London Plan<sup>26</sup> (consolidated version published in March 2016);
  - The LBR Core Strategy DPD<sup>27</sup> (adopted March 2008);
  - The Borough Wide Primary Policies ("BWPP") DPD<sup>28</sup> (adopted May 2008);
  - The Development Sites with Housing Capacity ("DSHC") DPD<sup>29</sup> (adopted May 2008);
  - The Development Opportunity Sites DPD<sup>30</sup> (adopted May 2008); and
  - The Ilford Town Centre Area Action Plan ("AAP") DPD<sup>31</sup> (adopted May 2008).

<sup>22</sup> Extracts at CD A2

<sup>23</sup> Para 003 ID: 10-002-20140306

<sup>24</sup> Para 004 ID: 10-004-20140306

<sup>25</sup> Para 019 ID: 10-004-20140306

<sup>26</sup> CD B13

<sup>27</sup> CD B1

<sup>28</sup> CD B2

<sup>29</sup> CD B4

<sup>30</sup> CD B3

<sup>31</sup> CD B5

29. Ilford Town Centre is defined as a Metropolitan Centre in the London Plan, and the Site lies within the Ilford Opportunity Area and an Area of Regeneration, both also defined in the London Plan. Further, it is identified in the DSHC DPD as a site with planning permission not yet started, and in the Ilford Town Centre AAP DPD as a site with acknowledged development potential (ref LO06), with a preferred use of supermarket with up to 180 residential units<sup>32</sup>.
30. Full details of the policies considered to be relevant to these proposals can be found in the Council officer's Report to the Regulatory Committee. However, in these paragraphs, I mainly outline those policies with which NOISE alleges conflict, along with those policies which feature in the Council's reason for refusal.
31. London Plan Policy 3.2 seeks to improve health and address health inequalities and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities. Policy 3.4 deals with optimising housing potential, whilst Policy 3.9 seeks to promote communities mixed and balanced by tenure and household income.
32. Policy 3.10 provides a definition of affordable housing, whilst Policy 3.11 sets out affordable housing targets, indicating that at the strategic level the Mayor will, and Boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. It indicates that Boroughs should set an overall target in their Local Development Frameworks for the amount of affordable housing provision needed over the plan period in their respective areas, having regard to a number of local factors, including the viability of future development.
33. Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to a list of criteria including: the need to encourage rather than restrain residential development; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; the specific circumstances of individual sites; and the resources available to fund affordable housing. It also makes it clear that affordable housing negotiations should take account of the site's individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation, and other scheme requirements.
34. Amongst other things, Policy 6.3 requires the impacts of development proposals on transport capacity and the transport network to be fully assessed, explaining that development should not adversely affect safety on the transport network. It also indicates that workplace and/or residential travel plans should be provided where relevant thresholds are exceeded. Further, it explains that Boroughs should take the lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exist, or is being introduced.
35. Policy 6.13 deals with parking, and with regard to planning decisions the policy details maximum standards and highlights the need to provide electrical charging points, parking for disabled people, cycle parking, and to take account of the needs

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<sup>32</sup> Para 8.3.1 of the AAP explains that the figures in Table 1 are best estimates only, and are intended to give a general indication to infrastructure and other service providers to assist their forward planning.

- of businesses for deliveries and servicing. Policy 7.3 deals with designing out crime, and for planning decisions the policy sets out a number of criteria through which development should seek, at the design stage, to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating, and without compromising overall design quality.
36. Policy 7.6 deals with architecture and sets out a number of criteria which buildings and structures should conform to. Amongst other matters, they should be of the highest architectural quality; should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate – points of particular importance for tall buildings; should provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces; and should optimise the potential of sites.
37. Policy 7.8 indicates that when dealing with planning decisions, development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Finally, Policy 7.13, which deals with safety, security and resilience to emergency, states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.
38. Through Strategic Policy 3 (“SP3”) of the Core Strategy, the Council will seek to ensure that the Borough’s built environment will be of a high quality that serves the long-term needs of all residents by, amongst other matters, preserving the architectural or historic interest of listed buildings and their settings; requiring all new buildings to be designed to a high standard and to be in accordance with principles of sustainable construction; requiring spaces around buildings to be well-landscaped, safe, healthy and accessible to all; requiring all new development to respect the amenity of adjoining properties and the locality generally; and promoting water conservation and re-use and improving the water quality.
39. SP8, dealing with affordable housing indicates that the Council has a Borough-wide target that between 2007 and 2017, 50% of new housing from all sources should be affordable. An element of affordable housing will be sought to meet local needs on all suitable housing developments capable of accommodating 10 or more dwellings or residential sites of 0.5 ha or more. On these sites the Council will negotiate to achieve an affordable housing provision of 50%, having regard to a number of stated criteria, including the economics of providing affordable housing; and the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site.
40. NOISE’s Statement of Case<sup>33</sup> also alleges conflict with a number of policies from the Council’s BWPP DPD. Policy BD1 requires all development to incorporate high quality construction techniques by, amongst other matters, being compatible with and contributing to the distinctive character and amenity of the area in which it is located; not prejudicing the amenity of neighbouring occupiers by unreasonably restricting sunlight, daylight or privacy to their properties; creating safe and secure environments and reducing the scope for fear and crime by taking into account the Police Service’s “Secure by Design” Standards; including appropriate provision for the

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<sup>33</sup> CD D8

storage and collection of waste and recyclable material; and demonstrating that there is no significant adverse impact on surrounding uses in terms of air, water, noise pollution, and of fume and smell nuisance.

41. Policy BD2 states that planning permission for tall buildings will be granted in Ilford Town Centre, to reinforce its role as a Metropolitan Centre and an Opportunity Area. It notes that the Ilford Town Centre AAP DPD identifies key sites and provides detailed guidance on building heights. Amongst other things tall buildings should make a positive contribution to the skyline; not adversely affect views of importance; be of outstanding architectural quality, not impact adversely upon the setting and character of listed buildings (statutory and local) and historic parks and gardens; be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing; and where appropriate, contain a mix of uses with public access, such as lower floor retail and leisure facilities with an active street frontage.
42. Policy E3 requires new development to conserve the historic environment of the Borough, whilst Policy E8 indicates that the Council will refuse development proposals which could cause significant deterioration in air quality or expose members of the public to poor air quality, unless appropriate mitigating measures are put into place. This policy also requires developers to use the most up-to-date Best Practice Guidance for all stages of development, with particular reference to dust, vapours, plant and vehicle emissions.
43. Policy T1 deals with sustainable transport and explains, amongst other things, that new development will be permitted in locations close to public transport nodes; and that a Green Transport Plan should accompany applications for all major developments. Finally, Policy R3 deals with the protection of shopping uses and indicates that within the Primary Shopping Area of the Metropolitan Centre, planning permission will only be granted for change of use from Class A1 (shop) to another use where, amongst other matters, the retail role remains predominant; the use neither over-dominates nor detracts from the primary retail role of the centre; and the proposal will not have an adverse effect on safety and traffic flows.
44. NOISE also alleges a conflict with Policy BF3 from the Ilford Town Centre AAP DPD, which states that the Council will grant planning permission for proposals that comply with the building height strategy illustrated on a plan (Map 9) within the DPD.

#### Emerging policy

45. The Council's emerging Local Plan<sup>34</sup> has been submitted for examination in public, but has been subject to a number of objections, including objections relating to the number of new homes proposed for Ilford. As such, the Council and Appellant agree that it should only be given limited weight in this appeal. Nevertheless, from this emerging plan, Policy LP3 indicates that the Council will seek to maximise the provision of affordable housing in the Borough by setting a strategic affordable housing target of 30%; Policy LP26 seeks to promote high quality design, whilst Policy LP27 details where tall buildings will be supported, including in the Ilford Metropolitan Town Centre. In addition, in the main modifications to the Local Plan, published in October 2017, the Site is shown as Site Number 1, with residential, retail and employment floorspace figures reflecting those in the appeal proposals<sup>35</sup>.

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<sup>34</sup> CD B9 – Redbridge Local Plan 2015 – 2030: Pre-Submission Draft, July 2016

<sup>35</sup> CD SSL20

## Planning History

46. Outline planning permission was granted in 2006 for redevelopment of the Site to provide a replacement Class A3 (food and drink) store, a residential building of 180 units and residents' gym, landscaping and highways alterations<sup>36</sup>. This planning permission was subject to a requirement for 25% on-site affordable housing, as secured by a S106 Agreement. This permission has now lapsed.

## The Proposals

47. Full details of the proposed development are given in the DAS and the PRS. In brief, this application for full planning permission seeks to provide a mix of new homes and commercial floorspace by demolition of the existing buildings and structures and the development of a replacement Sainsbury's store (Use Class A1) of 4,745 sqm (net sales area), along with the provision of some flexible commercial floorspace (Use Classes A1/A2/A3/B1/D1) amounting to 951 sqm (gross internal area).
48. The proposal includes the provision of 683 residential units (Use Class C3), including 27 affordable rent units. The private dwellings would be arranged in 9 blocks, ranging from 29 storeys down to 7 storeys<sup>37</sup>. The 29 storey block would be located at the northern corner of the Site and is intended to be a landmark building. There would also be 2 terraces of 3/4 storey mews and town houses lining the south-eastern and south-western boundaries of the Site, respectively, comprising the 27 affordable rent units. The housing mix for the private dwellings would be 12 studio units; 274 1-bed units; 231 2-bed units; and 73 3-bed units. The split for the affordable rent dwellings would be 6 1-bed units; 8 2-bed units; 12 3-bed units; and 1 4- bed unit<sup>38</sup>.
49. At basement and lower ground floor levels there would be an energy centre and associated plant rooms; 410 retail car parking spaces; and 42 residential car parking spaces (for disabled users only). There would also be over 1,150 cycle parking spaces, for the residential and commercial uses, which would be located at lower ground and store levels, as well as at residential levels 1 and 2. In addition the proposal would provide highways and landscaping works, with public realm improvements along both Winston Way and Roden Street, and a series of residential garden areas across the development, providing communal amenity space.
50. As part of the redevelopment of the Site (although not part of this current proposal), the Appellant intends to construct a temporary store with limited retail services, to allow for continuity of trade whilst the existing store is demolished and work begins on the rest of the Site. Ensuring there is a trading supermarket on the Site at all times is seen by the Appellant as an important aspect of the overall viability of the project. This temporary store would require a separate planning application.

## Agreed Facts, and Matters not Agreed

51. As has already been made clear, since the provision of the S106 Agreement and the agreement reached in the FVSO CG there are no fundamental matters of disagreement between the Council and the Appellant. Rather, as detailed in the SOCG, there are extensive areas of agreement between these main parties, covering such topics as building a strong, competitive economy; ensuring the vitality of town centres;

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<sup>36</sup> Application reference 1758/04

<sup>37</sup> See CD SSL19

<sup>38</sup> See para 7.110 of CD C27

promoting sustainable transport; delivering a wide choice of high quality homes; place-making and density; good design; neighbouring amenity, promoting healthy communities; and conserving and enhancing the historic environment.

52. In addition, further areas of agreement are detailed in the FVSOCG covering a wide range of inputs to the viability appraisals including, importantly<sup>39</sup>, the benchmark land value and current supermarket value (£20 million); and the proposed supermarket value (£42 million). The FVSOCG does identify 4 areas of disagreement, relating to the construction programme, the sales programme, construction costs and the rate of house price growth in Ilford. However, despite disagreeing on these matters the Council and Appellant still agree that the affordable housing provision proposed in the application represents the maximum reasonable amount, based on current costs and values, and that the review mechanism in the S106 Agreement would ensure that the maximum reasonable provision would be made, should viability improve in the future.
53. Clearly, there are many areas of disagreement between NOISE and the Appellant, as detailed earlier and as are set out in more detail in the case for NOISE, below.

## Cases of the Parties

### The Case for the Council

54. The Council did not present evidence to the inquiry and indicated that it no longer sought to resist the appeal, having reached agreement with the Appellant on the matter covered by the single reason for refusal, shortly before the start of the inquiry. The Council did, however, make an opening statement at the inquiry<sup>40</sup>, setting out its current position, and it is helpful to summarise that here.
55. At the time the application was considered by the Council's Regulatory Committee SSL put forward an affordable housing offer of 27 affordable rent units, and suggested that a review mechanism could be included in any planning obligation so as to allow for a financial contribution to be made towards the provision of off-site affordable housing, should the financial viability of the scheme improve above a minimum threshold<sup>41</sup>. In support of its proposal SSL argued that the 27 units proposed represented the maximum reasonable amount of affordable housing, having regard to financial viability.
56. In the SOCG prepared for this appeal (before the FVSOCG was agreed), the following issues were identified as being in dispute between the Council and the Appellant:
- Whether, having regard to the target set out in Core Strategy Policy 8, and having regard to the factors set out in London Plan policy 3.12, including financial viability, the proposed development would make provision for the maximum reasonable amount of affordable housing;
  - Whether any failure to make adequate provision for affordable housing can be overcome by imposition of a review mechanism and if so, the appropriate form of any review provisions.
57. The Council's primary argument, as advanced in its evidence, was that in assessing financial viability a growth or projection model should be employed, based upon

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<sup>39</sup> See para 4 of CD LBR8, and CD LBR7

<sup>40</sup> CD LBR8

<sup>41</sup> Page 2 of CD C27

residential sales growth predictions provided by the Centre for Economics and Business Research ("CEBR"). That approach was intended to ensure that any enhancement in financial viability which would arise if residential sales values in Ilford increase as forecast by CEBR, should be used to fund affordable housing units.

58. In the period leading up to the inquiry the Council and the Appellant sought to agree the assumptions used for the purposes of the viability appraisals. Agreement was reached on a significant number of issues, as reflected in the FVSOCG, in particular on the benchmark land value<sup>42</sup> and the value of the proposed supermarket<sup>43</sup>.
59. In addition, the Council and the Appellant have agreed that provision should be made for a mechanism which includes reviews at the 3 stages described in the Mayor of London's AHVSPG<sup>44</sup>. Early, mid, and late stage reviews are provided for in the planning obligation and, importantly, the early and mid-stage reviews contemplate that any surplus could be used to provide additional affordable housing on site. The adoption of the Mayor's AHVSPG in August 2017 and the Appellant's agreement to adopt the review mechanisms referred to in this SPG, have been significant changes which have occurred since the Council made its decision on the application.
60. Given that the review mechanism now agreed incorporates the agreed benchmark land value and the agreed value of the proposed store; includes 3 review stages; and makes provision for on-site provision following the early and mid-stage reviews, the Council has formed the view that the enhanced financial returns likely to arise as a result of growth would be best captured by the use of this review mechanism. Accordingly, the Council has concluded that the policy objective of securing the maximum reasonable amount of affordable housing is also best served by the agreed review mechanism. As such, the Council no longer seeks to oppose these proposals.

### **The Case for Neighbourhoods of Ilford South Engage (NOISE)**

61. Due to its excessive height, bulk and massing the proposed development would be detrimental to the streetscene and would have an overbearing impact on the amenity of adjoining residents, also introducing overlooking and reducing their levels of privacy, as detailed in the petition submitted by residents of Audrey Road and Riverdene Road<sup>45</sup>. It has all the hallmarks of an overdevelopment and is justified mainly by it being situated in a Metropolitan town centre location. It would not constitute sustainable development as described in the Framework and would be contrary to London Plan and LBR policies regarding reducing health inequalities and respecting the amenity of adjoining properties and the locality generally.
62. Paragraph 6 of the Framework states that sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations. Sustainable is about change for the better. Paragraph 7 emphasises that sustainable development involves 3 dimensions; an economic role, contributing to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places; a social role, supporting strong, vibrant and healthy communities by creating a high quality built environment; and an environmental role, contributing to protecting and enhancing our natural built and historic environment.

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<sup>42</sup> Agreed figure £20m

<sup>43</sup> Agreed figure £42m

<sup>44</sup> CD B15

<sup>45</sup> See CD N4

63. Paragraph 8 emphasises that these roles should not be taken in isolation, being mutually dependent, and paragraph 9 again emphasises that pursuing sustainable development involves seeking positive improvements in people's quality of life. This development would not provide the dwelling mix required for the local population; it would not create a high quality environment which would be healthy for the residents and it would blight the environment, including that of heritage assets.
64. The health benefits to residential occupiers of homes with good levels of daylight and access to a green environment are recognised and the proposed residential units would not provide that. The presumption in favour of sustainable development, as defined in paragraph 14 of the Framework, therefore weighs heavily in favour of refusing this proposed development. The adverse impacts of permitting these proposals would significantly and demonstrably outweigh the benefits accruing from the affordable housing provision of 4%.

### Affordable Housing

65. Ms Taylor's evidence highlights the fact that LBR's affordable housing output as a percentage of completions over the 3 years to 2015 has been just 7%, the 4<sup>th</sup> worst in London. NOISE agreed with LBR that the affordable housing offer of 4% fails to reflect the identified and significant unmet need for affordable housing in the Council's Strategic Housing Market Assessment ("SHMA") (2016) and is significantly below the Borough-wide strategic target of 50% affordable housing as set out in SP8 of the Core Strategy. As noted in the officers' Report to Committee, it is also below the 30% affordable housing target set out in the Mayor's Housing Zone bid for Ilford, of which the Site is a part, and would fail to deliver the strategic target within Policy 3.10 of the London Plan of at least 17,000 more affordable homes per year.
66. However the Council has withdrawn from this position and is now accepting the 4% offer along with a review mechanism. There must have been some discussion about affordable housing at pre-application meetings with the Council and the GLA, but at both the Stage I and Stage II reviews the GLA did not call this application in, despite the extremely low affordable housing offer. Ms Taylor reports that the GLA now, with a change in the Mayor, have said they would have called this application in, had LBR allowed it to be accepted at the Planning meeting, but that at the appeal stage their hands are tied and they cannot intervene.
67. As the Council used 2 consultants who both agreed that 4% was the maximum affordable housing offer, NOISE is very unclear as to why officers recommended refusal at the Council planning meeting, without investigating any review mechanism. The SOCG between the Council and SSL states that the only issue of disagreement is whether the maximum affordable housing provision is being made, which contradicts 2 of the Council's own consultants, who have reported that it is. The Council has then employed a third set of consultants who have said that it is not the maximum, only to change their mind again when these claims have been rebutted by SSL.
68. Even with growth-based figures, the accepted review mechanism, as Mr Fourt has indicated, is unlikely to yield any extra affordable housing, as the profit for the developer has to be taken out first. In addition, this growth model relies on residential prices rising even further, making it even more impossible for local people to access housing. It also relies on a substantial proportion of units being sold off-plan to investors. This is the model that has been seen to not work for the last decade, yet it is still being pursued in this case.

69. The developer's profit is 20% on the residential and small retail element of the proposal, and as the profit currently is extremely low, it is highly unlikely that there would be any surplus income, even with growth, after the profit has been taken out. In addition there are clauses within the S106 Agreement that allow the Council to take cash in lieu, which has happened repeatedly in the past leading to extremely low levels of affordable housing, if any at all. Other clauses allow the affordable units to be sold off in certain circumstances, if the Council does not intervene. Therefore, NOISE considers that this affordable housing offer does not in any way provide a level of benefit that is commensurate with the adverse effects of this development.
70. NOISE has had advice from Dr Bob Colenutt of the School of the Built Environment at Oxford Brookes University<sup>46</sup> regarding the viability statements. He has advised that consultants routinely follow the same Royal Institution of Chartered Surveyors ("RICS")/Government guideline rules in the most risk-averse and uncritical way. The viability assessments prepared by the consultants, including the Council's, all accept a level of developer profit at 20% of Gross Development Value ("GDV"). No reason is given for this, and it should have been challenged. In fact, this "industry standard" level of profit should be fully justified in each case. If the Ilford scheme profit was taken at 15%, some £2 million extra could be found for affordable housing.
71. Moreover, there is no good reason why the expected rise in house prices over the lifetime of the scheme (including the possibly lengthy build-out period) could not have been factored into the viability assessment at this stage to guarantee a higher level of affordable housing at the outset - rather than run the risk or likelihood that the developer would plead later, at the review stage, that there is not sufficient viability in the scheme to increase the amount of affordable housing. Other challengeable assumptions are using land acquisition costs when SSL already own the land, and putting the cost of the basement car park into the residential costs when the vast majority of the parking is actually for the store and not the residents.
72. The new viability proofs that were received shortly before the start of Mr Fourt's evidence in chief<sup>47</sup> show significant changes from the first proof, suggesting that the SSL case is very shaky. It is clear that there is no stable underlying methodology and that data inputs and outputs can be changed from moment to moment. The amount of affordable housing should not depend upon such shaky evidence. Moreover, the sensitivity analysis table suggests a very wide range of possible outcomes and it is unclear on what basis the preferred scenario has been chosen. To make any sense of this, more information is needed about the possible range of residential values into the future, and the likelihood of different rental growth scenarios.
73. The residential values go the heart of this case. Much of the increase in development value between the first model and the growth model is made up by increases in residential sales value (£32 million out of £37 million). The reliability of the rental/sales price figures is thus critical to their assessment, yet no information is given to justify this. NOISE should have access to the rent and sales projections, including the impact of Crossrail. Developer profit does not feature in Mr Fourt's proof, yet this is a vital variable in viability assessment. On a Development Value of £320 million (in the first proof), a reduction of 5% in profit could generate £16 million of funding for affordable housing, which would be more than enough to meet the LBR policy target.

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<sup>46</sup> CD N24 & N25

<sup>47</sup> CD SSL36

74. Dr Colenutt fears LBR has not been well advised on this project, and has abandoned its soundly based affordable housing policy needlessly, setting a precedent for other developers to reduce their planning obligations. As Ms Taylor stated, if planning permission is granted for these proposals it would allow all the other applications going through the planning system in Ilford to aspire to achieve as little as this level of affordable housing, and this case would be used to substantiate their claims. It is therefore, extremely important that this appeal is not allowed.

### Density

75. The Appellant gives substantial weight to the fact that the housing proposed through this development would substantially assist the Council in its effort to meet its target of 1,123 homes per annum, stating that the Borough's housing delivery over the past 7 years has fallen far short of the London Plan target, and that the objectively assessed housing need is far greater than this.
76. Paragraph 17 of the Framework states that planning decisions should be plan-led, and paragraph 11 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This proposed development is a significant departure from the current adopted development plan. The emerging Local Plan has been challenged at inquiry by residents of Ilford South, both in terms of the density of developments and the building heights advocated in it. This Plan has not yet been fully consulted on and has not yet been ratified by the Council. Indeed, if it is, it will be challenged in the courts through Judicial Review. Therefore, it cannot be taken to supersede the current adopted plan.
77. NOISE also maintains that Pioneer Point should not be used as a precedent for more 30 storey tower blocks in the town centre, and refutes the contention that the existence of Pioneer Point validates the current proposals. Buildings such as Pioneer Point have been erected without due process being followed, in terms of consultation and adherence to extant policies. Just because unsatisfactory practices have been allowed in the past does not justify them being perpetuated in the present.
78. In the Ilford AAP DPD the Site is stated as having the potential for up to 180 units of housing on a site of 1.96 ha. The number of units has been increased by almost a factor of 4 in these proposals, yielding 683 units and is achieved by having towers of up to 30 storeys, creating a density of 499 units per hectare which exceeds the highest levels recommended in the London Plan. The Appellant justifies this density by the fact that the Site is located within the Ilford Opportunity Area, as well as within the Metropolitan Centre of Ilford, and as the London Plan requires development proposals to optimise residential and non-residential output and densities with Ilford being identified as having scope to provide at least 5,000 additional homes.
79. Just Space<sup>48</sup>, a Community Organisation that liaises on planning issues with the GLA, reports that it has identified significant problems in using the Opportunity Area designation for spatial planning and that there has not, to date, been a comprehensive documentation, review and assessment of the impact of Opportunity Areas on London's development against the principles of the London Plan. Community-based evidence suggests overwhelmingly negative effects and indicates that in their current form, Opportunity Areas should be reconsidered. These negative

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<sup>48</sup> Appendix 1 in CD N3A

effects are material considerations that should be taken into account in consideration of this application.

80. The Opportunity Area designation for Ilford has not taken into account the very real material considerations of: how much new housing has already been developed in Ilford in the preceding years; the numbers of legal and illegal flat conversions, "beds in sheds" and Houses of Multiple Occupation ("HMO") in the area; current population densities; and space available for infrastructure.
81. In 2008, LBR set a target of building 9,050 new homes over a 10 year period, 50% of which were to be in Ilford Town Centre. The new builds that resulted from this included many high-rise flatted developments, including Icon Tower, Spectrum Tower, Pioneer Point, Raphael House, Roden Mansions, and Centreways. These are recorded in the street numbering and naming data, thus much of the allocation for the period has been fulfilled in Ilford already.
82. This matter was highlighted through a question asked at the full LBR Council meeting in September 2016, which sought to establish the number of illegal flat conversions and "beds in sheds" broken down by wards<sup>49</sup>. However, the only response given was that as such flat conversions and "beds in sheds" developments were illegal and frequently occurring, it was very difficult to determine the exact number which had taken place in the Borough since 2007. 9,406 new addresses have been produced and NOISE believes that many of these are in Ilford. Whether these have been legalised through permitted development rights or remain illegal, they still contribute to the growing population of the area and impact on its infrastructure requirements.
83. The Appellant fails to take into account, as policy 3.4 of the London Plan advocates, "the local context and character of the area" in determining densities, as the evidence base used ignores the fine grain of demographics at the ward level and instead uses Borough wide statistics. Redbridge is a very unequal Borough with 11 neighbourhoods classified as experiencing high deprivation levels and 11 experiencing high affluence levels. The Site is situated in a high deprivation level area. The population density in the area around the Site is more than double that quoted in the ES; unemployment is much higher; private rented sector tenure predominates; the General Practitioner ("GP") to patient ratio is one of the lowest in the whole country; and open space is lacking.
84. The only correct baseline information is that schools are oversubscribed but there is no mention of the fact that there is a deficit of primary places. Schools in the area are already having to be expanded to cope with the current population, which is leading to the further loss of open space. There is simply not the room for extra buildings on the scale required, leading to any new school in the area being on a smaller "footprint" of land than desired, with children having less space to move around and little access to outside green and play areas.
85. It is, therefore, very likely that there would be overcrowding in this development similar to other housing nearby, as local people would not be able to afford the rents leading to sharing with others<sup>50</sup>. Due to the very high costs of housing, more and more families are living in flatted developments, as can be seen clearly from the number of flatted developments in Ilford Town Centre. The child yield for the

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<sup>49</sup> See CD N19

<sup>50</sup> CD N20

proposed development is not accurate and should have been based on survey work done within the area. For instance, one floor of Westside Apartments has 5 children for 13 flats, which would give some 250 children for the 683 units proposed, rather than the 79 children claimed by the Appellant.

86. The EIA Regulations specify that an ES should provide “an outline of the main alternatives studied by the applicant or Appellant and an indication of the main reasons for the choice made, taking into account the environmental effects”. Mr Hutchinson says there have been alternatives offered but really this has only ever been a high density, high-rise scheme. He has tinkered with the basic design but perhaps has never been allowed to offer any radical solution to the problems inherent in the density and height. His main priorities appear to have simply been the need to optimise densities, in line with site specific strategic policy designations; and to achieve scales comparable to Pioneer Point.
87. Nothing else has been deemed important, such as provision of affordable housing; providing adequate private amenity and open space; not compromising the amenity of the surrounding housing; preserving the setting of heritage assets; providing family housing etc. LBR officers have themselves contributed to this, with Mr Hutchinson saying he was asked to remove larger public realm spaces from the design, as well as reducing the number of family housing units.
88. Mr Newton also maintains that the application was subject to an extensive and lengthy process of consultation with local residents, but this is disputed by both Mr Jackman and Mrs Panesar in their proofs of evidence. Mrs Panesar lives on Audrey Road, which backs onto the Sainsbury’s car park and asserts strongly that she and most of her neighbours knew nothing about the current proposals until NOISE made her aware of what was going on, at the time of the second post-application consultation in the spring of 2016. Neither Mr Jackman nor Mrs Panesar felt they had any opportunity to input into the design, and both oppose the scheme strongly.
89. The Mayoral Housing SPG<sup>51</sup> acknowledges that the maximum of the density range should not be seen as a “given”, and accepts that there may be exceptional circumstances where densities outside the ranges may occur. The SPG and the London Plan are explicit that in such scenarios, the housing should be of exemplary design quality with a high standard of residential quality and public realm, and should not exhibit any of the typical symptoms of an overdevelopment. Mr Hutchinson states that it is the design quality of the development which is the exceptional circumstance warranting the higher density. However, NOISE believes strongly that there are many inadequacies in the chosen design and that it would afford both new and established residents a poor quality of life, as a result of it being an overdevelopment.

### Quality of Design

90. GLA officers were concerned about the convoluted and illegible residential entrance arrangements proposed, where residents and visitors would need to negotiate multiple cores and thresholds before arriving at their front doors, making it more difficult for mobility and visually impaired people. As a result, GLA officers questioned the residential quality of the proposed scheme. In a response to these comments the Appellant’s design team explored the possibility of introducing further cores to the

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<sup>51</sup> CD B14

southern and western aspects as suggested, but the Appellant explained that this was simply not possible, due to the constraints the design of the building created.

91. In addition, the majority of the flats are proposed to be single aspect. Such units are difficult to naturally ventilate and have problems of temperature control, especially overheating. These problems are especially bad when the units are entirely north or south facing, which a certain proportion of the proposed flats would be, with overheating in the latter and little if any useful sunlight in the former.
92. The Appellant states that the impact on neighbouring amenity would be acceptable. However, the development would have many instances of non-compliance with the Building Research Establishment ("BRE") numerical guidelines on light. There are many instances where neighbouring properties would have their light compromised, a substantial number with a major negative effect.
93. The Appellant's consultants, Anstey Horne, maintain that the expectation of daylight and sunlight availability is necessarily lower in densely-populated urban environments, given the general site layouts and building-to-building relationships attributable to inner-city locations. They cite some accommodation nearby in Westside Apartments which falls below BRE guidelines and use this to justify the poor light levels that the proposed development would create. NOISE agrees with BRE's assessment, that it is questionable whether poor standards of daylighting in one development should be used as a reason for poor standards elsewhere<sup>52</sup>.
94. For the development itself, the design provides relatively narrow window apertures, and BRE indicates that many rooms would have Average Daylight Factors ("ADF") below the recommended minimum for that room type<sup>53</sup>. Anstey Horne state that the BRE guidelines suggest that occupants having windows facing 90 degrees of due north have little or no expectation of sunlight, and whilst the design has sought to limit the number of north facing living rooms, it is appropriate to only test the living rooms that have an expectation of sunlight, these being the ones facing 90 degrees of due south. There is no analysis given of how many north-facing windows there are and how many, given the great number of single aspect flats, are single aspect with no other source of sunlight.
95. For sunlight, only the living rooms facing south-east or south-west have been tested. Of these, 23 would not receive the recommended amount of year-round sunlight and 16 would not receive the recommended amount of winter sunlight. In 12 cases, the flats would not receive either the recommended amount of winter sunlight or year-round sunlight. Anstey Horne state that these assessments are very dependent on whether or not sunlight is restricted by other neighbouring properties, such that even south-facing elevations can fall below the guidelines because of the other neighbouring obstructions. These neighbouring obstructions must be the other blocks within the proposed development as BRE state that, overall, where daylight and sunlight would be below the recommended minima, this would be due to the design of the development rather than the presence of external obstructions.
96. Plan 01 AP 0010006 shows the flats which would face directly onto the podium area, with many of these appearing to be single aspect. Due to privacy issues, these flats' views would need to be screened, perhaps with vegetation, but whilst this has been

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<sup>52</sup> Para 4.11.3 of CD C24

<sup>53</sup> Para 8.8 of CD N3

left to a condition, in the event that planning permission is granted, it is unclear how this would affect the daylight and sunlight provision for these flats.

97. Ms Speedwell's evidence points out the high level of crime linked to drugs and rough sleeping in the area of the Site. She expresses concern about the proposed basement car park, which may become a magnet for these elements particularly in the colder, darker times of the year. The Appellant contends that a basement car park would be safer than an above ground one, and would be well maintained by SSL, but Ms Speedwell expressed doubt about this, as SSL has not maintained its current car park. Because of this, NOISE considers it very important that Park Mark accreditation should be required, by a planning condition, should these proposals be approved.
98. Despite its current inadequacies, Chapel Square is one area of public open space in the vicinity, but it would be reduced to one quarter of its current area in the appeal proposals. In addition, the appeal proposals would result in there being 51 fewer trees in the public realm<sup>54</sup>. But NOISE considers that the number of trees in the public realm areas should not be reduced. Furthermore, the plans do not make it clear how much space would be available for pedestrians, once space is lost to cycle storage and parked cars on Riverdene Road.
99. NOISE is also concerned about possible wind tunnelling effects, and is sceptical of the wind modelling undertaken for the proposals. Pioneer Point had wind tunnelling studies done at the time its application was being considered, with a Pedestrian Wind Comfort Study undertaken around 2003, and a later Wind Analysis in 2005<sup>55</sup>, both of which reported that Pioneer Point would not have adverse effects on the environment. However, Pioneer Point has a huge adverse wind tunnelling effect, as shown in Figure 9.5 of the current proposal's Wind and Microclimate Report<sup>56</sup>, with this being of particular concern for the elderly. With so many towers in the proposed development, NOISE has no faith that the wind would not create further adverse conditions in this highly congested and strategic environment.

### Health Impacts

100. There is poor air quality in the vicinity of the Site, and noise levels would be exceeded in many parts of the development, such that residents would be living in an unhealthy environment. The Appellant states that the climatic conditions presented by the adjoining traffic gyratory mean that for much of the scheme, the provision of outdoor private amenity space would not be appropriate. Mitigation through the provision of thermal grade double glazed units and mechanical ventilation, however, is believed by the Appellant to be sufficient to reduce external noise levels to acceptable standards.
101. In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, London Plan Policy 3.5 allows a proportion of dwellings to be provided with additional living space, equivalent to the area of the private open space requirement. However, this would apply for the majority of dwelling units in these proposals. The Appellant maintains that from a practical perspective, this is an appropriate response to such things as the noise levels from traffic on Chapel Road and Winston Way. In other words, in the Appellant's view it is

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<sup>54</sup> Paragraph 15.2 in CD N3

<sup>55</sup> Appendices 2 and 2.1 in CD N3A

<sup>56</sup> Appendix 2.1 in CD N3A

the unhealthy environment with respect to noise that constitutes exceptional circumstances. This calls into question whether this design is suitable in this location.

102. The Officer's report to Committee<sup>57</sup> notes that sections of the development would be exposed to noise levels above the relevant standard, as a result of the vehicular traffic around the Site. It goes on to state that whilst this is undesirable, there are no effective mitigation measures to ensure open areas are completely protected from external noise sources. Paragraph 9.7 of the ES Non-Technical Summary<sup>58</sup> indicates that for the apartments that would be exposed to high external noise levels, and are proposed to have restricted openable windows to relieve overheating, residents would be exposed to internal noise levels that exceed the criteria when windows are open. Residents would therefore have to choose between noise and cooling. Although this is only expected to be for limited duration, such as at peak summer periods, it would not be a pleasant choice to make, especially in view of the air quality and the fact that so many flats would be single aspect.
103. The Site is also located within an Air Quality Management Area ("AQMA") declared by LBR for exceedances of the nitrogen dioxide ("NO<sub>2</sub>") and fine particulate matter ("PM<sub>10</sub>") standards. Paragraph 11.125 of the ES<sup>59</sup> indicates that there would be a moderate negative impact on NO<sub>2</sub> concentrations as a result of the proposed development, due to the high existing and future baseline concentrations in the area. This would be contrary to Policy E8 of the BWPP DPD<sup>60</sup> which makes it clear that development proposals which could cause significant deterioration in air quality or expose members of the public to poor air quality should be refused, unless appropriate mitigating measures are put into place. Even the trees chosen for the development have to be tolerant to pollution.
104. Both Mr Jackman's and Mrs Panesar's proofs of evidence cite the lack of health infrastructure as one of their major concerns. Mrs Panesar spoke about the great difficulties her daughter, who had returned from university, had in registering with a doctor in the area, and there is no reason to suggest that her experience would not be shared by new residents of the development scheme.
105. Although a condition is proposed to deal with any unacceptable ground-borne vibration affecting neighbouring properties and residents during construction activities, NOISE is concerned that the Council may not act on any complaints it may receive, but could instead just ignore them.

### Transport

106. Mrs Lamont's evidence states that no highways objections were raised by the Council or Transport for London ("TfL"), and that the proposals were found to be wholly acceptable in highways and transport terms. She states that the Site is highly sustainable in transport terms because it is proximate to a variety of transport services and the PTAL of the area is very high. However, Mr Sheikh emphasised that current capacity is important when considering issues of sustainability, and he showed how Ilford rail station is dangerously overcrowded<sup>61</sup>. He also referred to

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<sup>57</sup> Para 7.203 of CD C27

<sup>58</sup> November 2015 version, in CD C12

<sup>59</sup> Page 186 of the November 2015 version – ES Volume 1 – Main Report

<sup>60</sup> CD B2

<sup>61</sup> See CD N7A Appendix 2, and CD N15

overcrowding at bus stops, and cited Council meetings where it was admitted that not much could be done about it, despite the Crossrail money for public realm work - much of which has already been spent, with the remainder being recently reduced<sup>62</sup>.

107. Mr Sheikh doubted whether the Council's widening of footpaths could guarantee the safety and well-being of residents as the population density gets greater. He rejected Mrs Lamont's use of the Council figures which show that the new Crossrail trains would increase capacity by 70% per train, and instead referred to Jonathan Baggs of Crossrail who states that Crossrail will provide 10% extra capacity over the whole London network<sup>63</sup>. Mr Sheikh calculated that a current train carries approximately 1,200 people, with people standing in the aisles and between the doors, so the new trains will only have capacity for 300 more passengers than currently.
108. NOISE provides evidence<sup>64</sup> to show that the frequency of trains through Ilford will not increase very much in the future with 12 Crossrail trains per hour at peak time, as is currently the case, with an additional 4 trains from Shenfield to Liverpool Street. Mr Sheikh emphasised that developments are being constructed all along the Crossrail line to take advantage of the Crossrail phenomenon<sup>65</sup>. With the overcrowding at the moment, and all these new developments, he questioned how much extra capacity Crossrail trains would really have when they reach Ilford.
109. There is expected to be a huge impact on demand for train services at Ilford Station by the development proposals in the Redbridge Local Plan<sup>66</sup>. Mrs Lamont's prediction that the proposed development, the biggest one in the Plan, would generate just 150 additional rail trips in the morning peak and 156 additional rail trips during the evening peak was not accepted by Mr Sheikh. He has seen, from personal experience of living at Westside Apartments, that most people that live there use the train in the morning. The new flats would be marketed as benefiting from Crossrail, so it is inevitable that most people would want to use it.
110. Paragraph 32 of the Framework requires safe and suitable access to the Site to be achieved for all people, and improvements to be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Mrs Lamont did not acknowledge any problems with the Site in terms of ease of movement to and from it but Mr Sheikh, having lived in the area since 2010, gave evidence to show that there is a safety issue with the Site due to having to cross the gyratory and that the area is prone to accidents.
111. The LBR Highways Department has also identified that the gyratory and road network surrounding the Site consisting of Griggs Approach, Winston Way, Chapel Road and Ilford Hill forms a barrier to ease of movement to and from the Site. Reference is made to a car-dominated environment with heavy traffic flows, concerns about traffic speeds at some locations, severance of communities, poor grade pedestrian crossing facilities, limited cycling facilities, a poor accident history and a degraded urban realm.
112. The Appellant has used a Pedestrian Environment Review System ("PERS") Audit from 2010 to inform the appeal proposals and intends to conduct an up-to-date PERS Audit

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<sup>62</sup> See CD N7A Appendix 3

<sup>63</sup> Para 10.1 of CD N7

<sup>64</sup> CD N14

<sup>65</sup> See CD N3A Appendices 3 and 3.1

<sup>66</sup> See CD N7A Appendix 1

if planning permission is granted. This will show how much the area has changed in the last 7 years, with a much greater population density on the streets. The Appellant has agreed to the provision of a signalised crossing across Roden Street, creation of pedestrian and cycle links to and from the Site and from other crossings. However, the Appendices to Mr Sheikh's evidence<sup>67</sup> show the very poor state of the cycling infrastructure in the area and the fact that, because of this, cycling on the pavement has become normalised, creating much cycle/pedestrian conflict.

113. NOISE requests that the pedestrian and cycling infrastructure provision should be the subject of a "Grampian condition", to be carried out before any development starts, as it fears for residents' safety if substantial improvements are not made to the area. Due to the nature of the Site and the traffic gyratory NOISE does not think it possible that highway improvements would cope with the huge increase in population in the area both from the Site and the adjacent Britannia Music site of some 330 flats.
114. Modelling evidence provided by Mrs Lamont showed that the proposed Toucan crossing on Roden Street would only have a minor or neutral effect on the operation of the local highway network. However, Mr Sheikh emphasised that the Roden Street, Chapel Road junction is already very congested, particularly with the Britannia Music construction traffic which will be present for many years. He firmly believes that a Toucan crossing would clog up the junction further, with the gyratory being unable to function properly, such that people trying to exit Roden Street, particularly at peak times, would have great difficulty.
115. He also expressed concerns about the reliability of the predicted trip generation of the proposed development as very limited data, relevant to the Site, was available. In addition, the modelling used data from the 2011 census for the whole Borough, rather than up-to-date ward data, and he fears that this could well have dangerously minimised the trip generation in this highly congested and car heavy environment.
116. Mr Sheikh talked about the cumulative effects of developments around Roden Street in the coming years, and expressed his concern for the safety of his family, with so much construction occurring. He referred to LBR evidence for the emerging Local Plan<sup>68</sup> which shows that by 2030 the Ilford Hill/Romford Rd/A406 slip road will see a net increase in traffic flow of 17.9% in the morning peak and 15.1% in the evening peak; with morning and evening peak increases at Ilford Lane/Winston Way of 23.7% and 16.4% respectively; whilst the A123 Cranbrook Rd/High St/Chapel Rd/Winston Way/Roden St/A118 Ilford Hill will see an increase of 20.8% in the morning peak and 14.1% in the evening peak. Other junctions nearby have similar increases.
117. Although this emerging plan has not yet been fully through the consultation process, it is the best guess we have at the moment of knowing what the Council envisages in the future. The dense nature of the proposed SSL development would significantly contribute to the human traffic at this location, and the scenario of increased traffic and increased numbers of pedestrians and cyclists at this location is a dangerous one.
118. The proposed development, therefore, conflicts with the promotion of sustainable transport as set out in Section 4 of the Framework, and with London Plan policy 6.3, which states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully

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<sup>67</sup> CD N7A

<sup>68</sup> CD N7A Appendix 1

assessed. It further states that development should not adversely affect safety on the transport network and that the cumulative impacts of development on transport requirements must be taken into account.

119. This development is proposed as completely car free, save for 42 disabled parking bays for residents, and over a thousand residential cycle spaces are planned, thereby promoting walking and cycling as the major modes of transport to and from the Site. However, Mr Sheikh spoke about the parking issues in the area and described an incident where a fire engine was unable to adequately access Westside Apartments due to the parking stress and illegal parking. He also referred to the fact that delivery vans have to park in the middle of the street as there is no parking available. At times this leads to vehicles of residents and office workers being unable to move for substantial periods of time.
120. Mrs Lamont said that the development would not increase parking pressure on the surrounding streets because residents would be prevented from applying for parking permits. However, Mr Sheikh said people would still park illegally or on roads without parking restrictions. The provision of Car Clubs is meant to deal with the requirement for cars, and 2 Car Club spaces would be provided on Riverdene Road, taking away 2 current parking places. Although there are already 4 Car Clubs around the Ilford area, NOISE considers that this would be inadequate to cater for nearly 700 flats, plus those without parking at the Britannia site, even if people are happy to pay the costs on a regular basis. Car Club membership would be free to residents, but the daily cost may well be at full rate, which could prove unaffordable for regular use.
121. There is a huge emphasis on cycling within the proposals but the external infrastructure is simply not available. Most cyclists use the pedestrian areas because of safety issues, in turn causing safety issues for pedestrians, as exemplified by comments made in the local paper<sup>69</sup>. Mr Sheikh also emphasised that the subway at Winston Way is not a safe route for pedestrians or cyclists, particularly after dark, due to the drug dealing in the area and refutes Mrs Lamont's claim that it is well-used and safe. Furthermore, it is not clear where all the residential cycles would be stored and how many can fit in a lift at a time. The retail cycle stands<sup>70</sup> appear to take away any space for pedestrians on the footpaths.
122. The density of the development would lead to a lot of activity in a very small area in Roden Street, and Mr Sheikh voiced concerns about the Roden Street access which would be for cars and heavy goods vehicles ("HGVs"). Although Mrs Lamont stated that there are other stores that have this arrangement, NOISE believes that none have such a compact access area and questions whether any other Sainsbury store has HGVs crossing the path of cars leaving the car park. The refuge in the middle of the access for pedestrians also seems very close to the entry point and it is not clear how wide and safe it is. Many people would use this entrance as it would be a short cut, but with so much activity going on it has safety implications.
123. The small retail units would be serviced by a lay-by at some distance from them, which is not ideal. This lay-by would also be for taxi drop-offs and small residential deliveries and NOISE is concerned that a lay-by of this size would simply not be able to cope with all these demands. These vehicles would have to do a U-turn across 3

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<sup>69</sup> CD N7A Appendix 2

<sup>70</sup> See Plan ASK 226 in Appendix VL14 in CD SSL7

lanes of traffic in order to leave the lay-by and NOISE considers that this situation - not found in any other Sainsbury store - is a safety issue.

124. Waste from 700 flats would take many hours to be removed, given that it would be stored in the basement. Mrs Lamont indicates that LBR would come 5 times a week to remove it, but given the state of waste collection in the Ilford area<sup>71</sup> NOISE questions whether this could possibly occur, and is concerned that details of the waste management have been left to be resolved through a planning condition.
125. The ES shows correspondence which highlights that retail waste would be left at the lay-by on the day of collection<sup>72</sup>, adding to the deterioration of the public realm and, as the Council would not give a time for collection, it could be there all day. Ilford Town Centre is already littered by dustbin bags and assorted rubbish on a daily basis as the current Council procedures are woefully insufficient to cope with the demand for refuse management. This development would simply add to the accumulation of waste in the area. LBR does not offer a commercial recycling service, and it is not stated how the commercial recycling would be dealt with.

### Heritage

126. Insofar as the environmental dimension of sustainable development is concerned, the harm to heritage assets would be great. Paragraph 132 of the Framework states that when considering the impact of a proposal, the more important the asset, the greater the weight given to it. Significance derives not only from a heritage asset's physical presence but also from its setting. Ms Garfield's proof of evidence showed the significance of the Grade II\* listed Hospital Chapel, which is the oldest building in Redbridge. She emphasised her belief that there is very little heritage in Ilford, and that what there is should be protected. The Chapel is the one building that draws people into the area and it is important in Open House days and will be very important for the Council's bid to be a London Borough of Culture.
127. The other listed buildings are in a cluster around the Chapel and Ms Garfield strongly expressed her view that these would be harmed by the 30 storey tower looming behind, maintaining that the proposed development would simply swamp and blight the area. She did not accept Mr Mascall's view that because of the urban environment and the presence of Pioneer Point, it didn't matter if other tall buildings affected the setting of the listed buildings and that no harm would be done. Historic England ("HE") told the Council that in the very likely event that harm would be caused to the setting of the Chapel complex, the Council would need to weigh this harm against the public benefits associated with the development. NOISE does not think that the benefits of these proposals outweigh the harm caused in any way.
128. Ms Garfield cited the case of a very similar SSL development in Trinity Green, Whitechapel which has now been modified from 28 storeys to 8 storeys<sup>73</sup>. It was also considered to be causing harm to a listed building, albeit Grade I and not Grade II\*. SSL are going ahead with an application for the 8 storey development and it does not look like they will appeal the 28 storey application as they only have 2 weeks<sup>74</sup> left to

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<sup>71</sup> See CD N3A Appendix 4

<sup>72</sup> See CD C12 Appendix 5.2, pages 15 & 16

<sup>73</sup> Section 5 in CD N5

<sup>74</sup> See CD N11

do so. The issue and the harm to the setting are the same as the Ilford case. This has set a precedent that should be followed in this case too.

### Retail

129. Borough-wide policy R3 states that within the Primary Shopping Area of the Metropolitan Centre planning permission will only be granted for change of use from Class A1 (shop) to another use where a number of criteria are satisfied, including that the retail role remains predominant, and the use neither over-dominates nor detracts from the primary retail role of the centre. The Appellant maintains that this policy does not apply to this development because the retail is still being retained.
130. However, the justification for Policy R3 is that an over-concentration of non-retail uses within a centre, or part of a centre, can detract from its shopping function and may prejudice the vitality and viability of the centre as a whole. It is therefore necessary to protect the shopping function of centres by controlling the balance of retail and non-retail uses. There is an over-concentration of residential use in this proposed development, with a total residential floorspace of 68,616 sqm and a total retail floorspace of 20,233 sqm, giving about a 70%/30% residential/retail split. This design would not produce a viable and functional supermarket given the huge number of residential units associated with it.
131. NOISE believes that the economic benefits of these proposals may actually be negative. There are already building works in progress at several sites in Ilford Town Centre and a project of this scale, which would take 4-5 years to complete, at the same time as works at the rail station and thousands of other units, would cause years of disruption and further congestion. People would not be likely to want to visit the town centre while this is going on, leading to its further demise. The adverse effects of these proposals, therefore, substantially outweighs any potential benefits.
132. The Appellant has placed a strong emphasis on designing the store so that it can be changed into other uses if need be. SSL would also be changing its tenure from owners to renters. Analysis of the proposed supermarket by Colliers shows that a large supermarket is a highly unusual design in the current economic climate<sup>75</sup>. In addition, according to the Colliers review the small retail units associated with the new store would be low grade and difficult to let. The ground floor retail at various high-rise residential sites in Ilford are not the vibrant outlets they are meant to be.
133. The 2015 Retail Capacity Assessment<sup>76</sup> carried out to inform the Local Plan evidence base, shows that there will be a requirement for between 8,562 sqm and 17,071 sqm of additional new convenience goods floorspace at 2030 in the Borough, and a requirement for between 23,911 sqm and 39,851 sqm of comparison goods floorspace. Ilford Town Centre, being the Metropolitan Centre, should be the primary source to fulfil this additional requirement, but it is questionable whether a very large supermarket which goes against the market trends, with low grade retail units, is really what is needed in the area. It seems that this development is all about making profits from the residential uses, with the retail elements being just an excuse.
134. Mr Papi spoke about how he was not given any support by SSL in his search for a business unit as, due to Crossrail, he was being moved from his location at the station

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<sup>75</sup> See Appendix 8 in CD SSL10

<sup>76</sup> CD B7

where he had traded for the last 20 years. Despite the Appellant stating that it wanted to promote small independent businesses, Mr Papi's experience appears to show otherwise.

135. It would not be possible for the servicing of the proposed temporary store to take place within the Site, due to space restrictions arising from the construction of the proposed development. Moreover, TfL have said a lay-by on Chapel Road would not be possible, so it is unclear how the temporary store would be serviced. There would be no parking on site for customers and temporary feeds of energy would be required. NOISE thinks that the residential element of these proposals is the most important part for the Appellant, with the retail being very much a side issue, such that SSL would not be unduly concerned if the temporary store did not materialise.

#### Water

136. The proposed development is expected to cause an increase in foul water peak discharge from 4.56 litres per second ("l/s") to an estimated 51.91 l/s. This may cause overflows in the foul water sewer if mitigation measures are not implemented and this is currently under investigation with Thames Water. In a letter from Thames Water dated 22<sup>nd</sup> March 2016 they state that with the information provided, they have been unable to determine the waste water infrastructure needs of this application. They therefore request that a "Grampian" condition be applied to any permission, restricting the commencement of development until a drainage strategy detailing any on and/or off-site drainage works has been submitted to and approved by the LPA, in consultation with the sewerage undertaker. The Appellant and Council have not agreed such a Grampian Style condition.

#### Overall Summary

137. Weighing all of the concerns set out above, it becomes clear that the adverse impacts of permitting these proposals would significantly and demonstrably outweigh the benefits. This proposed development is not sustainable, it would not positively improve the quality of peoples' lives or that of the natural environment, and would not perform a positive economic, social or environmental role. For all of these reasons and those set out above, this appeal should be dismissed.

### **The Case for Sainsbury's Supermarkets Ltd (SSL)**

#### Introduction

138. The appeal proposals would bring development which is strongly supported by the Council and would achieve the regeneration of a major Town Centre site by a scheme of excellent design quality. It would provide an enlarged and improved Sainsbury's food store and substantial housing development in an area where the supply of housing is manifestly inadequate. The Site is highly sustainable, being in the Metropolitan Centre of Ilford and highly accessible by public transport. National and local policy seeks to focus development of the kind proposed at such locations generally and at this Site in particular.
139. The application was subject to an extensive and lengthy process of consultation with local residents and other interested parties as well as Council officers<sup>77</sup>. The resulting scheme was carefully assessed in a lengthy officers' Report to the Council's

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<sup>77</sup> See paras 2.13-2.16 of CD SSL12 ; section 8 of CD SSL1 ; and CD C10

Regulatory Committee<sup>78</sup>, and found to be entirely acceptable save in respect of affordable housing, which was the subject of the single reason for refusal.

140. The Appellant has been committed from the start to achieving the maximum reasonable amount of affordable housing as part of the regeneration proposals, including the principle of a financial review at the beginning, middle and end of the scheme<sup>79</sup>. All the valuation experts who have examined the proposals, including 3 consultants for the Council, have concluded that no more affordable housing than proposed could be provided.
141. The single reason for refusal has now been overcome by agreement with the Council, and the form of review reflects that accepted by the Appellant before the Council determined the application, and also reflects the Mayor of London's recent guidance on viability matters<sup>80</sup>. Future changes in scheme economics would be captured and the position would remain policy-compliant. As such, the Council now fully supports the proposals and considers that the appeal should be allowed. The only opposition is from some local residents and the Rule 6(6) Party, NOISE. The following paragraphs therefore address matters raised by these objectors, as well as reviewing the proposed provision of affordable housing, as this is still of concern to NOISE.

### Principle of the Proposed Development

#### The Site

142. The Site is located in Ilford Metropolitan Town Centre, within walking distance of the many services provided by the Centre and well linked to the surrounding area by cycle<sup>81</sup>. It has excellent accessibility by public transport, with a PTAL score of 6a. Bus services from the Site are frequent and serve a wide area<sup>82</sup>, whilst Ilford railway station is within a 250m walk. The already very good train service will soon be further enhanced by the arrival of Crossrail<sup>83</sup>, which is expected to be fully operational in 2019. As such, the Site is ideally located to maximise travel by sustainable modes.
143. Planning policy seeks to concentrate development at the Site, with the Framework promoting both retail and housing development at sustainable town centre locations, as here, to ensure the vitality of town centres. The Site is also located within the Ilford Opportunity Area, and in such areas the London Plan requires new development to optimise residential and non-residential output and densities<sup>84</sup>. Ilford is identified as having scope to provide at least 5,000 additional homes and 800 new job opportunities, with development of key sites intended to reinforce the Metropolitan Centre role by improving the range and quality of its retail offer<sup>85</sup>.
144. Ms Sharma appeared to disagree with the Site's designation as part of an Opportunity Area and/or the policy approach following on from such designation<sup>86</sup>. However, this designation and associated policies are part of the London Plan which, as part of the

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<sup>78</sup> CD C27

<sup>79</sup> See CD C23

<sup>80</sup> CD B15

<sup>81</sup> Paras 2.21–2.26 of CD SSL6

<sup>82</sup> Paras 2.7–2.9 of CD SSL6

<sup>83</sup> Also referred to as the Elizabeth Line

<sup>84</sup> Policy 2.13 of CD B13

<sup>85</sup> Page 362 of CD B13

<sup>86</sup> Section 4 of CD N3

development plan, is to be followed in the determination of any planning application unless material considerations indicate otherwise. No good reason for failing to apply the Opportunity Area policies in the present case has been demonstrated.

145. The priority given to development at the Site is reinforced in the adopted Local Plan, with the Core Strategy seeking to strengthen the town centre's role as a prosperous Metropolitan Centre, providing a full range of commercial and retailing facilities, as well as a major increase in residential population<sup>87</sup>. The BWPP DPD identifies the Site as part of the Primary Shopping Area, and provides that planning permission for tall buildings will be granted in Ilford Town Centre to reinforce its role as a Metropolitan Centre and Opportunity Area<sup>88</sup>. The Site is also identified as appropriate for housing and supermarket development in the DSHC DPD<sup>89</sup> and the AAP DPD<sup>90</sup>. Focusing retail and housing development at this highly sustainable Metropolitan Centre site is, therefore, wholly supported by national and adopted local policy.
146. Further, in its emerging Local Plan, the Council has expressed its support for the specific development proposed in this Appeal. In the pre-submission draft of the new Plan the Site is identified as a Development Opportunity Site appropriate for retail and housing, with an indicative residential capacity of 700 dwellings<sup>91</sup>. In proposed Modifications that have since been published, the Site is identified for exactly the development proposed<sup>92</sup>, for delivery in the first phase (2015-2020) of the Plan period. In summary, development of the Site for the uses proposed in this appeal scheme is in accordance with the relevant planning policies, and recognised as such by the Council. Further, the development would help to meet identified needs.

### Housing

147. The housing development proposed at the Site would substantially assist the Council in its efforts to meet its housing targets. The London Plan housing target for LBR for 2015-2025 is 1,123 homes per annum<sup>93</sup> and there is a policy imperative to build the houses proposed in the appeal scheme because there is a pressing need for new homes in the Borough. The Borough's housing delivery over the past 7 years has fallen far short of meeting the London Plan target, with only 47% of the target number having been provided<sup>94</sup>. Further, the Council recognises that the objectively assessed housing need, equating to an annual figure of some 2,287 dwellings per annum<sup>95</sup> ("dpa"), is far in excess of its identified sources of housing capacity<sup>96</sup>.
148. The Site represents the single largest Development Opportunity Site within the Borough and the 683 units proposed (which would have a policy compliant mix<sup>97</sup>), would amount to 20% of the total housing numbers to be delivered in Ilford over the period 2015-2020<sup>98</sup>, or 60% of one year's housing target for the whole of the

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<sup>87</sup> Spatial Vision at pages 13 & 14 of CD B1

<sup>88</sup> Policies R1 & BD2 in CD B2

<sup>89</sup> Site LO06 in CD B4

<sup>90</sup> CD B5

<sup>91</sup> CD B9 Appendix 1

<sup>92</sup> Document SSL 20

<sup>93</sup> Table 3.1 in CD B13

<sup>94</sup> Table 4.1 in CD SSL12 – and see also CD SSL28, which updates Appendix 11 in CD SSL13

<sup>95</sup> Para 4.17 in CD SSL12

<sup>96</sup> Para 3.8.7 of CD B9

<sup>97</sup> Paras 7.109-7.111 in CD C27

<sup>98</sup> Para 4.21 in CD SSL12

Borough. As such, the proposals are of strategic importance, with the GLA strongly supporting the delivery of these new homes<sup>99</sup>. In addition, the proposals would give rise to a New Homes Bonus to the Council of some £5.4 million over a 6 year period, as well as additional Council Tax Receipts<sup>100</sup>. There would also be significant additional household expenditure from future residents.

149. Ms Sharma's assertion that the number of homes in the area had increased by more than the official figures suggest, relies on illegal conversions and "beds in sheds", which are not counted towards the housing figures. The true position is as summarised above, with the reality being that the Council has consistently failed to meet its housing targets.

### Retail

150. There is also a need for further retail development. In its emerging Local Plan, the Council has identified a need within the Borough's designated town centres for a minimum of 23,922 sqm of new comparison floor space and 8,562 sqm of new convenience floor space<sup>101</sup>, although the total capacity of the relevant identified sites is insufficient to meet the need<sup>102</sup>. In the Council's Retail Site Opportunities Assessment the Site was identified as being capable of accommodating more than 5,000 sqm of gross additional retail floor space<sup>103</sup>. It therefore follows, as the Council recognises, that full advantage must be taken of the Site's ability to meet the need for retail development. In this regard the proposed store has been designed to be flexible, so that it can be adapted to suit an ever changing retail landscape, or take on another use should the need arise<sup>104</sup>.
151. This proposed improvement to the existing store would bring with it significant economic benefits. The existing store currently employs 243 full-time equivalent ("FTE") employees, whereas the new store would create a total of 430 FTE, equating to a net increase of 187 FTE job opportunities. In addition, the flexible A1, A2, A3, B1 and D1 floorspace is predicted to generate between 17-76 FTE, depending on the end use/user. The scheme, when operational, would therefore generate between 204 - 263 FTE new job opportunities<sup>105</sup>. These jobs would include entry level positions in the retail and food and drink sectors which would be valuable in providing highly localised employment for all ages, but particularly young people. The demolition and construction phases of the development would give rise to further jobs.
152. Contrary to the evidence of Mr Papi<sup>106</sup>, the appeal proposals would not conflict with policies seeking to prevent the loss of retail floorspace – rather, the amount of retail accommodation on the Site would be greatly increased.

### The principle of development - overall summary

153. Full use should be made of the Site's capacity to accommodate housing and retail development, as proposed. The development would meet identified needs for both

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<sup>99</sup> Para 18 of CD C14

<sup>100</sup> Para 5.6 Of CD SSL12

<sup>101</sup> Policy LP9 in CD B9

<sup>102</sup> Paras 6.2.2 and 6.3.2 of CD B8

<sup>103</sup> CD B8

<sup>104</sup> Paras 9.23-9.25 of CD SSL1

<sup>105</sup> Para 5.14 of CD SSL12

<sup>106</sup> CD N8

types of development. It would also provide employment opportunities which would benefit local residents, not only because retail jobs are generally taken up by people living in the area, but also because of the provisions in the S106 Agreement which seek to promote the use of local labour and procurement<sup>107</sup>. Overall, there can be no doubt about the acceptability of the principle of the proposed development, and the benefits that development of the Site for housing and retail uses would bring.

### *Affordable Housing*

154. In full accordance with policy, the proposals would provide the maximum reasonable amount of affordable housing, together with a review mechanism (including 3 reviews at agreed stages of development) which would ensure that should viability improve in the future, a further contribution to affordable housing within the Borough would be made. The affordable housing offer is 27 units, which equates to 4% of the units proposed or 6% by habitable room. The Viability Appraisal ("VA") by Knight Frank LLP, submitted with the original application, concluded that this was the maximum reasonable amount<sup>108</sup>, and that appraisal was independently reviewed by 2 experts on the Council's behalf, before the planning application was determined<sup>109</sup>. The Report to the Regulatory Committee stated that these reviews indicate that the proposed affordable housing is the most the scheme could viably provide<sup>110</sup>.
155. After the application was refused and the appeal submitted, Mr Fourt was instructed by the Appellant to review the VA. He also agreed that the Appellant's affordable housing offer was the maximum reasonable. Although that conclusion was initially disputed in the evidence from Mr Jones submitted to this inquiry by the Council, the matter has now been resolved by agreement between the Council and the Appellant. Thus, 5 consultants have examined the proposals - 3 instructed by the Council and 2 by the Appellant - and all have concluded that the maximum reasonable amount of affordable housing is indeed being provided.
156. The FVSO CG records that agreement has been reached on most relevant matters, although some disagreement remains about construction costs, construction programme, sales programme and the future rate of house price growth in Ilford. But despite these areas of disagreement the Council and the Appellant agree that the affordable housing provision proposed in the application represents the maximum reasonable amount, based on current costs and values. These parties also agree that the review mechanism in the S106 Agreement would ensure that the maximum reasonable provision would be made should viability improve in the future<sup>111</sup>. The figures before the inquiry therefore clearly justify the agreement reached, that the proposed provision is the maximum reasonable.
157. In his evidence Mr Fourt produced financial viability appraisals on 2 bases. Firstly, he produced an appraisal based on present day costs and values<sup>112</sup>. This accords with the advice on viability in the PPG, which states that viability assessment in decision-

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<sup>107</sup> Schedule 1, paras 15-18 of CD SSL40

<sup>108</sup> CD C6

<sup>109</sup> BNP Paribas (see CD C15) and Urban Delivery Group (see CD C25)

<sup>110</sup> Para 7.104 of CD 27

<sup>111</sup> Para 4.2 of CD LBR7

<sup>112</sup> Appendix 3 in CD SSL10

taking should be based on current costs and value, and that planning applications should be considered in today's circumstances<sup>113</sup>.

158. Secondly, he produced an appraisal using a growth model which made assumptions about future growth in values and inflation in costs<sup>114</sup>. Using such an approach exposes the developer to more risk, so the target rate of return to be applied in the appraisal needs to be higher than using the present-day model. Using an acknowledged and accepted basis of measuring return - the internal rate of return ("IRR") - Mr Fourt calculated a blended target IRR in the growth model of 15.9%, as opposed to 12.4% for the present-day model<sup>115</sup>. Mr Jones for the Council agreed Mr Fourt's target rates of return<sup>116</sup>.
159. These appraisals show that regardless of whether a present-day model or a growth model is used, the inclusion of 27 affordable housing units within the proposals gives a rate of return materially less than the target returns agreed with the Council. Notwithstanding this, as noted in the Executive Summary to the VA, the Appellant is still keen to bring this development forward<sup>117</sup>. When he gave evidence, Mr Fourt presented revised versions of both appraisals (Appendices 3 and 4), together with an Explanatory Note<sup>118</sup>, using figures that have been agreed with the Council in the FVSO CG. Where there is remaining disagreement, the revised appraisals use the Appellant's figures. The growth model uses the future growth predictions supplied to the Appellant by Knight Frank LLP<sup>119</sup>.
160. The SoS can confidently rely on the Appellant's evidence where disagreement with the Council remains. In relation to each point, the Appellant submitted evidence rebutting that of the Council:
- A separate proof of evidence on construction costs was submitted by Ian Toates, responding to the Council's evidence from Neil Powling and supporting the Appellant's estimate of construction costs contained in the Henry Riley cost estimate produced with Mr Fourt's main proof of evidence<sup>120</sup>;
  - Mr Fourt's rebuttal and the letter from Cube at Appendix 1 to that rebuttal responded to the evidence on building programme contained in Mr Jones's evidence<sup>121</sup>;
  - Mr Fourt's rebuttal responded to Mr Jones's evidence on sales programme<sup>122</sup>;
  - In relation to future sales growth, Mr Fourt's rebuttal and the letter from Professor Matysiak (at Appendix 3) dealt with the growth forecasts from CEBR on which the Council had relied. Those forecasts were far higher than other consultants<sup>123</sup>, and the Appellant's rebuttal evidence showed that because of lack of information the credibility of those forecasts could not be tested.

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<sup>113</sup> Para: 017 Reference ID: 10-017-20140306 of the PPG (see CD A2)

<sup>114</sup> Appendix 4 in CD SSL10

<sup>115</sup> That is, an "overall" rate of return, taking account of the fact that the target rate is different for the various elements of the scheme, as shown by Tables 12 and 13 in CD SSL9

<sup>116</sup> Tables 5.29 & 5.31 in CD LBR2

<sup>117</sup> Page 1 of CD C6

<sup>118</sup> CD SSL36

<sup>119</sup> Table 4, penultimate column, in CD SSL9

<sup>120</sup> CD SSL15

<sup>121</sup> Section 5 of CD SSL14

<sup>122</sup> Section 6 of CD SSL14

<sup>123</sup> Table 5 and the following graphic in CD SSL9

161. There was no challenge at the inquiry to the above evidence from the Appellant. The Council never responded to the Appellant's rebuttal evidence on these matters and, indeed, withdrew all its evidence. NOISE did not dispute these points. Accordingly, it is appropriate to test the viability of the proposals on the basis set out in Mr Fourt's revised appraisals, which use the Appellant's figures save where agreed otherwise with the Council. These revised appraisals reach the same conclusion as the original appraisals and the position remains that with the agreed 27 units of affordable housing, the return on the development is less than the agreed target, whether a present day or growth model is used. This means that the proposed affordable housing provision is clearly the maximum reasonable.
162. The evidence given by NOISE does not provide any basis for an alternative conclusion. Although Ms Taylor criticised the viability assessment undertaken for the Local Plan by BNP Paribas<sup>124</sup> ("BNPP"), that assessment is wholly irrelevant to this application. If she was seeking to use her criticisms of the Local Plan assessment to impugn the reliability of BNPP's viability assessment for these proposals, the response is that not just BNPP but also 4 other consultants have concluded that the affordable housing offer in this case is the maximum reasonable. Moreover, NOISE submitted no firm evidence to support its contention that the GLA would have called this application in, had it have known that the Council was not opposing the proposed development despite the low level of affordable housing.
163. NOISE also referred to emails from Dr Bob Colenutt of Oxford Brookes University<sup>125</sup>, but these emails provide no evidence of any expertise Dr Colenutt might have in this field. Indeed, Dr Colenutt was explicit that he advocates an approach that differs from Government Guidance and the standard practice guidance issued by RICS<sup>126</sup>. Further, none of the specific points made by Dr Colenutt comprises a proper ground of challenge.
164. To begin with, he said that a developer's profit of 15% should be used as the target rate of return, instead of the higher targets used by Mr Fourt<sup>127</sup>. Mr Fourt's targets, if expressed as profit on GDV or Gross Development Cost ("GDC") instead of IRR, are blended rates of 17.7% and 21.4% respectively, with 20% applied to the private residential units and the commercial element of the development; 6% to the affordable housing; and 0% applied to the supermarket.
165. It can be seen from Mr Fourt's revised Appendices 3 and 4 that even if such a target is used, the return from the development falls short of the target, whether expressed as profit on GDC or profit on GDV (Dr Colenutt did not say which measure he was suggesting). However, in any event Mr Fourt fully justified the requirement for higher target rates of return, and his target rates, which were agreed by the Council, appear (expressed as developer's profit) at schedule 4 to the S106 Agreement.
166. Secondly, Dr Colenutt appeared to advocate a growth model approach. However, it has been demonstrated that even if a growth model is used, the return from the development would still be less than the target and therefore that the amount of affordable housing proposed is the maximum reasonable. Should viability improve in

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<sup>124</sup> Para 5.3 of CD N9

<sup>125</sup> CD N23 & CD N24

<sup>126</sup> CD A7

<sup>127</sup> See Table 12 in CD SSL9

the future, the agreed review mechanisms in the S106 Agreement would ensure that further affordable housing provision occurs as a result.

167. Three reviews are proposed. An early review would take place if Substantial Commencement does not occur within 40 months from the grant of planning permission. 100% of the surplus shown in an updated appraisal is to be used for on-site affordable housing provision. There is also a mid-stage review, with no more than 50% of the market housing being allowed to be occupied until an updated appraisal has been provided, and no more than 60% able to be occupied until the amount of any further provision has been established. No more than 65% can be occupied until the further on-site provision and/or affordable housing sum (the Council can choose which) has been provided or paid, as the case may be.
168. 60% of any surplus would be available to fund further affordable housing. The tenure of on-site affordable housing provided pursuant to the early and mid-stage reviews would be determined at the time of the review, to best meet local needs. The rent for any affordable rent units would be capped at the amount of Local Housing Allowance. There is also a late stage review, again providing 60% of any surplus to fund further affordable housing. The review mechanism is entirely in accordance with the Mayor's AHVSPG, as explained in the summary of the S106 Agreement<sup>128</sup>.
169. In summary, it has been demonstrated that the amount of affordable housing to be provided is the maximum reasonable, and the overall package of some £11.36 million in CIL contributions and the offer of 27 affordable housing units is, in the Appellant's view, the maximum reasonable level of contributions that the appeal scheme can afford. The Council has accepted these points, and this disposes of the sole reason for refusal. Indeed, in every other respect the Council has, throughout, been of the view that the proposals are acceptable. The following paragraphs therefore deal with matters of concern raised solely by local residents and NOISE.

### Highways and Transportation

170. There is no reasonable objection to the proposals based on highways or transport matters. As Mrs Lamont's evidence demonstrates, detailed discussions took place over a substantial period, not only with the relevant officers of the Council and their consultants White Young Green ("WYG"), but also with TfL<sup>129</sup>. No highways objection is raised by either the Council or TfL. Furthermore, transportation and access matters were fully analysed in the Report to the Regulatory Committee<sup>130</sup>, with the proposals being found to be wholly acceptable. Only Mr Sheikh for NOISE disputed the acceptability of the proposals on transportation grounds, but he did not claim to have any relevant expertise or qualifications, and his objections were wholly unfounded.
171. His evidence referred extensively to the initial comments by the Council's Highways Department<sup>131</sup>, without acknowledging the further discussions and consideration that followed. After those initial comments had been made the Appellant's consultants, Mayer Brown ("MB"), responded with a Highways Technical Note<sup>132</sup> and held a

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<sup>128</sup> See CD SSL35

<sup>129</sup> Section 4 of CD SSL6, and CD C13(e)

<sup>130</sup> Paras 7.153-7.174 of CD C27

<sup>131</sup> Page 367 of Appendix 15 to CD SSL7

<sup>132</sup> Page 355 of Appendix 15 to CD SSL7

meeting with the Council's officers shortly thereafter. The Council then instructed WYG who concluded that the scheme was acceptable<sup>133</sup>, as did TfL<sup>134</sup>.

172. Although Mr Sheikh referred to initial Council officer comments about the impact of the proposals on the pedestrian environment, no objection is raised by either the Council or TfL in this regard. The previous PERS audit carried out on behalf of TfL in 2010 covered the whole of the gyratory adjacent to the Site, including the section of Chapel Road which runs along the Site frontage, and the public realm outside the existing Sainsbury's store. The Appellant is not aware of any material changes to the pedestrian environment since this earlier audit<sup>135</sup>.
173. In its consultation response to the application TfL simply suggested that the Council and SSL should work together to identify necessary improvements to pedestrian and cycle routes in the vicinity of the Site, as well as a mechanism for funding them. This would be achieved by proposed Condition 4, which would require a further PERS audit to be carried out, with the developers being obliged to agree the Audit and any necessary improvements with the Council, and carry out those improvements before the development is occupied. In any event, considerable improvements to the public realm are an integral part of the appeal proposals<sup>136</sup>.
174. Mr Sheikh's concerns that that the signalised crossing on Roden Street would result in Roden Street being "over 99.8% during Saturday peak hours"<sup>137</sup> have been overtaken by events. A different crossing is now proposed, namely a Toucan crossing on Roden Street, and the LINSIG<sup>138</sup> assessment shows that the crossing would work satisfactorily, with a degree of saturation of 89.9%<sup>139</sup>. TfL has accepted that the crossing would have a minimal to neutral impact on the operation of the highway<sup>140</sup>.
175. Trip generation for the store is based on that of the existing store with an uplift for the extension, provided by the Appellant on the basis of its experience of extensions elsewhere. National survey data are used for estimating multimodal trips. The TRICS<sup>141</sup> database could not be used for the prediction of multimodal trips because it contained insufficient material on stores of this size. So far as residential trips are concerned, trip generation was estimated based on TRICS figures, with mode split from the 2011 Census data. WYG's Technical Review for the Council concluded that the approach to both retail and residential trip generation was acceptable<sup>142</sup>, and Mrs Lamont's evidence records the acceptance by both LBR and TfL of the Appellant's trip generation assessment, in all respects<sup>143</sup>.
176. Although NOISE maintained that there would be problems during the demolition and construction phase of the development<sup>144</sup>, the construction traffic would amount to just some 26 HGVs per day, a total of 52 movements. Neither the Appellant nor the

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<sup>133</sup> Appendix 16 to CD SSL7

<sup>134</sup> CD C13(e)

<sup>135</sup> Paras 1.16 to 1.21 in Appendix VL15 in CD SSL7

<sup>136</sup> Paras 3.6 to 3.12 of CD SSL6

<sup>137</sup> Para 4.3 in CD N7

<sup>138</sup> LINSIG: a computer program used to model traffic signals and their effect on traffic capacities and queuing

<sup>139</sup> Para 4.15 in CD SSL6 and Appendix 10 in CD SSL7

<sup>140</sup> Page 435 in Appendix 17 in CD SSL7

<sup>141</sup> TRICS: Trip Rate Information Computer System

<sup>142</sup> Para 1.9 of Appendix VL16 in CD SSL7

<sup>143</sup> Paras 4.19 to 4.23 in CD SSL6

<sup>144</sup> Section 7 in CD N7

authorities consider that this traffic could not be satisfactorily accommodated on the road network. The 26 HGVs would use the eastern part of Roden Street, which does not have sensitive receptors, and their movements could be timed to avoid peak hours. In any event, any temporary traffic management measures that might be necessary would be dealt with as part of the Demolition and Construction Management and Logistics Plan, which is required by Condition 5.

177. The proposed residential parking, namely the 42 spaces for the disabled units, would provide parking for 62% of the accessible units. This would accord with Policy T5 of the BWPP DPD as parking standards are set as maxima, and given the highly accessible location of the site it is considered that not all accessible units would have a requirement for a parking space. The authorities have accepted this level of parking provision which is considered appropriate in this case, given the Site's highly sustainable location. Moreover, there are no justified grounds for NOISE's concerns about residents being able to park on the surrounding streets<sup>145</sup>, as the surrounding area is subject to a Controlled Parking Zone and under the S106 Agreement residents would be prevented from applying for a parking permit. As Mrs Lamont said, in her experience such provisions work. Furthermore, lengths of private road can be managed by the owners, to avoid unnecessary parking.
178. Mr Sheikh claimed that there were no details of Car Clubs in the Transport Assessment<sup>146</sup> ("TA"), but a number of Car Clubs do already operate in the area. Furthermore, the S106 Agreement provides that a Car Club scheme is to be approved before occupation of any dwellings, so the burden would be on the developer to ensure that such a scheme is agreed with operators.
179. Adequate cycle parking would be provided for the retail element - policy requires the provision of 127 such spaces and it is now proposed that 128 spaces should be provided<sup>147</sup>. In addition, cycle access to the Site would be improved by the Toucan crossing on Roden Street. Moreover, the initial queries about infrastructure provision for cyclists were resolved<sup>148</sup>, and thereafter the authorities did not request any additional information on this matter, or any further provision.
180. NOISE's evidence did not dispute the excellent accessibility of the Site by public transport, but Mr Sheikh did suggest that the public transport network would not have the capacity to cope with the appeal proposals<sup>149</sup>. However, Mr Sheikh's concerns appeared to be about the development proposed in the emerging Local Plan as a whole, rather than the development proposed in this appeal. All that has to be considered at this appeal are the appeal proposals themselves, together with any committed developments. The committed developments to be considered were agreed with the Council and have been taken into account in the cumulative impact assessment<sup>150</sup>. The proposals in the emerging Local Plan are not commitments, and if and when they come forward their acceptability will have to be demonstrated.

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<sup>145</sup> Paras 8.4-8.8 in CD N7

<sup>146</sup> Para 8.8 in CD N7

<sup>147</sup> Revised Appendix 14 in CD SSL7 (Drg No ASK226 revision P02)

<sup>148</sup> Paras 1.22 to 1.28 of Appendix 15 in CD SSL7

<sup>149</sup> Section 10 in CD N7

<sup>150</sup> Paras 3.13-3.16 of CD SSL6, and para 2.13 of CD C27

181. Contrary to Mr Sheikh's view<sup>151</sup>, Ilford rail station would have ample capacity to cater for the proposed development. Mrs Lamont's evidence was that although the development would lead to 150 extra rail trips in the morning peak and 156 extra trips in the evening peak<sup>152</sup>, Crossrail will greatly increase the capacity of the station. An increased capacity of 70% per train is predicted<sup>153</sup>, based on a comparison of train formats of the existing TfL rail line with those to be used on the Crossrail service. In addition, the use of longer carriages in off-peak times will further increase capacity.
182. The capacity of the existing rail service is estimated at 859 passengers per train, based on 636 seats, plus an additional 35% standing capacity, using the Department for Transport capacity formulae for journeys of 20 minutes or less. In contrast, there will be 12-16 Crossrail trains in each direction per peak hour, each of which will have a capacity of about 1,500 passengers per train as a result of longer carriages, less seating, and more standing room<sup>154</sup>.
183. NOISE's concerns about overcrowding at bus stops<sup>155</sup> related to the effect of all the emerging Local Plan proposals, rather than to the appeal scheme. But in any case, the Council has secured substantial funds – some £5.89 million - for improvements consequent upon the advent of Crossrail<sup>156</sup>. Although there has been a reduction in the available grant, that reduction is only £100,000 and the Council's Cabinet Chair has said that the main elements of the proposed improvements will still take place<sup>157</sup>. Indeed, the improvements to Cranbrook Road and Station Road have already started.
184. Insofar as Mr Sheikh's concern about deliveries and servicing<sup>158</sup> are concerned, the Appellant is experienced in designing and operating service yards and the proposed service yard was internally approved by the SSL Logistics Department before submission of the planning application. The service yard would have 2 loading bays which would provide ample capacity for the predicted 10 daily deliveries<sup>159</sup>. Using the same access point on Roden Street for the customer car access and HGVs is the usual arrangement in such developments, and would not give rise to problems. Moreover, by moving the service access and service yard away from the Riverdene Road and Audrey Road residential properties, the scheme would result in some improvements to the living conditions of neighbouring residents.
185. Further, compatibility of the service and customer traffic was considered in the Road Safety Audits and additional swept paths were produced to demonstrate that cars and service vehicles could access the store without conflict<sup>160</sup>. The Audit Response also included revisions to kerb lines and the provision of a zebra crossing of the vehicular access in order to improve safety for pedestrians. NOISE's concerns about parking for maintenance vehicles are unfounded. These vehicles would park in the customer car park, which is predicted to always have more than 30 spaces available<sup>161</sup>.

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<sup>151</sup> Para 10.1 of CD N7

<sup>152</sup> Para 3.8 of CD SSL6

<sup>153</sup> Para 2.12 of CD SSL6

<sup>154</sup> Appendix 3 in CD SSL7

<sup>155</sup> Paras 10.2 to 10.4 of CD N7

<sup>156</sup> Appendix 3 in CD N7A

<sup>157</sup> See CD SSL21

<sup>158</sup> Paras 8.9 and 8.10 and Section 11 of CD N7

<sup>159</sup> Para 9.7 I Appendix 8.1 in CD C12

<sup>160</sup> See Appendix B to Appendix 12 of CD SSL7

<sup>161</sup> Para 8.24, Table 8.6 in Appendix 8.1 in CD C12

186. The concerns raised by Mr Sheikh<sup>162</sup> and Ms Sharma<sup>163</sup> regarding refuse collection are also unfounded. Access to the refuse reservoir would be restricted to trained staff only and it would therefore be managed satisfactorily. Moreover, Mr Hutchinson confirmed that refuse collection has now been agreed with the Council at 5 collections per week, lasting 50 minutes each, effectively dealing with the concerns his firm had previously expressed<sup>164</sup>. Accordingly, there need be no concern about the capacity of the Riverdene Road lay-by.
187. Finally, Mr Sheikh expressed concern about the servicing of the temporary store<sup>165</sup>. However, the temporary store would need to be the subject of a separate planning application and if TfL refuses to accept a lay-by on Chapel Road, servicing would have to occur on the Site. SSL has a great deal of experience of such situations.
188. In summary, the Site is a highly sustainable location, with excellent access to public transport which would have ample capacity to accommodate the demand arising from the proposed development. The issues of traffic impact and congestion have been fully considered, including cumulative impact, and found to have been satisfactorily addressed by the relevant authorities. The Site would be safely accessed, by vehicular traffic (including servicing traffic) and would have sufficient parking. Residents within the development would be prevented from applying for parking permits, and therefore would not increase parking pressure on the surrounding streets. Overall, there can be no reasonable objection to the proposals on highways or transport grounds.

### Design And Density

189. The scheme has been rigorously and positively designed. It is a contextual, well designed and appropriate proposal that combines high quality landscaping, architecture and function. Strong support has been expressed by the GLA, the Council's urban planning and design officers and by CABI<sup>166</sup>. In keeping with the Site's location within a Metropolitan Centre and Opportunity Area, the adopted Local Plan provides, in policy BD2 of the BWPP DPD, that tall buildings are appropriate.
190. Further provision in this regard is made by the Ilford Town Centre AAP DPD, Policy BF3 of which provides that the Council will grant planning permission for proposals that comply with the building height strategy illustrated on Map 9. This shows that most of the Site is appropriate for 6-12 storey development, with development of 15+ storeys at the north-east of the Site. The approach of encouraging tall buildings within the Ilford Metropolitan Town Centre Investment and Growth Area is continued through Policy LP27 in the emerging Local Plan. Contrary to Ms Sharma's view<sup>167</sup>, the building heights shown on Map 9 are not intended to be limits. The Plan refers to the Pioneer Point building and expressly states that the building heights shown on Map 9 are indicative only and may be exceeded<sup>168</sup>.

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<sup>162</sup> Para 8.10 of CD N7

<sup>163</sup> Section 14 of CD N3

<sup>164</sup> See Appendix 5.2 in CD C12

<sup>165</sup> Section 12 of CD N7

<sup>166</sup> Paras 5.4 and 7.44 in CD C27

<sup>167</sup> Para 3.10 in CD N3

<sup>168</sup> Paras 7.5.4 to 7.5.6 of CD B5

191. With regard to Table 3.2 of the London Plan, the Site is classified as a “central” site with a density range of 650-1,100 habitable rooms per hectare (“hrh”). Although the density of the appeal proposals exceeds this range, at some 1,247<sup>169</sup> hrh, the London Plan emphasises the need for higher density housing developments in appropriate locations such as town centres, Opportunity Areas and around transport hubs<sup>170</sup>. Moreover, Table 3.2 has to be seen within the context of Policy 3.4, which seeks to encourage the optimisation of housing potential, with the supporting text to Policy 3.4 recognising that the density ranges should not be applied mechanistically, but that account should be taken of other factors such as local context, design and transport capacity. Indeed paragraph 3.28A refers to exceptional circumstances, where densities above the relevant density range can be considered acceptable.
192. The Mayor, whose policy the London Plan is, took full account of the density policy and the reference to exceptional circumstances<sup>171</sup> and decided to raise no objection to the proposals, having regard to their design quality and overall benefits<sup>172</sup>. The Appellant shares the view of Council officers who concluded, in the Report to the Regulatory Committee, that the development “*proposes an appropriate residential density relative to the town centre location of the Site and proximity to planned Crossrail infrastructure. On balance, the proposed density is in accordance with the GLA guidance and is considered entirely appropriate for its central location*”<sup>173</sup>.

### Heritage

193. The Site is not located within a conservation area and does not include any listed buildings. There are listed buildings in the surrounding area, and their significance has been fully assessed in the HS, as well as in the evidence of Mr Mascall<sup>174</sup>, with no heritage harm being identified. However, even if there is some harm in the context of the relevant development plan policies (as HE and the Council’s officers thought), this would need to be balanced against the public benefits, as detailed in Framework paragraphs 132 to 134. In this regard, both Core Strategy Policy SP3 and Policy E3 from the BWPP DPD have to be considered out of date and accordingly carry reduced weight, as they pre-date the Framework and do not allow for any balancing exercise, as is now required<sup>175</sup>. Officers carried out this balancing exercise and concluded the harm would not be sufficient to warrant refusal of the application, as reported to the Regulatory Committee<sup>176</sup>.
194. Critical to the issue of harm to heritage assets is a consideration of the significance of those assets, with significance being at the very heart of national policy guidance on heritage matters, as demonstrated within the Framework<sup>177</sup>. Assessment of the significance of heritage assets is a necessary exercise before any conclusion can be drawn about the impact of development on the asset’s significance. Mr Mascall assessed in detail the significance of each of the relevant heritage assets in this

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<sup>169</sup> 1,710 habitable rooms on 1.95 ha, excluding highways

<sup>170</sup> Policies 2.14 and 2.15 in CD B13

<sup>171</sup> Paras 29-30 of CD C14

<sup>172</sup> CD C28

<sup>173</sup> Para 7.30 in CD C27

<sup>174</sup> Chapter 12 and Appendix 12 to CD C12, as revised in CD C18

<sup>175</sup> Para 4.20 of CD SSL4

<sup>176</sup> Para 7.89 in CD C27

<sup>177</sup> Paras 17, 131 and 132 of CD A1, together with the definition of “conservation” in Annex 2

case<sup>178</sup>, but there is no evidence of any such assessment being carried out by HE. In these circumstances HE's conclusions about harm cannot be considered reliable.

195. Ms Garfield gave evidence for NOISE but although she is involved with a local heritage society, she did not suggest that she had any relevant qualifications. She accepted in cross-examination that she had made no assessment of the significance of the heritage assets. Ms Garfield asserted that the proposals would have an adverse impact on a number of designated and non-designated heritage assets, including the NatWest Bank and the Conservative Club on Ilford Hill, and the Papermaker's Arms on Roden Street. However, HE allege harm only in respect of the Ilford Hospital complex of buildings, and for the reasons given by Mr Mascall in his evidence, no harm can reasonably be argued to arise in respect of those other assets<sup>179</sup>.
196. Ms Garfield also referred to another current SSL proposal at Trinity Green, Whitechapel, pointing out that a 28 storey tower in that case has now been reduced to 8 storeys, because of its likely impact on some Grade 1 listed Almshouses, and arguing that this should be seen as a precedent for the current appeal. The Appellant does not accept this, and is considering lodging an appeal in this Whitechapel case.
197. Mr Mascall made a careful assessment of significance<sup>180</sup> of the Grade II\* Hospital Chapel complex, which includes the Grade II listed Almshouses at the western side of the Chapel's courtyard, and the Grade II listed Chaplain's House at the eastern side of the courtyard. Both the Almshouses and Chaplain's House are examples of early 20<sup>th</sup> century Vernacular Revival architecture, whilst the Chapel itself has some fabric dating back to the early to mid-14<sup>th</sup> century. Mr Mascall emphasised that the significance of these buildings lies in the fact that they are rare survivals of a previous age, and that as a result of the radical changes in its setting, the complex has a distinct, inward-looking and isolated character. As such, the significance of the buildings lies in the buildings themselves, and the continuation of their original uses, rather than their setting.
198. Any allegation of harm to the significance of the Hospital complex must also take account of the development plan policy context. As already noted, the London Plan and Local Plan policy context is that the area in the vicinity of the complex, including the Site, is identified for higher densities and tall buildings. Moreover, HE's policy guidance on tall buildings recognises that there may be good reasons to seek increased development density in an area, and states that tall buildings are one way of achieving higher density<sup>181</sup>.
199. Having regard to the significance of the Ilford Hospital group of listed buildings and the development plan policy context just referred to, the Appellant maintains that the appeal proposals would not harm that heritage significance. Whilst the appeal proposals would have a visual impact, as noted by HE, this would not impair any understanding or appreciation of the special interest of this group of buildings, especially as their setting presently comprises busy transport infrastructure and larger-scaled buildings<sup>182</sup>.

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<sup>178</sup> Para 3.15 onwards in CD SSL4

<sup>179</sup> Paras 5.8-5.17 in CD SSL4

<sup>180</sup> Paras 3.16-3.24 in CD SSL4

<sup>181</sup> Extract at Appendix 2 in Cd N5A

<sup>182</sup> See para 5.7 in CD SSL4

200. Furthermore, the proposed buildings would be of high architectural quality, using a traditional palette of materials which, whilst related to the Hospital complex, would be sufficiently different, so that the new buildings would be clearly legible as elements separate from the listed building group<sup>183</sup>. Ms Garfield appeared to consider it unacceptable that buildings on the Site should appear in views of the Hospital complex, for example from Ilford Hill, but that attitude ignores the significance of the assets as well as the policy context for the area.
201. Moreover, it is not an attitude shared by HE. In their first letter, sent at the pre-application stage<sup>184</sup>, HE asked that options for relocating the "landmark" building (building 1) elsewhere on the Site be explored. A number of options for placement of the proposed buildings were therefore considered, before submission of the application<sup>185</sup>, but it was decided that the proposals as set out in the planning application were the optimum solution.
202. The proposed buildings would be seen over the Hospital complex wherever they are sited, and HE clearly recognised that fact such that in their comments on the application as submitted, they have not made further suggestions for relocating the buildings. Indeed, they have not objected to the appeal proposals. Although they have identified "some harm<sup>186</sup>", they have then left it to the Council to balance that harm against the public benefits from the development. The Council has carried out that balancing exercise and has concluded in favour of the proposals.
203. Overall, it is submitted that the proposals are entirely acceptable in heritage terms and that they would cause no harm. But even if any harm is caused, it is plainly less than substantial, and not of such concern as to warrant dismissal of this appeal, having regard to the policy context for the area and the public benefits of the scheme.

#### Impact on the surrounding environment

204. The effect of the proposed development on neighbouring amenity has been fully assessed in the ES, which was reviewed by external consultants (LUC), and found to be compliant with the EIA Regulations. Although Ms Sharma argued that planning permission could not lawfully be granted "*under the powers of the EIA Regulations*" because alternatives had not been considered<sup>187</sup>, this is incorrect. Alternatives were, in fact, clearly considered, as set out in the ES<sup>188</sup> and the DAS<sup>189</sup>. No statutory consultees objected to the scheme on technical grounds. In particular, the impact of the scheme on daylight and sunlight, privacy and outlook, air quality<sup>190</sup>, noise<sup>191</sup> and vibration and wind were examined, with the conclusion that the effects would be acceptable. The Council's officers agreed, after careful analysis<sup>192</sup>.

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<sup>183</sup> See para 5.5 in CD SSL4

<sup>184</sup> Appendix RM 1.1 in CD SSL4

<sup>185</sup> Section 3 of CD C3, especially page 88

<sup>186</sup> Appendix RM 1.4 in CD SSL4

<sup>187</sup> Para 3.9 in CD N3

<sup>188</sup> Chapter 4 in CD C12

<sup>189</sup> Chapter 3 in CD C3

<sup>190</sup> Chapter 10 of CD C12, and Chapter 11 CD C18

<sup>191</sup> Chapter 9 of CD C12, and Chapter 10 CD C18

<sup>192</sup> Paras 7.139-7.152 CD of CD C27

205. The effect of the development on neighbouring daylight and sunlight was addressed in detail in the ES<sup>193</sup> and summarised by Anstey Horne for the inquiry<sup>194</sup>. Their assessments show that some surrounding properties would experience some loss of daylight, and that although the majority of impacts would be negligible or minor, other impacts would be minor to moderate<sup>195</sup>. In the cumulative scenario, having regard also to other, committed developments in the area, the review concludes that daylight impact on Blocks B and C of the Britannia Music development would be moderate to major negative for both blocks.
206. BRE in their assessment for the Council disagree with some of the conclusions reached by Anstey Horne for the Appellant<sup>196</sup> but, significantly, they do not say that the daylight that would remain for neighbouring occupiers would be inadequate. There would inevitably be losses because the properties affected are located opposite the existing ground level car park and currently receive an unusually high level of daylight. However, that does not mean that the daylight which the existing properties would continue to enjoy would cease to be acceptable.
207. With regards to loss of sunlight, Anstey Horne concludes that most of the sunlight results shown would be well within the BRE guidelines, with windows retaining at least 25% of annual probable sunlight hours and 5% of winter sunlight hours. Three properties at Ilford Hill would fail to achieve the guideline for winter sunlight, but would receive sufficient year round sunlight. Whilst the losses of winter sunlight are significant, the availability of year round sunlight is more important. One first floor window at the Papermaker's Arms would lose most of its winter sunlight, but would retain plenty of year round sunlight. Overall, the impact on sunlight at these properties would be minor negative, with the impact on other properties assessed being negligible<sup>197</sup>.
208. In the cumulative scenario, Blocks B and C on the Britannia Music site would receive the recommended amount of sunlight with the development in place, and would therefore experience a negligible impact<sup>198</sup>. With regard to all these points, the Appellant commends the officers' conclusion in the Report to the Regulatory Committee, namely that *"Given the scale of the Site and proposed development, it is not unusual for some of the surrounding properties to experience a degree of loss of daylight and/or sunlight. The most significant potential effects are associated with the Papermaker's Arms public house adjoining the Site, and as this is not a residential property containing habitable rooms, the potential effects are not considered unreasonable"*<sup>199</sup>.
209. There is no legitimate concern about the effect of the proposals on privacy, outlook and sense of enclosure. This was fully assessed in the Report to the Regulatory Committee<sup>200</sup>. In particular, and in relation to Mrs Panesar's evidence, the proposed Mews Housing at the new Clyde Mews, would be at least 19m from the rear of dwellings on Audrey Road, and would be screened, to some extent by new tree

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<sup>193</sup> Chapter 14 in CD C20

<sup>194</sup> Appendix 14 in CD SSL13

<sup>195</sup> See para 4.106 in CD SSL12

<sup>196</sup> CD C24

<sup>197</sup> Para 7.143 in CD C27

<sup>198</sup> Para 7.143 in CD C27

<sup>199</sup> Para 7.144 in CD C27

<sup>200</sup> Paras 7.145-7.148 in CD C27

planning. The proposals have been re-designed to deal with the particular concerns of the 1980s houses at the south-east end of Audrey Road, one of which the Panesars occupy. A similar acceptable relationship between existing and new housing would be provided on Riverdene Road.

210. The assessment of the effect of the appeal proposals on wind shows that they would ameliorate the current situation in the vicinity of Pioneer Point<sup>201</sup>, with Figure 9.9 in the ES showing that there would no longer be any "uncomfortable" areas for pedestrians, with the proposed development. The Council's consultants on the ES, LUC, did not dispute the conclusions of the ES wind assessment or, indeed, any part of the ES. Moreover, notwithstanding Ms Sharma's criticism of the proposals' effect on the public realm<sup>202</sup>, the overall area of public realm on the Site would be increased, and its quality would be greatly improved. It was designed in collaboration with Council officers who requested that the initial extent of public realm proposed for the Winston Way frontage be reduced, as it considered that such larger public spaces would be better located elsewhere in the town centre. In the Report to the Regulatory Committee officers commented on the "*outdated*" public realm now to be found at the Site, and the "*high quality ambitions of the development*"<sup>203</sup>.
211. The proposals would not have an adverse effect on the area from the point of view of crime and security, contrary to the evidence of Ms Speedwell. The existing car park is clearly of concern to residents, because it is open and provides areas for anti-social activity. However, the proposals would improve the situation, by providing car parks which are safe and secure. The residential car park would be entirely separate from the retail car park and in a permanently gated basement area, accessible only to authorised residents by a fob-accessed secure gate and door entry system. The retail car park would have a secure gate that would be closed outside store operating hours. Both car parks would have closed circuit television ("CCTV") and lighting.
212. The proposals, as a whole, would have to achieve Secure by Design accreditation pursuant to Condition 17. The police were consulted about the application and the experts, the Designing Out Crime office, raised no objection<sup>204</sup>. Overall, the proposals would bring improvements in terms of security<sup>205</sup>. In summary, the effect of the proposals on the surrounding environment would be wholly acceptable.

### The Environment within the Development

213. The scheme would provide housing of high quality, meeting relevant standards. Space standards would be met, and in some cases exceeded. There would be sufficient privacy and daylight and sunlight would be appropriate for the location. There would be more than sufficient private amenity space and play space and the noise and air quality environment would be acceptable<sup>206</sup>. Indeed, on this latter point, Council officers concluded that subject to mitigation measures, which could be secured through condition, the proposed development would accord with Policy E8 of the BWPP DPD<sup>207</sup>.

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<sup>201</sup> Figures 9.5 and 9.9 in CD C20

<sup>202</sup> Section 15 in CD N3

<sup>203</sup> Paras 7.169-7.170 in CD C27

<sup>204</sup> Appendix 12 to CD SSL13

<sup>205</sup> Paras 7.61-7.62 in CD C27

<sup>206</sup> Paras 7.113-7.138 & 7.188-7.204 in CD C27

<sup>207</sup> Para 7.193 in CD C27

### Amenity space

214. The requirement for private amenity space is 4,160 sqm, based on the Mayor's Housing SPG<sup>208</sup>, but actual provision would be substantially in excess of that figure, at 5,875 sqm<sup>209</sup>. This would be in the form of a mix of balconies (10 units), terraces (38 units), gardens (57 units) and increased internal floor area (588 units). As can be seen, the private amenity space for most units would be provided by increased internal floor space, rather than external amenity space, but the Mayor's Housing SPG indicates that this is quite acceptable<sup>210</sup>. It would be an appropriate response to the site specific considerations such as the noise levels from traffic on Chapel Road and Winston Way, and would result in a high quality of environment for future residents.
215. The proposals would provide 4,253 sqm of communal amenity space (against a requirement of 3,415 sqm in the emerging Local Plan and no requirement in the adopted Plan<sup>211</sup>), and 2,440 sqm of play space against a requirement of 880 sqm. The provision would therefore substantially exceed the requirement. The scheme is able to provide generous communal amenity space because it would be built on a podium, so there would be no need to make space for roads. Full advantage has been taken of this to provide an excellent standard of amenity for future residents, with podium gardens and play spaces for children.
216. Although Ms Sharma argued that the development would accommodate more children than the 88 calculated by the Appellant<sup>212</sup>, this figure has been calculated in accordance with GLA guidance<sup>213</sup>. Ms Sharma presented no firm evidence to justify any other number, but did produce an extract from the committee report on a proposed development at Whitechapel<sup>214</sup>. However, in that case the housing mix was different, but the child yield was still calculated using the GLA guidance.
217. In accordance with Mayoral guidance there would be areas of dedicated play space for younger children but other play space would be multi-use for various age groups. The detailed design of the play space would be subject to Condition 15. Overall, the provision of amenity space would be excellent, making a major contribution to the quality of experience of life within the proposed development.

### Daylight and sunlight

218. Daylight and sunlight provision within the scheme was assessed in a report by specialists Anstey Horne<sup>215</sup> which was reviewed by BRE<sup>216</sup>. It is notable that BRE do not suggest that the standard of daylight and sunlight would be unacceptable, having regard to the urban context. The results of the analysis were assessed by officers in the Report to the Regulatory Committee, where they note that the levels of daylight and sunlight provision would vary from block to block and that some rooms would fail to meet the recommend BRE standard. However, of the 747 rooms tested, 646

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<sup>208</sup> Paras 4.90-4.92 of CD SSL12

<sup>209</sup> Not 6,029 sqm as stated in para 4.92 of CD SSL12

<sup>210</sup> Para 4.90 of CD SSL12, and para 2.3.32 of CD B14

<sup>211</sup> Para 4.94 of CD SSL12

<sup>212</sup> Para 6.4 of CD N3

<sup>213</sup> See paras 4.96-4.97 of CD SSL12 and Appendix 13 in CD SSL13

<sup>214</sup> CD N21

<sup>215</sup> CD C16

<sup>216</sup> CD C24

(87%) would receive adequate daylight, and with regards to sunlight, of the 684 windows which were tested, 560 (82%) would meet with BRE standards<sup>217</sup>.

219. In the context of the site constraints and the design considerations, and recognising that the BRE guidelines have to be interpreted flexibly since natural lighting is only one of many factors in site layout design<sup>218</sup>, Council officers agreed with Anstey Horne's conclusions that, on balance, the development would maintain adequate levels of daylight and sunlight for future occupiers of the proposed development. Overall, the proposals would provide a good quality of accommodation for future occupiers in accordance with policies 3.5 and 3.6 of the London Plan and policy BD4 of the BWPP DPD.

#### Noise<sup>219</sup>

220. The main source of noise at the Site is the traffic on Winston Road and Chapel Road and, as a consequence, some of the residential properties could be exposed to noise levels above recommended limits. However, mitigation through the provision of thermal grade double glazed units and mechanical ventilation would be sufficient to reduce external noise levels to acceptable standards. Some outdoor amenity space would experience noise in excess of recommended levels, but this needs to be viewed in the light of the regeneration objectives of the Site and the Ilford area. The Council considered the scheme to be acceptable having regard to the policy emphasis on bringing forward housing development in Ilford and the wider Opportunity Area.
221. Whilst it is the case that at some hot times of the year some of the residents within the development would need to open their windows in order to maintain coolness, and would thereby be exposed to greater noise, this is described in the ES as being of "temporary moderate negative" impact only<sup>220</sup>. In summary, the noise environment for those within the development would be entirely acceptable, as concluded by Council officers in the Report to the Regulatory Committee<sup>221</sup>.

#### Air quality

222. This was dealt with in Chapter 10 of the November 2015 ES, which modelled the emissions from local traffic, the car park ventilation system and the proposed Combined Heat and Power ("CHP") plant and boilers. This assessment was then reviewed by the Council's consultants, LUC. It was agreed that mitigation measures, which could be secured through a Dust Management Plan, would reduce the effects during construction to a minor negative level. Further, during the operational phase of the development, any effects could be reduced to within entirely acceptable levels by fitting NO<sub>2</sub> abatement to the CHP Plant, providing electric vehicle charging points, and mechanical ventilation of the car park.

#### Privacy

223. Appropriate minimum separation distances of 18m between apartments would be maintained<sup>222</sup>. Although some blocks would be only 10m apart, in those cases the

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<sup>217</sup> Para 7.126 in CD C27

<sup>218</sup> Para 2.1.5 in CD C24

<sup>219</sup> Paras 4.130 onwards of CD SSL12, Chapter9 of CD C12, and Chapter 10 of CD18

<sup>220</sup> Table 10.11 in CD C18

<sup>221</sup> Para 7.204 of CD C27

<sup>222</sup> Para 7.113 onwards of CD C27

windows facing towards other blocks would not face other windows directly. Some windows would, in fact, face onto amenity areas<sup>223</sup>. The privacy of podium level apartments would be protected by landscaping, which would be secured by Condition 24.

#### Single aspect dwellings

224. Notwithstanding Ms Sharma's criticism of single aspect dwellings in the development, neither the GLA nor the Council's officers found the provision of such units brought the proposals into conflict with relevant policies<sup>224</sup>. A careful design approach has been taken with all units, and the inclusion of single-aspect dwellings is not unacceptable.

#### Legibility of access

225. Although the GLA did, initially, raise questions about legibility of access to the proposed flats<sup>225</sup>, Mr Hutchinson explained that following the receipt of the GLA Stage I report, the GLA was directed to the "Navigation Study"<sup>226</sup> in the DAS. No further criticism was made in the Stage II report, where the GLA commented that the changes were welcomed and, on balance, the proposed scheme was considered to meet the objectives of London Plan policy 3.5 and Annex 1 of the Housing SPG<sup>227</sup>.

#### Summary

226. Overall, as the officers said in the Report to the Regulatory Committee, "*having regard to the layout and size of the units and their associated amenity space, the proposal is considered to provide a good quality of accommodation for future occupiers in accordance with policies 3.5 and 3.6 of the London Plan and Policy BD4 of the BWPP DPD.*"<sup>228</sup>

#### Consultation

227. Although there was no obligation to undertake any consultation before the application was submitted, the Appellant followed the general advice in the PPG that it is good practice to carry out pre-application consultation<sup>229</sup>. This is detailed in the Statement of Community Involvement<sup>230</sup> ("SCI"), but in summary, there was consultation with immediate neighbours in March and May 2015; followed by a 2-day public exhibition at the store in July 2015; and further workshops and focus groups thereafter.
228. Both Mr Jackman and Mrs Panesar denied having participated in the consultation with neighbours, but the Door Knocking Analysis<sup>231</sup> showed that Mr Jackman was interviewed, as was a member of the Panesar family. Mr Jackman criticised the publicity for the public exhibition and said that it was not advertised in the local newspaper. However, the exhibition was advertised twice, as shown in the copies

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<sup>223</sup> Para 7.116 of CD C27

<sup>224</sup> Para 23 of CD C28 and para 7.114 of CD C27

<sup>225</sup> Para 40 of CD C14

<sup>226</sup> Section 07.01.007 of CD C3

<sup>227</sup> Para 23 of CD C28

<sup>228</sup> Para 7.138 of CD C27

<sup>229</sup> See, for example, Paragraph: 001 Reference ID: 20-001-20150326 of CD A2

<sup>230</sup> CD C10

<sup>231</sup> SSL22

submitted by the Appellant to the inquiry<sup>232</sup>. It is quite clear from the list of questions set out in the SCI that participants had the opportunity to say whether they supported the scheme or not. It is also clear that Mr Jackman attended the public exhibition<sup>233</sup>.

229. The responses of members of the public were taken into account and led to changes to the proposals, as set out in the SCI. But even if pre-application consultation had not taken place, that could not possibly be a reason to dismiss this appeal. That said, it plainly did take place, and was carried out with considerable care and success. Furthermore, after the planning application was submitted, extensive consultation was carried out by the Council, with 1,416 neighbouring properties being notified as well as site notices being posted<sup>234</sup>.

### Other Matters

230. The proposals have been assessed against other development management considerations, including impact on navigation corridors, underground services, biodiversity, contaminated land, water<sup>235</sup>, trees and landscape<sup>236</sup> and aviation. There are no reasonable objections based on infrastructure provision. Some elements of infrastructure would be provided as part of the submitted scheme, whilst others would be provided pursuant to conditions<sup>237</sup>, with other matters being covered by the CIL contributions. The application complies with policy on energy and sustainability<sup>238</sup>, including achieving the maximum feasible overall CO2 emission saving<sup>239</sup>. As officers concluded, the proposals are entirely acceptable in these and all other respects.

### Overall Conclusions

231. The appeal proposals would provide significant economic, social and environmental benefits on a brownfield site in a highly sustainable location. They would provide much needed housing (including affordable housing), with the Council commenting that the overall mix of unit sizes across the tenures would make a positive contribution to a mixed and balanced community in this location, reflecting the overarching principles of national, regional and local policies and guidance<sup>240</sup>. Retail development and new employment opportunities would also be provided. The proposals would substantially improve the environment of this important town centre Site with a development of distinction that has been designed with great care and attention to detail. There are no reasonable objections. Overall, as the Council agrees, this appeal should be allowed.

## **The Cases for Interested Persons Opposing the Proposals**

232. Mr Paul Scott<sup>241</sup>. Mr Scott is a local resident. He believes that the proposed development should be refused as the level of affordable housing offered is far too low. His other main reason for wanting the proposal to be refused is that it would

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<sup>232</sup> SSL24

<sup>233</sup> See CD SSL29

<sup>234</sup> Page 12 of CD C27

<sup>235</sup> See page 24 of CD C27, and also Conditions 8 and 39

<sup>236</sup> Detailed throughout the DAS – CD C3 – especially Section 05.01.00

<sup>237</sup> eg Condition 8 concerning the drainage strategy

<sup>238</sup> Paras 7.178-7.187 of CD C27

<sup>239</sup> Para 7.184 of CD C27

<sup>240</sup> Para 7.111 of CD C27

<sup>241</sup> Details of this objector's case can be found in CD IP1

include tower blocks, which would add to the pollution and congestion in Ilford. He also states that developers should be aware that in the wake of the Grenfell Tower tragedy, there are many health and safety concerns around high-rise living.

233. Capt John Clifton. Capt Clifton spoke on behalf of the Salvation Army (Ilford corps), and is a local resident. He referred to the Salvation Army being part of Redbridge Citizens, an alliance of 6 civil society organisations which also includes Redbridge Islamic Centre, Saint Thomas of Canterbury Catholic Church, Saint Antony's Catholic Primary School, Trinity Catholic High School and Saint Margaret of Antioch (Ilford). Redbridge Citizens is the local chapter of Citizens UK, representing some 10,500 people in Redbridge and working with the Council to develop more affordable housing in the Borough.
234. Capt Clifton expressed concern and disappointment at the very low amount of affordable housing proposed in this scheme. There are many rough sleepers in Ilford, and the proposals would do nothing to address the homeless situation. The apartments the Appellant wants to build would not be affordable, so the proposal is not reasonable in that regard. He pointed out that the Council should insist on 30% affordable homes in all new housing developments in the Borough, and did not think that the 4% on offer here represented the maximum reasonable amount of affordable housing that the scheme could provide. In addition, he wanted the financial details of the agreement reached with the Council to be made fully public.

### **Written Representations**

235. A number of letters from individuals opposing the appeal proposals were submitted to the Council at application stage, along with 2 petitions opposing the proposals signed respectively by 25 and 777 residents. Three further letters opposing the proposals were submitted at the appeal stage. In the main, however, they raise no materially different matters to those raised by the interested persons who spoke at the inquiry, and by NOISE. I therefore do not repeat those points here.
236. Moreover, many of the matters raised relate to topics upon which the Council and the Appellant have reached agreement in the SOCG, with other areas of concern capable of being addressed by the suggested conditions, referred to below. These include such matters as problems which could arise during any future construction period. I cover these matters in my conclusions.

### **Conditions**

237. A schedule of conditions<sup>242</sup>, to be imposed should planning permission be granted, is set out at Appendix C to this Report together with stated reasons why each is considered necessary. The conditions were discussed at the inquiry and agreed between the Appellant and the Council. NOISE requested amendments to some conditions and I discuss these points in the relevant sections of my conclusions. The Council also included a number of Informatives<sup>243</sup> at the end of the suggested conditions, to draw the Appellant's attention to various matters relating to CIL, highways, Historic England; Thames Water, National Grid apparatus, Essex & Suffolk Water, and the London Fire and Emergency Planning Authority.

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<sup>242</sup> CD SSL39

<sup>243</sup> CD SSL39

## Planning Obligation

238. As noted above, the Appellant submitted a S106 Agreement with the Council<sup>244</sup>, aimed at securing various contributions and restrictions on the appeal site. I deal with this Agreement in my conclusions but, in brief, it covers the following obligations to the Council<sup>245</sup>:

- a) on-street parking permit capping;
- b) TV reception mitigation;
- c) a Car Club;
- d) local labour and apprentices;
- e) work experience placements and career guidance;
- f) a "meet the tenant" requirement;
- g) local procurement; and
- h) affordable housing, including a review mechanism.

239. Should planning permission be granted, the Appellant and the Council consider that this Agreement would provide the necessary obligations to make the development acceptable and to meet the requirements of paragraph 204 of the Framework, and Regulation 122 of the CIL Regulations 2010<sup>246</sup>.

*My conclusions begin on the next page*

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<sup>244</sup> CD SSL35

<sup>245</sup> CD SSL33

<sup>246</sup> See CD SSL34

## Conclusions

240. I have reached my conclusions on the basis of the evidence before me, the written representations, and my inspection of the application site and the surrounding area. References in superscript square brackets are to preceding paragraphs in this Report, upon which my conclusions draw.
241. I am satisfied that the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, have been complied with, and I have had regard to the ES and the other environmental information in coming to my conclusions<sup>[9,10]</sup>.
242. The SOCG<sup>[1]</sup> and FVSO CG<sup>[5]</sup> agreed between the Council and the Appellant detail the wide-ranging areas of agreement between these parties, and the sequence of events which led to the Council dropping its opposition to the appeal proposals is set out clearly in the Council's opening statement to the inquiry<sup>[6]</sup>. For the avoidance of doubt, the Council's position, now, is that the appeal should be allowed and planning permission granted for the appeal proposals<sup>[6,60]</sup>.
243. The appeal proposals were, however, strongly opposed by the Rule 6(6) Party, NOISE, who provided the main opposition to these proposals at the inquiry, together with a small number of interested persons<sup>[3,232-234]</sup>. The SoS's recovery letter did not set out any particular matters upon which the SoS wishes to be informed regarding these proposals. I have, however, had regard to the Council's original reason for refusal<sup>[1]</sup>, along with the points raised in objection by NOISE, and have concluded that the main considerations for this appeal can best be expressed as:
- a) The contribution of the proposed development to addressing housing need, and its effect in terms of density, design and the provision of necessary infrastructure;
  - b) The effect of the proposed development on the living conditions of neighbouring residents, and on the living conditions of future residents of the proposed dwellings;
  - c) Its effect on road safety, traffic flows and parking;
  - d) Its effect on the retail function of Ilford Town Centre;
  - e) Its effect on the settings of designated heritage assets and on any non-designated heritage assets;
  - f) Whether the proposed development would provide the maximum reasonable amount of affordable housing; and
  - g) Whether the proposed development would represent sustainable development, in the terms of the Framework.
244. I discuss these considerations in the following sections, and then address some other matters which do not fall neatly into the above headings, before undertaking a final planning balance and reaching my overall conclusion and recommendation.

## Main Considerations

### ***Housing need, density, design and the provision of necessary infrastructure***

245. The Site has clear development potential, lying within a London Plan Opportunity Area and Area of Regeneration, as well as within a GLA Housing Zone<sup>[17]</sup>. Moreover, the Site is specifically mentioned in the Council's Development Sites with

Housing Potential DPD, as a site with planning permission not yet started<sup>[29]</sup>; and in its Ilford Town Centre AAP DPD, where it is referred to as having a preferred use of supermarket with residential, with development potential for up to 180 units<sup>[29]</sup>. This reflects the planning permission which was granted in 2006 (now lapsed), for redevelopment of the site to provide, amongst other things, a replacement Class A3 store, a residential building of 180 units, and a residents' gym<sup>[46]</sup>.

246. That said, NOISE points out that "Just Space" (a Community Organisation which liaises with the GLA on planning issues), has identified significant problems with using the Opportunity Area designation for spatial planning<sup>[79]</sup>. Amongst other things Just Space maintains that Opportunity Areas encourage the provision of expensive, high density housing which does not meet the needs of local communities, especially of families, and that in many cases new housing is provided at the expense of existing social rented housing, of which there is already a serious shortage. It makes a number of other criticisms and argues that Opportunity Areas are designated from above without informing, let alone ensuring the effective participation of the people who already live and work in the area.
247. However, the fact remains that Opportunity Areas and their associated policies, form part of the London Plan, the latest version of which was adopted in March 2016, following the necessary statutory public consultation<sup>[28]</sup>. Whilst I have taken note of the concerns raised by Just Space and echoed by NOISE, they are set out in fairly generalised terms and have not been supported by any firm evidence. In my assessment these points do not constitute good reason to not apply the Opportunity Area policies in this case.
248. I have also noted NOISE's contention that the appeal proposals represent a significant departure from the adopted development plan<sup>[76]</sup>. However, the only evidence it puts forward in this regard is to point out that the AAP DPD refers to the Sainsbury's site as having capacity for up to 180 dwellings, whereas the number of units has been increased to 683 in the current proposal<sup>[78]</sup>. However, the AAP makes it clear that the figures it refers to are best estimates only, and are just intended to give a general indication of development potential to assist in forward planning<sup>[29]</sup>. It seems to me that the AAP figures simply reflect the planning permission which was extant for the SSL site at that time. With these points in mind I am not persuaded that the appeal proposals are materially in conflict with the adopted development plan.
249. NOISE, however, questions the need for this additional housing and raises objections to the form, scale and density of the proposals, and its likely impact on local infrastructure.

#### Housing need

250. Dealing first with housing need, the LBR minimum annual housing target for the period 2015-2025, set out in the London Plan, is 1,123 dwellings, with the objectively assessed housing need being much greater than this, at some 2,287 dpa<sup>[75,147]</sup>. NOISE does not appear to accept this level of housing need, arguing instead that a significant amount of new housing has been provided in Ilford in recent years, through legal and illegal flat conversions, "beds in sheds" and the establishment of HMOs<sup>[80-82]</sup>. NOISE also points to the various new builds developed over the period since 2008, including many high-rise flatted developments in Ilford Town Centre, which it says are recorded in the Street Numbering and Naming data<sup>[81]</sup>.

251. Using these data, and making reference to a question posed at a Full Council meeting in September 2016, NOISE argues that the Council in fact exceeded its housing target over a 10 year period to 2015/16, as some 9,406 “new addresses” had been incorporated into the Council’s land and property gazetteer. It further maintains that Ilford took a huge share of these new addresses<sup>[82]</sup>. However, no firm evidence to this effect has been submitted, and in any case, I regard it as a very unconventional way of attempting to show housing delivery. In the absence of any rigorous, verifiable evidence or support from the Council on this point I can give this approach, and NOISE’s position on this matter, very little weight.
252. It seems to me that far more supportable data have been put forward by the Appellant, which draw on the Council’s own historic housing delivery figures for the period 2010/11 to 2016/17. These show that the housing delivery over this period, amounting to some 3,299 dwellings, only represents about 47% of the relevant target (adopted Core Strategy target to 2014/15, then London Plan target), giving a dwelling shortfall against target of some 3,690 dwellings<sup>[147]</sup>.
253. Furthermore, the evidence put forward by NOISE only discusses the period up to 2015/16 and does not address the housing need going forward beyond this point. There is no firm, contrary evidence before me to cause me to disregard the LBR annual housing target for 2015-2025 of 1,123 dwellings, as discussed above<sup>[147]</sup>. With this figure in mind, I have noted the Appellant’s point that the Site represents the single largest Development Opportunity Site within the Borough, and that the 683 residential units proposed would represent 20% of the total housing numbers to be delivered in Ilford over the 2015-2020 period<sup>[148]</sup>.
254. Put another way, delivery of this amount of housing would represent some 60% of one year’s target for the whole of the Borough and is strongly supported by the GLA<sup>[148]</sup>. As such, I share the Appellant’s view that it should be seen as being of strategic importance and, in light of the Framework’s requirement that LPAs should boost significantly the supply of housing<sup>[22]</sup>, I consider that this matter should be given significant weight in the overall planning balance.

### Density

255. Turning to density, the proposed development would contain a total of 1,710 habitable rooms in 683 dwelling units, on a site with an area (excluding highways) of 1.95ha<sup>[191]</sup>. The proposed residential density has been calculated on a “factored” basis, reflecting the fact that the residential component of the scheme would be just over 70%. The resultant density would be some 1,247 hrh, or 498 units per hectare<sup>[191]</sup>. This would be in excess of the density figures set out in Table 3.2 of the London Plan (for a “central” location with a PTAL level of 6a), and has caused NOISE to maintain that the proposals would represent an overdevelopment of the Site<sup>[61,89]</sup>.
256. NOISE further maintains that the proposed development would not take account of the local context and character of the surrounding area, which it states is a high deprivation area, with a population density in the area around the Site being more than double that quoted in the ES, although no further evidence is put forward to support these points<sup>[83]</sup>. It goes on to argue that there would very likely be overcrowding in this development, as local people would not be able to afford the rents, leading to the need for people to share dwellings<sup>[85]</sup>. However, this latter point, again, is not supported by any hard facts, specific to the appeal proposals.

257. Moreover, whilst I have had regard to NOISE's concerns, the fact remains that the Site lies in just the sort of area - a central location with a high PTAL rating - where London Plan Policy 3.4 expects development to optimise housing output<sup>[142,191]</sup>. Furthermore, the supporting text to this policy and the accompanying Table 3.2 make it clear that the stated density ranges should not be applied mechanistically, but should also take account of other factors, with local context, design and transport capacity all being particularly important<sup>[191]</sup>. The supporting text also indicates that density can be increased in situations where transport proposals will improve public transport accessibility in the future<sup>[191]</sup>. This is especially the case here, with the advent of Crossrail expected to significantly increase the capacity at Ilford rail station<sup>[181,182]</sup>.
258. Building heights are an important element of density, and in this regard NOISE has objected to the proposed height of the 3 main residential blocks which would be 29 storeys, 14 storeys and 16 storeys respectively<sup>[61]</sup>. To support its stance, NOISE made reference to Map 9 within the Ilford Town Centre AAP DPD, which sets out a Built Form Building Heights Strategy. This Map shows most of the Site annotated as "6 to 12 storeys", with the north-eastern corner annotated as "15+ storeys"<sup>[190]</sup>.
259. However, it is clear that these heights are not meant to be taken as maxima, with the accompanying text stating that Map 9 is indicative, and that there may be circumstances where landmark buildings, which may include buildings of greater height than indicated, are desirable. The text further indicates that the tallest buildings are to be located around the High Road/Cranbrook Road crossroads, in what is designated the Primary Tall Building Zone. The north-eastern part of the Site falls within this Zone, which the AAP refers to as the historic Town Centre "heart", and which it is trying to re-energise with an enhanced environment for pedestrians and a modern public transport interchange. The AAP goes on to say that it is appropriate that the highest densities occur in this location, with approval for a 32<sup>247</sup> storey building having previously been granted for this area<sup>[190]</sup>.
260. In this regard I saw at my site visit that Pioneer Point, a relatively recent mixed residential and commercial development comprising 2 towers of 33 and 25 storeys, lies immediately to the east of the site on the opposite side of Winston Way. In addition, the mixed office and residential development currently under construction on the Britannia Music site, immediately to the north of the Site, across Roden Street, includes a 23 storey tower<sup>[17]</sup>. I have noted NOISE's assertion<sup>[17]</sup> that Pioneer Point was erected without due process being followed, and that the existence of these tall buildings should not be used as a precedent for more 30 storey tower blocks in the town centre<sup>[77]</sup>.
261. However, NOISE submitted no evidence to support its view that the correct procedures were not followed when Pioneer Point was approved, and there is nothing before me to suggest that Pioneer Point is being used as a precedent for the current proposals, which have been justified in their own right by the Appellant and supported by the Council. In view of these points, I see no policy conflict in terms of the proposed building heights.
262. Drawing these points together I have noted, importantly, that having taken account of all relevant circumstances, officers of both the GLA and the Council considered

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<sup>247</sup> This appears to be a reference to the Pioneer Point building, which has been described elsewhere - for example in the Report to the Council's Regulatory Committee - as being of 33 storeys

that the proposed density would be acceptable and appropriate<sup>[192]</sup>. No firm, specific evidence has been placed before me to cause me to take a contrary view.

### Design

263. NOISE maintains that the proposed development would be detrimental to the streetscene, because of its excessive height, bulk and massing, and argues that it would be of poor design quality, highlighting in particular that GLA officers were concerned about the convoluted and illegible residential entrance arrangements proposed, where residents and visitors would need to negotiate multiple cores and thresholds before arriving at their front doors, making it more difficult for mobility and visually impaired people<sup>[90]</sup>.
264. NOISE also criticises a number of other aspects of the proposed design, including what it sees as a failure to adequately explore alternatives to the current high-density, high-rise dominated design; the reduced size of the Chapel Square area of public realm; and whether this design of proposal is appropriate at what it sees as an unhealthy location, in view of the prevailing traffic noise<sup>[100]</sup>. Further, it criticises detailed features of the individual dwellings, such as the number of single-aspect flats, the fact that there would be relatively narrow window apertures and the amount of daylight and sunlight that future residents of such units would experience, along with concerns about overheating<sup>[91,102]</sup>.
265. I deal with some of these latter matters, which relate to the living conditions of future residents, under a later main consideration. However, in terms of the other criticisms and objections raised, they demonstrate a pervading theme of the NOISE case, and its evidence, which is to pick up on initial comments from the likes of the GLA and the Council's Highway's Department, but then not to have regard to the outcome of further discussions involving these bodies, or to weigh any adverse aspects of the proposals against any benefits.
266. A case in point is the issue raised initially by GLA officers, concerning access arrangements to the high-rise residential properties, referred to above. The NOISE evidence portrays this as a disbenefit of the scheme, stating that although the Appellant's design team explored the possibility of introducing further cores to the southern and western aspects, this was simply not possible because of the constraints the design of the building created<sup>[90]</sup>.
267. However, the full extent of the evidence before the inquiry paints a somewhat different picture. The Annex to Mr Hutchison's evidence provides a fairly detailed summary of the meetings and consultations which took place as part of the development of the final design, and insofar as residential access matters are concerned, the GLA comments made in its Stage I report were addressed by means of it being referred to a detailed "Navigation Study"<sup>[225]</sup>. This not only set out and explained the proposals more fully, it also gave a diagrammatic and written description of how to navigate to a specific address.
268. As a result, in its Stage II report the GLA raised no further criticism on this topic, but simply indicated that it welcomed the Appellant's confirmation of the access arrangements, and of other minor scheme amendments to improve the daylight for the proposed units, including internal layout changes, amending the window arrangements and revising balconies. As a result the GLA stated that, on balance, the proposed scheme is considered to meet the objectives of London Plan policy 3.5 and Annex 1 of the Housing SPG<sup>[225]</sup>.

269. With regard to NOISE's criticism of the fact that only high-rise, high-density alternatives to the current proposals have been explored<sup>[86]</sup>, I see nothing untoward about this, as such schemes clearly accord with the adopted development plan policies for this site. Moreover, although NOISE is critical of the fact that the Council requested the Appellant to reduce the extent of the public realm, this criticism overlooks the fact that it was simply the extent of the public realm on the Winston Way frontage that the Council felt should be reduced, as it considered that such larger public spaces would be more appropriately located elsewhere in the town centre<sup>[210]</sup>.
270. As well as not fully recognising the extent and outcome of discussions with the various consultees, NOISE has not provided any detailed or specific design criticisms from authoritative sources. In contrast, the officer's Report to the Council's Regulatory Committee notes that the proposed architectural design is considered to be a sophisticated interpretation of Ilford's historic character, is supported by the Council's urban planning and design officers, and also received strong support from Design Council CABE<sup>[189]</sup>.
271. Indeed, CABE commented, amongst other matters, that the proposal had developed with significant improvements to the design and that they supported the planning application. They also stated that the composition of the taller elements and the lower blocks is successful and would allow good sunlight penetration and provide views from the podium which would help make the scheme connect with its context; that the façades of the taller buildings would achieve a good balance between industrial and Art Deco influences; and that the towers would reflect the new London vernacular approach and the Ilford sign at the top of the tower would create a distinguished landmark for the area<sup>[189]</sup>.
272. Finally on this matter, I have noted NOISE's criticisms of the fact that the appeal proposals would result in the loss of 51 trees in the public realm, and its request that Condition 19 be amended to ensure that all public realm trees are replaced, if planning permission is granted<sup>[98]</sup>. Details of the proposed hard, soft and tree landscaping strategies are, however, included in the DAS, and seem to me to have comprehensively addressed all relevant landscaping aspects of the proposals, whereas NOISE's request appears somewhat arbitrary and is not supported by any firm details or justification<sup>[230]</sup>. In these circumstances I give NOISE's concerns on this matter little weight.
273. Having regard to all the above points, it is my assessment that the appeal proposals would represent a high quality of design and would create a new, stylish, well-landscaped and well-proportioned development, appropriate to its setting and surroundings. As such I do not share NOISE's view that it would appear overbearing in the streetscene.

#### *Impact on local infrastructure*

274. Turning to the proposed development's likely impact on local infrastructure, NOISE has made specific reference to the GP to patient ratio in the surrounding area being one of the lowest in the whole country, and both Mr Jackman's and Mrs Panesar's evidence recount difficulties in accessing the health services locally<sup>[104]</sup>. In addition, NOISE states that schools are oversubscribed; that there is a deficit of primary places; and that the expansion of schools in the area is leading to the further loss of open space. It maintains that there is simply not the room for extra buildings on the scale required, meaning that any new school in the area has to be on a smaller

“footprint” of land than desired, with children having less space to move around and little access to outside green and play areas<sup>[84]</sup>.

275. NOISE also maintains that although there is a huge emphasis on cycling within the appeal proposals, the infrastructure for cyclists is not available<sup>[121]</sup>. Whilst recognising that some pedestrian and cycle infrastructure improvements are the subject of agreed Condition 4, to be imposed if planning permission is granted, NOISE argues that this infrastructure should be the subject of a Grampian condition and should be provided before any development starts, in the interests of safety<sup>[113]</sup>. NOISE also makes a similar point about waste water infrastructure, but in this case simply argues that a drainage strategy for on and off-site drainage works should be approved by the Council, in consultation with the sewerage undertaker, before development begins<sup>[136]</sup>.
276. In terms of the education and health service concerns raised by NOISE, it is clear that the increased population which would arise from this proposed development, if planning permission is granted, would place additional pressure on such facilities and services. There would also be additional pressure on other aspects of local infrastructure such as leisure facilities, library services, community care facilities, open space provision, community facilities and the transport network.
277. However, the purpose of the CIL Regulations, 2010, was to provide a means whereby developments would be required to make appropriate contributions to such local infrastructure, and LBR has such a Levy in place. Any required and necessary improvements to local services, facilities and infrastructure, arising from the proposed development, could therefore be funded through the CIL payment to LBR, which would amount to some £7.53 million<sup>[8]</sup>.
278. With regards to the cycle and drainage infrastructure improvements referred to above, these would be specific requirements of the proposed development and would need to be agreed in detail with the Council. Suggested planning Conditions 4 and 8, agreed between the Council and the Appellant, would require details of the necessary pedestrian and cycle infrastructure, and the drainage strategy and works, to be submitted to and approved by the Council prior to the commencement of development (with the exception of site clearance, demolition and preparatory construction works), with implementation to be carried out in accordance with agreed programmes of implementation.
279. To my mind these conditions are quite reasonable, and indeed the suggested drainage condition (Condition 8) appears to more or less accord with NOISE's wishes<sup>[136]</sup>. But in the case of the proposed cycle and pedestrian improvements, I do not consider it either reasonable or necessary for these to be fully implemented before development commences, as NOISE requests. In my opinion, a trigger for implementation would more reasonably be first occupation of either the residential or retail elements of the proposal. NOISE's request appears to stem from a mistrust of the Council and a lack of faith in its ability to ensure conditions are complied with and necessary infrastructure improvements delivered, in the form agreed.
280. However, I consider these doubts and suspicions to be unfounded. Firstly, the Council has the power to enforce against any breach of conditions, and secondly, the planning system relies on LPAs and there is no good reason to think that the Council would not act responsibly and reasonably in carrying out its statutory duties. There would, in any case, be the option of judicial review, if circumstances so dictated.

*Summary*

281. Taking account of all the above points, I conclude that the proposed development would make a significant contribution towards addressing housing need, and that it would be acceptable in terms of density, design and the provision of necessary infrastructure. Accordingly I find no conflict with the relevant parts of London Plan Policies 3.2, 3.9, 7.3, 7.6 and 7.13; Core Strategy Policy SP3; BWPP Policies BD1 and BD2; AAP Policy BF3; or with the Framework, especially Sections 6 and 7 dealing respectively with delivering a wide choice of high quality homes, and good design.

***The effect on the living conditions of neighbouring residents, and on the living conditions of future residents of the proposed dwellings***

*Impact on existing, neighbouring residents*

282. In terms of the likely impact of the proposed development on the living conditions of existing, nearby residents, NOISE maintains that it would have an overbearing impact and would result in overlooking and loss of privacy<sup>[61,96]</sup>. However, no further details of these alleged impacts are provided, save that the petition signed by 25 residents of Audrey Road and Riverdene Road, and referred to by NOISE, mentions overlooking of the bedrooms, toilets and gardens of these properties from top floor rooms in the proposed development<sup>[61,235]</sup>.
283. It seems to me that the existing properties which could potentially experience some loss of privacy would, indeed, be the 2-storey terraced houses on the northern side of Audrey Road and the western side of Riverdene Road, along with the 3-storey block of flats on Riverdene Road (Golding Court). At the present time the rear gardens of the Audrey Road properties back onto the Sainsbury's service access and service yard. Under the appeal proposals the service access would be replaced by a new residential shared-surface road, known as Clyde Mews, with new 3/4-storey terraced mews housing lining its northern side<sup>[13,48]</sup>.
284. These new houses would, however, be located at least 19m from the rear elevations of the Audrey Road dwellings, a separation distance which the Council considers would be sufficient to prevent any undue loss of privacy<sup>[209]</sup>. I share that view. Taller buildings on the Site would be located further away still, and views of the Audrey Road dwellings from the proposed podium gardens would be restricted by level differences and the separation distance. Moreover, trees are proposed to be planted along Clyde Mews and this would provide some screening, which would further serve to ensure that no materially adverse overlooking or loss of privacy would arise<sup>[209]</sup>.
285. There would be a similar situation on Riverdene Road, where new 3/4-storey terraced town houses are proposed for the eastern side. There would be at least 18m between these new dwellings and the existing properties – with Riverdene Road between – and again, like the Council, I consider that this separation distance would ensure that no unacceptable overlooking or loss of privacy would arise<sup>[223]</sup>. Taller buildings would, again, be set further back within the Site, and there would be no significant overlooking from the proposed podium level gardens<sup>[215]</sup>.
286. NOISE is also concerned about the likely impacts of the proposed development on daylight and sunlight reaching nearby, existing properties<sup>[92,93]</sup>. This was assessed in detail in the ES and in further assessments undertaken by the Appellant's consultants, Anstey Horne, with the results being reviewed by BRE. Baseline levels of daylight and

sunlight currently received by surrounding residential properties were assessed, along with likely effects if the proposed development was completed and in place. Account was also taken of the likely impact on other, committed developments in the area, such as the Britannia Music development, in what was termed a “cumulative scenario”<sup>[208]</sup>.

287. Unsurprisingly, as some of the nearby dwellings currently border or look onto the Sainsbury’s surface level car park and service yard, they would experience a worsening of conditions if taller buildings were constructed on the Site, as proposed<sup>[206]</sup>. Nevertheless, most of the impacts on daylight are predicted to be negligible, although a major negative impact is predicted for The Papermaker’s Arms public house. The daylight impact on Blocks B and C of the Britannia Music site development would be moderate to major negative for both blocks<sup>[205]</sup>.
288. With regards to sunlight, the assessments conclude that for the proposed development on its own, surrounding residential properties would experience some losses of sunlight, but the resultant levels would still be well within the BRE guidelines, with windows retaining at least 25% of annual probable sunlight hours and 5% of winter sunlight hours<sup>[207]</sup>. A small number of windows in a few properties on Ilford Hill would fail to achieve the guideline figure for winter sunlight, but would receive sufficient year-round sunlight. For the Papermaker’s Arms, one first floor window would lose most of its winter sunlight, but would retain plenty of year-round sunlight<sup>[207]</sup>.
289. The impact on sunlight at these properties is considered to be minor negative, with the impact on the other properties assessed being negligible. In the cumulative scenario, the impact on these properties would be unchanged. Blocks B and C on the Britannia Music site would receive the recommended amount of sunlight with the development in place, and would therefore experience a negligible impact<sup>[208]</sup>.
290. In considering this matter I have had regard to NOISE’s point, that poor standards of daylight in one development should not be used as a reason to allow poor standards elsewhere<sup>[93]</sup>. But I have also been mindful of the fact that the BRE numerical guidelines should be interpreted flexibly, as natural lighting is only one of many factors to be considered in site layout design<sup>[219]</sup>.
291. In particular, in urban locations such as this, where higher densities and taller buildings, possibly sited closer together, are supported by development plan policies, I share the view of Council officers that it would not be unusual for some of the surrounding properties to experience a degree of loss of daylight and/or sunlight. The most significant potential effects are associated with the Papermaker’s Arms public house adjoining the site, but as this is not a residential property containing habitable rooms I am not persuaded that these impacts should be seen as unacceptable<sup>[208]</sup>.
292. With the above points in mind, and having regard to the scale of the Site and the proposed development, I consider that the overall effects on daylight and sunlight reaching neighbouring properties would be acceptable, when applying the flexible approach for inner city context, as highlighted by the BRE guidelines.

*Impact on future residents of the proposed dwellings*

293. For future residents of the proposed development, NOISE raises concerns about daylight and sunlight, privacy, noise, air quality, and the amount of private amenity space and communal open space, including play space for children. With regards to

the first of these – daylight and sunlight – NOISE points out that according to BRE, there would be a significant number of rooms which would not achieve the recommended minimum value of ADF for that room type, with the rooms in question being generally in the same location in each block, over several floors, and therefore being a consequence of the development’s own design rather than external obstructions<sup>[95]</sup>.

294. Insofar as sunlight is concerned, NOISE again adopts the BRE findings, and points out that only rooms facing south-east or south-west have been analysed, and of these some 23 would not receive the recommended amount of year-round sunlight and 16 would not receive the recommended amount of winter sunlight. In 12 cases, the flats would not receive either the recommended amount of winter sunlight or year-round sunlight<sup>[95]</sup>. Overall, where daylight and sunlight are below the recommended minima, this is due to the design of the development rather than the presence of external obstructions. Because of these points NOISE maintains that the proposals would result in poor living conditions for future occupiers<sup>[89,95]</sup>.
295. However, whilst NOISE has accurately reflected BRE’s conclusions, it does not appear to have viewed them with any flexibility, or taken account of other facts such as policy constraints for development on this Site, as referred to earlier. With this in mind, I favour the more balanced assessment undertaken by Council officers when reporting this matter to the Regulatory Committee. In summary this points out that of the 747 rooms tested, 646 (87%) would receive adequate daylight, whilst of the 684 windows tested, 560 of them (82%) would meet with BRE standards for sunlight<sup>[218]</sup>.
296. Officers considered that in view of the site constraints and design considerations, this high degree of compliance would mean that the development would maintain adequate levels of daylight and sunlight for future occupiers of the proposed dwellings<sup>[219]</sup>. In the absence of any firm evidence to the contrary I share that view, especially as BRE does not suggest that the standard of daylight and sunlight which occupiers of the proposed development would receive would be unacceptable.
297. In terms of privacy I have noted that most of the blocks would be spaced 18m apart, and consider that this level of separation would be adequate to ensure that no undue overlooking would take place between facing habitable room windows. Whilst there would be some shorter separation distances of 10m, in those cases the design would be such that windows would not face directly across to habitable room windows in opposite blocks, or would face across amenity areas<sup>[223]</sup>.
298. Although NOISE is particularly concerned about the privacy of future occupiers of the proposed flats at podium level, arguing that the necessary privacy measures should be established now rather than being left to a future planning condition (Condition 24)<sup>[96]</sup>, there is no firm evidence before me to suggest that adequate levels of privacy could not be achieved by means of landscaping, boundary treatments, privacy screens or obscured glazing. Because of this, I see no particular problem in leaving this matter to be resolved through Condition 24, if planning permission were to be granted. No other concerns have been raised about the privacy of future occupiers of the proposed dwellings, and I therefore do not regard this as a matter weighing against the appeal proposals.
299. NOISE also maintains that future residents would be living in an unhealthy environment with regards to noise and air quality, largely as a result of the Site being so close to high traffic volumes at Winston Way and the Chapel Road gyratory<sup>[100]</sup>. In NOISE’s view, this calls into question whether the Site is, in fact, a suitable location

for this type of development<sup>[101]</sup>. I note, however, that such matters were addressed in detail in Chapters 9 and 10 of the original November 2015 ES, and in revised Chapters 10 and 11 in the February and March 2016 revisions of the ES<sup>[204,222]</sup>.

300. Dealing first with air quality, it is indeed the case that the Site is located within an AQMA declared by LBR for exceedances of the NO<sub>2</sub> and PM<sub>10</sub> standards<sup>[103]</sup>. However, this matter was assessed in the ES, which modelled the emissions from local traffic, the car park ventilation system and the proposed CHP plant and boilers<sup>[222]</sup>, with these assessments then being reviewed by LUC for the Council. It was agreed that mitigation measures would reduce the effects during construction to a minor negative level. Further, during the operational phase of the development, any effects could be reduced to within entirely acceptable levels by fitting NO<sub>2</sub> abatement to the CHP Plant, providing electric vehicle charging points, and mechanical ventilation of the car park<sup>[222]</sup>.
301. As these measures could all be secured through an appropriate planning condition requiring the preparation, submission and approval of a Dust Management Plan, I consider that there are no justifiable reasons on air quality grounds why planning permission should not be granted. Indeed, I note that Council officers took a similar view, adding that subject to the appropriate mitigation measures the proposed development would be in accordance with Policy E8 of the BWPP DPD<sup>[213]</sup>.
302. Turning to noise, the evidence before the inquiry shows that as a consequence of the traffic noise in the area, some of the residential properties could potentially be exposed to noise levels above recommended limits<sup>[102,220]</sup>. However, the Council agrees with the Appellant's assessments that mitigation through the provision of fairly conventional thermal grade double-glazed units and mechanical ventilation would be sufficient to ensure that noise levels within living areas would be reduced to acceptable levels<sup>[100,220]</sup>. There is no firm, contrary evidence before me, so I, too, agree that internal noise levels could be satisfactorily addressed in this way.
303. I note that there would be some facades which would be subject to higher external noise levels, and for which it is proposed to utilise restricted openable windows to relieve overheating. This means that occupiers of these units would be exposed to internal noise levels which exceed the acceptable criteria when windows are open, and they would have to choose between noise and cooling<sup>[102]</sup>. I share NOISE's view that this would not be a pleasant choice to make, but as it is only likely to be an issue for limited times, such as during peak summer periods, I am not persuaded that this should weigh heavily against the appeal proposals<sup>[102,221]</sup>.
304. The assessments also indicate that some outdoor amenity space would experience noise levels in excess of recommended levels, with Council officers noting that whilst this is undesirable, there are no effective mitigation measures to ensure open areas are completely protected from external noise sources<sup>[102]</sup>. In part, this appears to have been a driver for the Appellant's decision to provide most of the proposed residential units with private amenity space in the form of an increased internal floor area (as permitted by the Mayor of London's Housing SPG), rather than as outdoor amenity space by the likes of balconies<sup>[100,214]</sup>. I see no significant problems with this approach.
305. In terms of communal amenity space, I note that there is no specific requirement for its provision in the adopted BWPP DPD, but that the appeal proposals would provide some 4,250 sqm, which would be a significantly larger area than would be required by the emerging Local Plan<sup>[215]</sup>. In addition, some 2,440 sqm of children's play space

would be provided against a requirement, based on GLA figures, of 880 sqm<sup>[215]</sup>. This assumes that the proposed development would accommodate 88 children, again based on GLA methodology.

306. NOISE was sceptical of this figure, arguing that on the basis of local knowledge of nearby residential buildings such as Westside Apartments, a much higher child yield could be expected<sup>[85]</sup>. But this view was not supported by any firm, alternative methodology for calculating child yield, so I can only give NOISE's assertions very limited weight. In any case, at the GLA figure of 10 sqm of play space for each child, it is clear that the proposed development could house many more children than currently predicted, and still accord with GLA standards<sup>[216]</sup>. The detailed design of the play space would be subject to an agreed planning condition.
307. Finally under this main consideration I consider, on the basis of the evidence before me, that any potentially adverse issues such as noise, vibration and air pollution arising during the demolition and construction phases could satisfactorily be addressed by appropriate planning conditions, requiring the approval of such things as a Demolition and Construction Management and Logistics Plan.
308. In summary, I share the view of the Appellant and the Council that the need to accord fully with relevant standards as detailed above, has to be viewed in the light of the regeneration objectives of the Site and the wider Ilford Opportunity Area. A strict adherence to standards could mean that the regeneration and employment benefits sought at both the strategic and local levels would not be realised.
309. On balance, I conclude that with the imposition of appropriate conditions, the appeal proposals would not have an unacceptable impact on the living conditions of nearby residents or future residents of the proposed dwellings, during demolition, construction and/or operational phases, through loss of privacy, loss of daylight or sunlight, noise, vibration, air quality or the provision of private and communal amenity space. Accordingly there would be no conflict with London Plan Policy 7.6; Core Strategy Policy SP3; Policies BD1 and E8 from the BWPP; or the Framework, especially the Core Planning Principles and Sections 6 and 7, as detailed earlier.

### ***The effect on road safety, traffic flows and parking***

310. NOISE raised a significant number of objections on a wide range of transport-related grounds, drawing primarily on initial comments, criticisms and queries made by the Council's Environmental Services (Highways) Section, in response to the Appellant's TA, submitted as part of the original ES<sup>[106-125,171]</sup>. These matters were, however, all addressed by the Appellant's transport consultants – MB - including by the submission of additional Technical Notes. The Council then engaged another firm of transport consultants - WYG - to undertake a Technical Review of the MB work<sup>[170,171]</sup>.
311. Following its review of the latest MB information, WYG concluded that the proposals were broadly acceptable in transport terms, subject to a number of recommended conditions covering such matters as the proposed provision of a lay-by on Roden Street for service vehicles; the provision of a pedestrian crossing on Roden Street; the need for a Construction Logistics Plan and a Servicing Management Plan; an increase in cycle parking provision to accord with London Plan requirements; and changes to the proposed Retail Travel Plan<sup>[171]</sup>. MB responded to these points by making further amendments, such that by the time the proposals were presented to the Council's Regulatory Committee, the Appellant had decided to relocate the

servicing lay-by from Roden Street to within the Site; and to implement a combined cyclist/pedestrian crossing (a Toucan crossing) on Roden Street<sup>[114,174,179]</sup>.

312. As a result, officers were content with the proposals, advising Members that those matters not addressed by amended plans or further information could be overcome by planning conditions. Accordingly, the proposal was not refused for any highways or transport reasons. By the time the inquiry opened, a further change had been put forward by the Appellant, with the amount of cycle parking for the retail use being increased to 128 spaces - one more than required by the London Plan<sup>[179]</sup>. It is in the light of all the above information that I have to assess the weight to be given to the matters raised by NOISE.
313. Dealing first with NOISE's concerns that problems would be caused during the demolition and construction phases as a result of HGV use of Roden Street, the evidence indicates that the volume of such traffic would be generally low<sup>[176]</sup>. As such, I see no reason why it could not be satisfactorily controlled and managed by the proposed Demolition & Construction Management and Logistics Plan to be secured through Condition 5.
314. With regards to predicted trip generation, I consider the Appellant's use of traffic flow information from the existing store, suitably factored upwards to take account of the increased size of the proposed new store is an acceptable and appropriate method of determining likely retail trip generation, as it makes use of direct experience from other SSL store extensions<sup>[115,175]</sup>. I note WYG's point, that the use of a detailed travel study of the existing Sainsbury's store could well have produced a more accurate modal split than data from the National Travel Survey, which has been used by MB, but there is no firm evidence before me to suggest that the MB methodology has produced unreliable results. Indeed, WYG considers the MB approach to be broadly acceptable<sup>[175]</sup>.
315. Moreover, I share WYG's view that the use of TRICS data for the residential trip generation, with a modal split determined from local 2011 Census data, adjusted to account for the largely car-free nature of the proposed development, is also acceptable<sup>[175]</sup>.
316. The decision to make the development largely car-free, with only 42 parking spaces proposed<sup>[49,119,177]</sup> (for disabled residents) is, to my mind, both understandable and acceptable for this town centre location with excellent public transport accessibility<sup>[142]</sup>. On this point I share the Appellant's view that not all disabled residents would necessarily require a parking space. Put simply, any prospective future residents would be well aware of the fact that no general private parking would be available on site, and that they would not be able to purchase a permit for the adjacent residents' parking zone. This, coupled with the excellent PTAL rating and the proximity of Ilford rail station is very likely to influence their decision as to whether or not they would want to live in this proposed development.
317. As such, whilst I acknowledge NOISE's concerns that the absence of general, private parking would add to the local parking stress<sup>[119]</sup>, it is difficult to see how this would be the case. The only places that any residents who decided to own a car would be able to legally park, locally, would be in the limited areas of pay and display parking. Whilst I have noted Mr Sheik's comments about current parking problems and the difficulties it can create for the emergency services<sup>[119]</sup>, any attempts to park illegally, or on lengths of private road could be appropriately dealt with by the public or private enforcement agencies<sup>[177]</sup>. This should not, therefore, be seen as a reason to

withhold planning permission. In any case, the Appellant intends to fund 2 Car Club spaces as part of the proposals and whilst this is criticised by NOISE as inadequate, I consider that along with other Car Clubs in the surrounding area it would give an adequate degree of choice for future residents<sup>[120,178]</sup>.

318. I have noted NOISE's scepticism regarding the predicted numbers of morning and evening peak hour rail trips from the proposed development – 150 and 156 respectively<sup>[109]</sup> – but the Appellant has rigorously supported and justified these figures by relevant evidence<sup>[181]</sup>. Mr Sheik's contrary evidence for NOISE provides no firm, verifiable details of numbers or states the actual time periods involved, and in my opinion does not serve to reasonably counter the Appellant's figures.
319. Moreover, although NOISE questions the additional rail capacity which Crossrail will bring to Ilford station, no independent verification has been provided of Mr Sheik's assertion that trains currently carry about 1,200 people<sup>[107]</sup>. In contrast, the Appellant draws on information provided by the Council (which in turn references a Government source), for its estimated figure of about 860 passengers per train<sup>[182]</sup>. In these circumstances I give the Appellant's figure more weight, and I therefore also accept the Council's view, echoed by the Appellant, that Crossrail would increase train capacity to around 1,500 passengers<sup>[182]</sup>.
320. Whilst I acknowledge that Crossrail will clearly serve many more stations than just Ilford, in my assessment it will, nevertheless, provide a significant increase in peak period capacity at Ilford station. As such, the 10% overall increase in capacity over the whole London network as a result of Crossrail, referred to by NOISE<sup>[107]</sup>, has not been shown to be at odds with the Appellant's figures, which have concentrated on Ilford. To my mind, this additional capacity will serve to ease any current overcrowding and/or congestion at Ilford station and, although I recognise that funding for Crossrail has been reduced, the loss of £100,000 does not seem to be particularly material, especially as the Council's Cabinet Chair has confirmed that the main elements of the proposed improvements will still take place<sup>[106,183]</sup>.
321. Insofar as provision for cyclists is concerned, whilst I note NOISE's criticisms of the existing cycling infrastructure, the evidence before me shows that there are existing on and off-road strategic cycle facilities directly adjacent to the Site, with local cycle routes nearby and further strategic and local facilities proposed in the surrounding area<sup>[112,121,142]</sup>. These facilities would be improved by the Toucan crossing proposed for Roden Street<sup>[179]</sup> and, on the basis of the submitted evidence<sup>[174]</sup>, I see no reason why this proposed crossing should have an unacceptable impact on traffic flows in the vicinity.
322. Moreover, although NOISE has questioned the proposed residential cycle parking arrangements<sup>[121]</sup>, the DAS and the scheme Planning Drawings make it quite clear where the cycle parking and storage areas would be located, and how they would be accessed. This would be secured by Condition 40 if planning permission is granted. In the light of further amendments to the proposals, cycle parking provision for the retail element would accord with London Plan requirements<sup>[179]</sup> and, overall, I consider that the appeal proposals would cater satisfactorily for cyclists.
323. For pedestrians, NOISE's criticisms of the Appellant's use of a 2010 PERS audit<sup>[112]</sup> is, I believe, unfounded. The TA explains that this 2010 audit was carried out on behalf of TfL in relation to the Ilford rail station, in the context of the Crossrail scheme, to provide a description of the pedestrian environment in the vicinity. I understand that the study area took in the whole of the gyratory adjacent to the Site, including the

section of Chapel Road which runs along the Site frontage, and the public realm outside the existing Sainsbury's store<sup>[172]</sup>.

324. The Appellant states that the main findings of this audit would also be applicable to the Site, as it is not aware of any significant changes to the pedestrian environment since the audit was carried out<sup>[173]</sup>. Neither NOISE nor any other interested person has produced any substantial contrary evidence in this regard, and I therefore see no reason to regard this 2010 PERS audit as outdated. In any case, the main parties have agreed a condition<sup>[173]</sup> which would require a new PERS audit to be undertaken to inform the necessary highways and public realm improvements. In my assessment this would be an acceptable course of action on this matter.
325. NOISE's contention that there is a safety issue as a result of people having to cross the traffic gyratory to access the Site, and that the area is prone to accidents<sup>[110]</sup> is based, at least in part, on the initial comments made by the LBR Highways Section. However, as with other matters, these criticisms were not repeated in any later comments from LBR, nor in the WYG Technical Review of the proposals. Moreover, having reviewed the accident information contained within the TA I share the Appellant's view that there does not appear to be any inherent problems with highway safety in the vicinity of the Site. In any case, the pedestrian and cyclist infrastructure would be improved by the appeal proposals, as noted above.
326. There would also be improvements to the public realm, and although these would involve the reduction in the size of Chapel Square<sup>[98,210]</sup>, it seems to me that the new Chapel Square would be of high quality design, lined by active frontages. In addition, the public realm on the Site's Winston Way and Chapel Road frontages would also be enhanced<sup>[173,210]</sup>. Overall I conclude that the public realm would be significantly improved by the appeal proposals.
327. With regards to the proposed servicing and access arrangements, it seems clear to me that moving the service vehicle access from Riverdene Road to Roden Street, and moving the current open service yard to an enclosed store-level location would result in benefits to existing residents, through reduced noise and disturbance<sup>[13,184]</sup>. Despite NOISE's concerns and its doubts regarding agreed Conditions 26 and 27, there is no firm evidence before me to suggest that either the proposed service yard or the servicing lay-by within the Site would have insufficient capacity.
328. Road Safety Audits have considered the proposed combined customer/service vehicle access and have concluded that there would be no unresolvable issues. Furthermore, additional swept-path analyses have been undertaken which have, amongst other things, assessed the operation of the proposed servicing lay-by within the Site, and the associated U-turn movements this would necessitate. These analyses also show that access to the new store would operate safely<sup>[185]</sup>, and although I have noted NOISE's criticisms of the proposed pedestrian refuge, there is no firm evidence before me to show that this access would be unsafe for pedestrians<sup>[122,185]</sup>.
329. Finally, I have noted NOISE's references to cumulative impact, but its evidence draws on information prepared for the emerging Local Plan and is not specifically related to the current appeal proposals<sup>[116,180]</sup>. On the basis of the evidence before me I am satisfied that the Appellant has appropriately taken account of relevant commitments, as agreed with the Council, in assessing the likely impact of the appeal proposals.
330. In considering the various matters raised by NOISE I have been mindful of the fact that its traffic witness, Mr Sheikh, does not have any technical expertise in the

highways or transport fields<sup>[170]</sup>, but simply makes his points as a concerned lay person who lives in the area, and has experience of the present day transport situation as a local resident and a user of the transport network. Whilst I understand and appreciate the points made, I can only give them very limited weight when I view them in the light of the more detailed assessments made by MB and WYG.

331. Overall I conclude that the proposed development would not have an unacceptable impact on road safety, traffic flows or parking. I therefore find no material conflict with London Plan Policies 6.3 or 6.13; Policy T1 from the BWPP DPD; or with the Framework, especially Section 4 which deals with Promoting Sustainable Transport.

### ***The effect on the retail function of Ilford Town Centre***

332. NOISE's contention that the proposed development would conflict with Policy R3 from the BWPP DPD<sup>[43,129,130]</sup> appears to stem from a misinterpretation of this policy, and a misunderstanding of its function and purpose. Policy R3 is entitled "Protection of Shopping Uses", and is clearly intended to prevent the loss of retail premises and their change of use to other uses. The justification for the policy mentions some of these other uses – banking, insurance and food and drink – which the policy does not want to see becoming over-dominant within certain shopping areas, such as the Primary Shopping Area of the Metropolitan Centre. But the various criteria listed in the policy only come into play where a change of use from Class A1 (shop) to another use is being proposed. That is clearly not the case here.
333. I acknowledge that NOISE is factually correct when it says that the floorspace split on the Site would be 30% retail and 70% residential<sup>[130]</sup>, but there is no suggestion that the amount of A1 retail floorspace in the Primary Shopping Area would be reduced as a result of these proposals. In fact it would be significantly increased<sup>[150-152]</sup>. This would assist the Council in its quest to provide a substantial amount of new comparison and convenience floorspace within its designated town centres, as part of its emerging Local Plan. Indeed, the provision of new retail floorspace on the Site is supported by national, regional and local planning policy (both adopted and emerging)<sup>[45,143,145,146]</sup>. In these circumstances, Policy R3 is clearly not relevant to this proposed development.
334. Drawing on work undertaken by Colliers, for the Council, NOISE has questioned the rationale for the construction of a large supermarket of the size proposed, in the current economic climate, and has criticised the proposed small retail units as being "low grade and difficult to let"<sup>[132,133]</sup>. It has also criticised the fact the store has been designed flexibly, to allow it to change to other uses, should the need arise<sup>[132]</sup>. However, it seems to me that provided there is no policy conflict (and none has been identified here), then it is up to a developer to determine the form of any proposal it wishes to pursue, with a flexible design making sound planning and commercial sense. As such, and in the absence of any firm, contrary evidence from NOISE, I give very little weight to these objections.
335. Similarly, I give little weight to NOISE's contention that the economic benefits of the appeal proposals could actually be negative<sup>[131]</sup>. In taking this view NOISE maintains that as this current proposal, which would take 4-5 years to complete, would be undertaken at the same time as the other works at several sites in Ilford Town Centre, it would cause years of disruption and further congestion within the area. As such, NOISE contends that people would not be likely to want to visit Ilford Town Centre while these works are taking place, leading to its further demise<sup>[131]</sup>.

336. There is no dispute that there is major, on-going development in the town centre, with more planned, as detailed in the Ilford Town Centre AAP<sup>[28,41]</sup>. But there is no firm evidence before me to demonstrate that these developments could not be carried out responsibly, with minimum disruption to existing businesses and people's everyday needs and life-style. Issues likely to cause disruption during the demolition and construction phases of development can be adequately controlled by appropriate planning conditions – as are proposed in this case – and I see no good reason why any temporary disruption arising from building works and development should have any long-lasting impact on economic activity in the town centre.
337. Finally on this point, I note the concerns raised by Mr Papi, as part of NOISE's case, that he has been given little support by SSL in his search for new business premises<sup>[134]</sup>. But whilst I am sympathetic to Mr Papi's situation, it is not the responsibility of the Appellant to provide alternative premises or accommodation for businesses displaced by Crossrail improvements at Ilford station. As such, this matter can have no material bearing on the consideration of the appeal proposals.
338. Drawing these points together, I conclude that the proposed development would not have an unacceptable impact on the retail function of Ilford Town Centre. I therefore find no material conflict with Policy R3 from the BWPP DPD; or with the Framework, especially Section 2 which deals with ensuring the vitality of town centres.

***The effect on the settings of designated heritage assets and on any non-designated heritage assets***

339. Turning to heritage matters, the Site does not lie within a Conservation Area, nor does it contain any listed buildings, although there are a number of nationally and locally designated heritage assets within the immediately surrounding area<sup>[15,16]</sup>. HE was consulted at both pre-application stage and once the application had been submitted. Having considered the information in the TVIA, and additional visual representations, it did not object to the proposals, but did take the view that some harm would be caused to the setting of the Grade II\* listed Ilford Hospital Chapel and the associated Grade II listed Almshouses<sup>[127,195]</sup>. HE rated this harm as less than substantial, and indicated that it would be for the Council to weigh this harm against the public benefits of the proposals, in accordance with paragraph 134 of the Framework<sup>[25,127,193]</sup>.
340. HE did not express any concern about the likely impact of the proposed development on any other nearby designated heritage assets, although NOISE maintained that there would also be impacts on the Grade II listed NatWest Bank, and on locally listed assets such as the Conservative Club on Ilford Hill and the Papermaker's Arm's public house on Roden Street, adjacent to the Site<sup>[195]</sup>.
341. As the Framework makes clear, determining the significance of a heritage asset is a vital first step in any assessment exercise. The Framework defines significance as "*the value of a heritage asset to this and future generations because of its heritage interest*", adding "*that interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*". To this end the Appellant provided a detailed assessment of the significance of all of the relevant heritage assets in the HS, and Mr Mascall elaborated on these matters at the inquiry<sup>[193]</sup>.
342. Dealing first with the Hospital Chapel complex, the HS explains that the Chapel's significance is that it comprises a building with some fabric of early to mid-14<sup>th</sup>

century origins, repaired and renovated in the 18<sup>th</sup> century and extended in the late 19<sup>th</sup> century. Its medieval origins are still reflected in the north elevation and the associated windows and tracery, and its “more than special” interest (necessary for the Grade II\* listing), is derived principally from surviving medieval fabric and continuation of its historic use, in turn linked to architectural character. The building’s historic interest is amplified by its associations with leading designers, reflected in the decorative building fabric, fixtures and fittings. Historic interest also derives from the Chapel being a surviving fragment of the medieval settlement in Ilford<sup>[197]</sup>.

343. The adjacent Almshouses and Chaplain’s House, which together with the Chapel form an important group of buildings off Ilford Hill, are both described as examples of early 20<sup>th</sup> century Vernacular Revival architecture. The Almshouses enclose the western side of the courtyard which sits in front of the Chapel, and forms part of an inward looking composition, focussed on the Chapel. The HS notes that it is the continuation of the Almshouses’ original use which contributes principally to significance, in terms of special historic interest, with the building itself being of 20<sup>th</sup> century date, and therefore of less relative interest<sup>[197]</sup>.
344. The Chaplain’s House is also essentially inward looking, forming the eastern side of the enclosed courtyard in front of the medieval Chapel. In terms of significance, the HS again explains that it is the continuation of the asset’s original use which contributes positively to its historic interest, although as the building fabric is 20<sup>th</sup> century in date it is the associations which are of principal historic interest<sup>[197]</sup>.
345. These assessments of significance have been helpful in enabling me to come to a view of the likely impact of the appeal proposals, but no alternative assessments of significance were put forward by Ms Garfield, who gave evidence on these matters for NOISE. Instead, Ms Garfield indicated that she had assessed the impact of the proposals on a personal basis, and that in her view the proposed development would simply swamp and blight the area<sup>[63,127]</sup>. I accept that these views are genuinely-held, and that they are supported and endorsed by NOISE. However, I note that although Ms Garfield works with a local, community heritage organisation she does not hold any relevant professional qualifications in the heritage field<sup>[195]</sup>. In these circumstances I can give her views only very limited weight, when taken alongside the more detailed and researched assessments put forward by the Appellant.
346. With these points in mind, I have also had regard to observations made at my site visit, where I saw that the Hospital complex forms part of a rather isolated “island” of largely late 19<sup>th</sup>/early 20<sup>th</sup> century buildings, with a small, surface-level car park to the rear (southern side) of the Chapel. This island is encompassed by the Chapel Road/Ilford Hill traffic gyratory and is therefore dominated by transport infrastructure, heavy vehicular traffic movement and noise. I also saw that there are tall buildings in close proximity to this island, including the 33 and 25 storey towers of Pioneer Point to the south-east, with further tall buildings (of some 13 and 25 storeys) having been granted planning permission close by on the Britannia Music site<sup>[17]</sup>.
347. There is no doubt that the taller elements of the appeal proposals would be seen behind the listed Hospital complex when viewed from Ilford Hill – especially from the gated courtyard entrance to the Chapel. But inter-visibility does not automatically equate to harm, as noted in the HS<sup>[201,202]</sup>. Indeed, I note that although HE initially requested that the Appellant explore alternative locations for the tallest “landmark” building on the site, it is apparent that this building and the other tall towers would be seen above the Hospital complex, wherever they are sited. This appears to have

been recognised by HE who did not pursue this matter in their later representations, or object to the proposals<sup>[202]</sup>.

348. Existing, tall buildings already lie in close proximity to the Hospital complex, as noted above, with many being seen in juxtaposition to these listed buildings. For example, Pioneer Point can be clearly seen behind the Hospital complex from some locations on Ilford Hill, and the TVIA<sup>[16]</sup> shows that the permitted Britannia Music buildings will be seen rising above the Hospital complex in westerly views along Ilford Hill. But these existing buildings are (or will be) seen as being physically apart from, and quite different in construction materials and style to the listed buildings.
349. On this point I share the Appellant's view that the proposed development would be a high-quality further addition to the varied and developing urban context in this locality, and note that by using a traditional palette of materials which are related, but sufficiently different, the new buildings would be clearly legible as separate elements from the listed building group<sup>[200]</sup>. Moreover, as noted previously, the siting of the proposed development is consistent with the approach advocated by the adopted Ilford Town Centre AAP, with regards to the plan-led approach to place-making and the siting of tall buildings<sup>[41,145,198]</sup>.
350. The Appellant maintains that whilst the Site is clearly part of the wider setting of the Hospital complex of listed buildings, it does not contribute to their special interest, which, as has already been noted, draws primarily on the fact that they are rare survivals of earlier times, harping back to Ilford's past<sup>[197,199]</sup>. Whilst I consider this to be largely correct, it also seems to me that some part of this link to earlier times has to relate to the character of the surrounding area which would, in the past, have had an absence of high-rise buildings. Times have clearly changed, and the listed buildings do now have to be seen in the context of their present-day surroundings. But it does seem to me that further visual enclosure, as would be caused by the proposed development, would serve – to some small extent at least – to harm the setting of this group of buildings, and thereby adversely impact on their significance.
351. Like HE and the Council, I therefore consider that the appeal proposals would harm the significance of the Hospital complex listed buildings, but I put this harm at the low end of the less than substantial range<sup>[25]</sup>. Later in this Report, I therefore weigh this harm against the public benefits of the proposed development, as required by the Framework.
352. However, insofar as the NatWest Bank building is concerned, this is a more modern building that is located right on the corner of the busy traffic gyratory. The HS explains that its principal significance is derived from its architectural quality, scale and complex composition, and that as a civic building it has a dominant presence in the streetscape, but that this is now experienced as part of the fragmented townscape of the High Road, which does not contribute strongly to the building's special interest. Due to the nature of the existing buildings and site conditions, the alignment of the local street pattern, the separation distances and the interposing development, the HS concludes that the Site does not contribute to the special interest of the listed building<sup>[195]</sup>. I share that view, and consider that the appeal proposals would not adversely impact upon the significance of this listed building.
353. With regards to locally listed buildings referred to by NOISE, the significant of the Conservative Club on Ilford Hill is considered in the HS to derive primarily from its well-proportioned street frontage, as an attractive interpretation of early 18th century domestic architecture. For similar reasons as are given for the NatWest building, the

HS goes on to conclude that the Site does not contribute to the particular significance of the heritage asset<sup>[195]</sup>. In the absence of any firm evidence to the contrary, I see no reason to take a contrary view.

354. Insofar as the Papermaker's Arms is concerned, the HS notes that this is an early 20th century public house, consisting of 3 storeys and constructed of red brick and render, located on a prominent corner site. It considers that the only aspects of setting that contribute positively to its heritage significance are the remaining terraced housing in Riverdene Road. That said, it further concludes that the fragmentary and heavily variable context generally detract from its significance, with the existing features on the Site, including the unattractive car park and store, being utilitarian structures that detract from this locally listed building's significance<sup>[195]</sup>. In view of these points, and in the absence of any firm evidence from NOISE to the contrary, I do not consider that the appeal proposals would adversely impact on the significance of this building.
355. Finally on this matter, I have been mindful of NOISE's references to another current SSL proposal at Trinity Green, Whitechapel, where a 28 storey tower would have been seen in the background in views of Grade 1 listed Almshouses<sup>[128]</sup>. I understand that that proposal was refused planning permission, and that SSL has put forward an alternative proposal with a much lower 8 storey tower. NOISE argues that this should be seen as setting a precedent for the current appeal<sup>[128]</sup>. However, each proposal must be assessed on its own merits, and I am not aware of all the details of this Whitechapel case. Furthermore, the Appellant made it clear at the inquiry that an appeal was being considered in this other case<sup>[196]</sup>, although no decision had been made on this matter by the time the current inquiry closed. This matter can carry no weight in my assessment of the current proposals.
356. In summary, I conclude that the appeal proposals would result in a low level of less than substantial harm to the significance of the Hospital complex of listed buildings, but would have no unacceptable impact on any other statutory listed buildings, or locally listed buildings, or their settings. As such, I consider that there would be some conflict with both Core Strategy Policy SP3 and Policy E3 from the BWPP DPD, both of which indicate that the settings of listed buildings should be preserved.
357. However, as noted by the Appellant, these policies are not consistent with the Framework's requirement that any harm to heritage assets needs to be balanced against any public benefits. Any policy conflict can therefore only carry moderate weight. I carry out the necessary balancing exercise later in this Report, having regard to the need for heritage assets to be conserved, which the Framework explains means maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

***Whether the proposed development would provide the maximum reasonable amount of affordable housing***

358. As noted earlier, the Council's single reason for refusal related to the low amount of affordable housing being offered. The 27 units proposed amounts to some 4% of the total residential units, or 6% of the habitable rooms<sup>[65,154]</sup>. The reason for refusal alleged that this affordable housing offer failed to reflect the identified significant and unmet need for affordable housing in its SHMA and, as a consequence, failed to achieve sustainable development. As such the Council further alleged that the proposals would be contrary to Policy SP8 of its Core Strategy DPD and Policies 3.9, 3.11 and 3.12 of the London Plan, and the Framework<sup>[18]</sup>.

359. Core Strategy Policy SP8 sets out a headline Borough-wide target that between 2007 and 2017, 50% of new housing from all sources should be affordable, whilst in summary the aforementioned London Plan policies seek to promote communities mixed and balanced by tenure and household income; seek to maximise affordable housing provision; and require the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes<sup>[33,39]</sup>.
360. Other than alleging that the proposals would not constitute sustainable development, the Council provided no further explanation of how it considered them to be at odds with the Framework. It is relevant to note, however, that in its paragraph 173 the Framework states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. It goes on to state that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable<sup>[26]</sup>.
361. NOISE is particularly critical of the affordable housing offer, pointing out that as well as being significantly below the Borough-wide strategic target of 50%, it is also well below the 30% target set out in the Mayor's Housing Zone bid for Ilford<sup>[65]</sup>. It also contends that the offer would fail to deliver the strategic target of at least 17,000 more affordable homes per year, set out in Policy 3.10 of the London Plan<sup>[32]</sup>, although it seems to me that this cannot be certain on the basis of this one scheme. Further, NOISE is critical of LBR's general record on delivering affordable housing, pointing out that its affordable housing output has only been 7% of all housing completions over the 3 year period to 2015<sup>[65]</sup>.
362. The fact remains, however, that notwithstanding the targets noted above, affordable housing policy at both national and local level contains the provision for the amount of affordable housing to be reduced below these target levels, having regard to viability considerations on a scheme by scheme basis<sup>[26,27,157]</sup>. At the national level, the Framework's position on this matter has just been referred to above, whilst the PPG contains a whole section dealing with viability and notes that planning obligations for affordable housing contributions are often the largest single item sought on housing developments. It states that these contributions should not be sought without regard to individual scheme viability, and that the financial viability of the individual scheme should be carefully considered in line with the principles in the PPG<sup>[27]</sup>.
363. At the regional level, London Plan Policy 3.12 makes it clear that although the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, regard needs to be had to, amongst other matters, the need to encourage rather than restrain residential development; and the specific circumstances of individual sites. It further indicates that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation, and other scheme requirements<sup>[33]</sup>.
364. It is against this background that the Appellant submitted a VA with the planning application<sup>[154]</sup>. This concluded that the residual land value of the proposed store and the residential development would be negative. By convention, this means that the

scheme could not be considered economically viable to deliver at the current time, unless projected price increases, which were highlighted in residential research reports appended to the VA, were to be realised<sup>[60,156]</sup>.

365. However, the Executive Summary to the VA makes it clear that the Appellant is “*keen to bring forward the best offer possible, in terms of planning gain package to the local authority and regeneration to the area in support of the local authority's vision*”<sup>[159]</sup>. The package of some £11.36 million in CIL contributions and the offer of 27 affordable housing units is, in the Appellant's view, the maximum reasonable level of contributions that the appeal scheme can afford, in order for the Appellant to be able to implement and deliver it<sup>[169]</sup>.
366. Although the amount of affordable housing offered falls well below the targets referred to above, the detailed financial evidence before the inquiry overwhelmingly shows – regardless of whether present day costs and values or a growth model are used - that the amount of affordable housing being offered is the most that the scheme could viably provide. This view is not only endorsed by the 2 consultants acting for the Appellant, but is also supported by 3 separate, independent consultants instructed by the Council, culminating in the FVSOCC, in which a wide range of inputs to the viability appraisals have been agreed<sup>[5,51,52,156]</sup>. The latest information on this matter, submitted by Mr Fourt at the inquiry and drawing on the agreed figures in the FVSOCC, shows that the forecast rate of return would still be well below the target IRR values of 12.4% in the present-day model and 15.9% in the growth model<sup>[158,159]</sup>.
367. The only contrary view put forward with any force was that presented by NOISE – but even then, it put forward no detailed, worked-through alternative options or calculations for me to consider. Nor does it have the financial and/or technical expertise to persuade me that its views should take precedence over those put forward by both the Appellant's and the Council's professional financial advisors. In this regard I have noted NOISE's criticisms of the amended viability appraisals tabled by Mr Fourt at the inquiry, but these were just carrying forward the financial information agreed with the Council in the FVSOCC, to provide an update of calculations already before the inquiry. This does not, as NOISE asserts, indicate anything “shaky” in the Appellant's case<sup>[72]</sup>.
368. I do acknowledge that NOISE sought the views of a Dr Bob Colenutt of Oxford Brookes University, but no information regarding Dr Colenutt's role, status, experience or qualifications was provided<sup>[70,74,163]</sup>. Moreover, his emailed comments were expressed in fairly general terms, and not supported by any firm evidence. In addition, as the Appellant pointed out, he appeared to advocate an approach which differs from Government Guidance and the RICS standard practice<sup>[163]</sup>. That said, even if Dr Colenutt's suggested target rates of return were to be used, the evidence from Mr Fourt shows that the return from the proposed development would still fall short of this target<sup>[159,165,166]</sup>. For these reasons I can give Dr Colenutt's points very little weight.
369. Furthermore, although I have noted NOISE's criticism of a viability appraisal undertaken for the emerging Local Plan by BNPP, and its suggestion that this calls into question the competence of BNPP, the fact remains – as noted above – that 2 other independent consultants instructed by the Council have supported the Appellant's figures<sup>[162]</sup>. In these circumstances, and on the basis of the evidence before the inquiry, there is no good reason to dispute the agreed conclusions of these financial experts.

370. There are still some minor areas of disagreement between the Council and the Appellant on matters such as the construction and sales programmes, construction costs and the rate of house price growth in Ilford<sup>[52,156]</sup>, but these do not go to the heart of this matter and do not invalidate or change the overall findings of the VA. The Appellant has set out its position clearly on these minor areas of disagreement, and as no further response has been forthcoming from the Council I see no reason not to accept the Appellant's stance on these points<sup>[160,161]</sup>.
371. I have also had regard to the detailed 3-stage review mechanism which is now incorporated into the signed and completed S106 Agreement, and which would ensure that the maximum reasonable affordable housing provision would be made, if viability were to improve in the future<sup>[5,59,60]</sup>. NOISE is critical of this review process, arguing that even if it was to show any growth in profit, there would be very little extra money to provide for more affordable housing, after the developer's profit of 20% has been taken out<sup>[69]</sup>. However, the agreed review process accords fully with guidance set out in the Mayor's AHVSPG, and would ensure that if viability were to improve, the affordable housing offer would improve proportionately<sup>[59,60,168]</sup>. This seems entirely appropriate to me.
372. Moreover, NOISE's concerns regarding the provisions within the S106 Agreement which would allow for the Council to use any surplus arising from the mid and/or late-stage reviews to provide off-site affordable housing provision (if that appears more appropriate than on-site provision at that time), seem to me to be unfounded. NOISE's assertion is that the Council has been allowed to take cash in lieu on similar occasions in the past, and that this has led to extremely low levels of affordable housing provision, if indeed any at all<sup>[69]</sup>. As no firm evidence has been put forward on this point, NOISE's concerns appear to stem from its general mistrust of the Council. The provisions appear perfectly reasonable to me - they would be enforceable, and would allow the appropriate form of housing to be determined so as to best meet local needs.
373. NOISE is also critical of the provisions in the S106 Agreement which could allow affordable housing units to be sold off and no longer be affordable (for example if there is a default under the terms of a mortgage), if the Council does not intervene within a 3 month timescale<sup>[69]</sup>. However, this is a standard clause, designed to ensure the rights of Chargees, and to my mind is appropriate in an agreement such as this.
374. There is no firm evidence before the inquiry to support NOISE's contention that the GLA would have called this application in, had it have known that the Council was not opposing the proposed development despite the very low level of affordable housing<sup>[66,162]</sup>. The GLA provided both its Stage I and Stage II consultation responses on the planning application, and it was well aware of the VA and the fact that it had been independently reviewed by 2 firms of consultants acting for the Council. There is no suggestion that the GLA disagreed with the findings of the VA, or the verification of these findings by the Council's consultants. The SoS will, of course, have the opportunity to further review the VA before reaching his decision on these proposals.
375. Finally, I do not accept NOISE's argument that to allow this proposal would be to set a precedent for other developers to seek to only provide an equally low proportion of affordable housing<sup>[74]</sup>. It is accepted planning practice that each case has to be assessed on its own merits, with due regard being had to any viability assessments undertaken, and any future proposals would have to be so considered.

376. Drawing all the above points together I accept, at first sight, that the affordable housing offer of 27 units appears low – especially when viewed against the 50% Core Strategy target and the 30% Ilford Housing Zone target. However, very detailed financial justification has been provided to support the Appellant's position, with that position being independently reviewed for the Council and endorsed on 3 separate occasions. On the basis of this evidence, and in the absence of any firm and verifiable evidence to the contrary, I also conclude that when taken along with the agreed CIL contributions of some £11.63 million, the offer of 27 units is the maximum reasonable amount of affordable housing that the Appellant could provide.
377. Accordingly, I find no material conflict with London Plan Policies 3.11 or 3.12; Policy SP8 of the Core Strategy; or with the Framework, especially paragraph 173 which deals with ensuring viability and deliverability.

***Whether the proposed development would represent sustainable development, in the terms of the Framework***

378. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to this - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles<sup>[19]</sup>. I explore how the appeal proposals would perform against each of these roles in the following paragraphs, and what weight this should carry in my overall assessment.

The economic role

379. Although NOISE has argued that the proposals could well give rise to negative economic benefits<sup>[131]</sup>, this view was not supported by any firm evidence, and does not accord with the Council's view, set out in the officers' Report to the Regulatory Committee. Indeed the Council has not taken issue with the Appellant's claims that the economic benefits arising from the proposals would be significant<sup>[151,231]</sup>.
380. Firstly, the scheme would give rise to 683 new dwelling units, including 27 affordable units, which would make a significant and positive contribution towards addressing the Borough's current and future housing needs. These new homes would give rise to additional New Homes Bonus payments for the Council in the order of about £5.4 million over 6 years, along with additional Council Tax Receipts<sup>[148]</sup>. I consider that significant weight should be given to the proposed provision of these new homes, which would amount to 20% of the total housing numbers to be delivered in Ilford over the period 2015-2020, or 60% of one year's housing target for the whole of the Borough<sup>[148]</sup>. These new residents would also generate a significant amount of annual household expenditure, much of which could be spent locally, thereby helping to support local shops, businesses and services<sup>[148]</sup>.
381. It is also estimated that the new store would create an additional 187 FTE job opportunities, as part of a total workforce of some 430 FTE employees. A further 17-76 FTE jobs are also predicted to be generated by the smaller commercial units, depending on eventual end-users<sup>[151]</sup>. As the Appellant states, the range of jobs created would include entry level positions in the retail and food and drink sectors that would be valuable in providing highly localised employment for all ages, especially young people<sup>[151,153]</sup>. Additional jobs would, of course, also be created during the demolition and construction phases of the development<sup>[151]</sup>.

382. In addition, there would be further economic benefits arising from the various CIL contributions, comprising a payment to the Council of some £7.53 million; about £3.77 million to the Mayor of London; and a Crossrail contribution of about £63,000<sup>[8]</sup>.
383. Whilst the housing and related CIL benefits set out above would not be unique to this development, but would flow from any new housing development of this size within the Borough, this does not detract from the fact that the appeal proposals would give rise to these real benefits, together with those arising from the retail expansion. For this reason I consider that the proposed development would satisfy the economic role of sustainable development. This weighs significantly in the appeal proposals' favour.

#### The social role

384. The Framework summarises the social role of sustainable development as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In this regard the Site lies in a very sustainable location, with an excellent PTAL rating, and with excellent access to local shops, services and transport nodes, ideal for new residential development<sup>[142]</sup>.
385. The Framework's requirement that the planning system should deliver a wide choice of high quality homes would be furthered by the appeal proposals, which would mainly deliver a mix of 1, 2 and 3 bedroom units, to include 27 affordable houses<sup>[48]</sup>. Notwithstanding NOISE's comments to the contrary, I have noted the Council's view that this overall mix of unit sizes, across tenures, would make a positive contribution to a mixed and balanced community in this location and would reflect the overarching principles of national, regional and local policies and guidance<sup>[148,231]</sup>. As the Council is the appropriate and responsible authority in this regard, I give its views greater weight.
386. Further social benefits would arise from the obligations in the S106 Agreement which would secure a commitment to local employment and training; the provision of 20% non-technical local labour during construction; a commitment to provide Construction Stage Apprenticeships; and endeavours to achieve the local procurement of goods and services during the construction phase<sup>[238]</sup>.
387. The appeal proposals would also provide on-site play spaces for children, and would make contributions to a wide range of local facilities and services through the agreed CIL contribution to the Council of some £7.53 million<sup>[8]</sup>. As such, the proposed development would contribute to the health and well-being of new and existing residents in the local area. In light of these points I conclude that the proposed development would satisfy the social role of sustainable development, and I give this matter significant weight.

#### The environmental role

388. I share the Appellant's view that the appeal proposals would bring environmental benefits to the area, primarily by delivering a development of high design quality on what at present is an under-utilised brownfield site<sup>[231]</sup>. In addition, it would increase the general attractiveness of the area, through substantial public realm improvements<sup>[173,210]</sup>. These improvements would help the Council achieve its objectives and aspirations set out in the Ilford Town Centre AAP DPD. There would, however, be an environmental disbenefit arising from the low level of less than

substantial harm I have identified to the Hospital complex of listed buildings, as detailed in paragraph 356 above.

389. But notwithstanding this latter point I conclude, on balance, that the proposed development would still satisfy the environmental role of sustainable development and that this would add further weight in the proposals' favour.

#### Summary

390. On this consideration as a whole, and having regard to all the above points, it is my overall conclusion that the appeal proposals would satisfy all 3 dimensions of sustainable development, as detailed in the Framework.

#### **Other matters**

391. On other matters raised, NOISE was particularly concerned about what it argued was a lack of public consultation on the proposals, especially with faith and community groups, and especially early in the process when possible changes to the design of the proposals could have been put forward<sup>[88]</sup>. However, based on the evidence placed before me at the inquiry, these accusations seem ill-founded. Whilst I acknowledge that no specific faith groups appear in the list of local community groups and stakeholder groups set out in the SCI (and none were specifically identified by NOISE), the range of the consultation undertaken by the Appellant seems to me to have been extensive<sup>[227-229]</sup>.
392. The evidence shows that even though the Appellant was not required to undertake pre-application consultation, it followed PPG good practice and arranged a programme of consultation well before the planning application was submitted. This included direct consultation with the residents of Riverdene Road and Audrey Road, a 2-day public exhibition in the existing Sainsbury's store and a number of focus group meetings with local residents, as well as several meetings of the Appellant's design team with more formal bodies such as LBR, the GLA, the CABE Design Review Panel and the Designing Out Crime Officer<sup>[227]</sup>.
393. Despite assertions from both Mr Jackman (in writing) and Mrs Panesar (verbally at the inquiry), that they had not been consulted on the proposals, the evidence clearly shows that Mr Jackman had responded in the Door Knocking exercise, and that someone at the Panesar household (Mrs Panesar's son) had also participated<sup>[228]</sup>. Furthermore, the submitted evidence also indicates that Mr Jackman had attended the in-store public exhibition, and had been sent a follow-up letter<sup>[228]</sup>. It is also clear to me that some changes were made to the design to accommodate and respond to concerns from interested persons<sup>[228]</sup>. Moreover, extensive consultation was carried out by the Council, once the application had been submitted<sup>[229]</sup>, and in light of all these points I am satisfied that more than adequate public consultation has been carried out on these proposals.
394. On a different matter, NOISE maintains that there is a high level of crime linked to drugs and rough sleeping in the area of the Site, and expresses concern about the proposed basement car park which it argues may become a magnet for these elements, particularly in the colder, darker times of the year<sup>[97]</sup>. However, whilst I have noted NOISE's criticisms of SSL's standard of maintenance and policing of its current car park, I share the Appellant's view that the situation could only improve with the appeal proposals. The retail car park would be controlled by a secure gate, and would be closed outside the store's opening hours, whilst the separate residential

basement car park would only be accessible to authorised residents by means of a secured gate and entry system<sup>[211]</sup>.

395. I further note NOISE's strong view that the basement car parks should achieve Park Mark accreditation, and its request that this be incorporated into suggested Condition 16<sup>[97]</sup>, but I see no reason to be over-prescriptive on this matter. This agreed condition makes it clear that the development as a whole would need to achieve Part 2 "Secured by Design" accreditation. This would appear to satisfy the Metropolitan Police's "Designing out Crime" office, and seems to me to be an appropriate response to this matter, should planning permission be granted. Finally on this point, I note that Council officers considered that the appeal proposals would bring about an overall improvement in terms of security, and having had regard to the details of the scheme and the proposed planning conditions I share that view<sup>[211,212]</sup>.
396. On a further matter, NOISE expressed a lack of faith in wind modelling, and was fearful that the proposed development could create further adverse conditions in what it refers to as a highly congested and strategic environment. In support of its position it points out that Pioneer Point has a huge adverse wind tunnelling effect, even though studies at the time concluded that this would not be the case. Figure 9.5 in the current ES, which makes an assessment of "worst season" comfort conditions for the present day (plus the addition of the approved Britannia Music development) does, indeed, clearly indicate an area of distress for pedestrians just to the north of the Pioneer Point buildings, described as "uncomfortable"<sup>[99,210]</sup>. However, to my mind this simply demonstrates that the wind modelling undertaken for this current proposal is accurate and can be relied on.
397. I see this as important because ES Figure 9.9, which shows "worst season" comfort conditions for the proposed development (again plus the approved Britannia Music development), shows that there would no longer be "uncomfortable" areas for pedestrians. Indeed, the Figure shows that the conditions in the vicinity of the Site and the wider area would be suitable for short periods of sitting/standing throughout the year, apart from limited locations to the north-east of the tallest building, with all locations therefore being suitable for their intended use<sup>[210]</sup>. As such, I see no good reason to doubt the wind modelling in the ES, and do not consider that NOISE's concerns in this regard should carry weight against these proposals.
398. I have also noted the concerns that NOISE raises about the implications of an expected increase in peak foul water discharge if the proposed development was to go ahead<sup>[136]</sup>, but I see no reason why the drainage condition agreed between the Council and the Appellant could not satisfactorily address such matters.
399. NOISE also raised objections about the operation of the proposed temporary store, particularly with regard to servicing arrangements<sup>[135]</sup>. However, as was made clear by the Appellant, the temporary store is an important element of the overall scheme viability, but will have to be the subject of a separate planning application, and is not a matter before me at this inquiry<sup>[50,187]</sup>. That said, insofar as servicing is concerned, I note the Appellant's comment that if TfL refuses to allow servicing from Chapel Road, then the Appellant accepts that it would have to make arrangements to service the store from within the Site<sup>[187]</sup>. No firm evidence has been submitted to cause me to think that this would not prove possible.
400. NOISE was also very concerned about the arrangements for waste collection, and especially concerned that such matters are proposed to be dealt with by a condition, if planning permission is granted<sup>[124,125]</sup>. It maintains that waste from some 700 flats

would take many hours to be removed, and whilst it notes that the Council has indicated it would collect this waste 5 times a week, NOISE questions whether this would really occur. It suggests that waste could well be left in the Riverdene Road lay-by on the day of collection, all day, adding to the deterioration of the public realm. In this regard it also comments on the general state of the town centre and states that the current Council procedures are woefully insufficient to cope with the demand for refuse management<sup>[125]</sup>.

401. However, whilst I understand NOISE's concerns on this matter, the clear evidence before the inquiry is that refuse collection has been agreed with the Council at 5 collections per week, lasting 50 minutes each<sup>[186]</sup>. Full details of the layout and operation of both the commercial and residential refuse and recycling enclosures, together with full details of collection and removal procedures would have to be agreed with the Council, and operated in accordance with the approved details, with these matters being secured by means of Conditions 28 and 29. As with many of the other matters raised by NOISE, there is no firm evidence before me to cause me to doubt the Council's ability to satisfactorily agree the details of these conditions, and then adequately enforce them. I am not persuaded that a few photographs of bags of rubbish at various locations in the town centre can be taken as proof that the Council is unable to cope effectively with refuse management.
402. Finally, I have also had regard to the points raised by Mr Scott and Capt Clifton at the inquiry, but consider that most of their concerns have been addressed elsewhere in my conclusions. On points not covered, Mr Scott raised general concerns about health and safety aspects of high-rise living, especially in view of the Grenfell Tower tragedy<sup>[232]</sup>, but I see no reason why modern, high-quality, well-designed towers should not create safe and healthy living environments for future residents. Capt Clifton's request that the financial details of the agreement reached with the Council should be made fully public are addressed by the fact that the S106 Agreement and the relevant Core Documents are all in the public domain<sup>[233]</sup>.

### ***The S106 Agreement***

403. As already noted, the Appellant submitted a S106 Agreement<sup>[7,238]</sup> with the Council, providing a number of obligations which, together with their objectives, are summarised below:

On-street parking permit capping: To ensure that occupiers of the dwellings do not hold a Parking Permit, or enter into a contract to park within a car park owned, controlled or licensed by the Council – except where the occupier is entitled to hold a disabled person's badge.

TV reception mitigation: To address any television reception problems caused by the development, by appropriate mitigation measures.

A Car Club: To provide 2 Car Club spaces in Riverdene Road and implement a Car Club in accordance with approved details.

Local labour and apprentices: To work with Work Redbridge for Business ("WRfB") and use reasonable endeavours to employ a minimum 20% local labour; tell WRfB of all labour vacancies; and co-operate with WRfB to broker local labour into job vacancies.

Work experience placements and career guidance: To submit a Work Placement Programme to WRfB.

A “meet the tenant” requirement: To provide details of the tenants of the non-residential parts of the development to WRfB and help to arrange an introduction between the tenants and WRfB.

Local procurement: To use reasonable endeavours to source at least 20% of goods and services locally.

Affordable housing, including a review mechanism: Affordable housing would be secured in 2 ways: firstly, the known, initial level of provision, namely 27 Affordable Rented Housing Units; and secondly, possible future provision, if viability improves sufficiently. Earmarked Dwellings for such additional on-site provision are identified on a plan within the S106 Agreement. Three reviews are proposed, in accordance with the Mayor’s AHVSPG, to establish whether more affordable housing is justified:

- Early review - this would take place if Substantial Commencement does not occur within 40 months from the grant of planning permission. 100% of the surplus shown in an updated appraisal would be used for on-site affordable housing provision.
- Mid-stage review - no more than 50% of the market housing would be allowed to be occupied until an updated appraisal has been provided, and no more than 60% would be able to be occupied until the amount of any further provision has been established. No more than 65% could be occupied until the further on-site provision and/or affordable housing sum has been provided or paid, as the case may be. 60% of any surplus would be available to fund further affordable housing. The rent for any affordable rent units (whether provided initially or pursuant to a review) would be capped at the amount of Local Housing Allowance.
- Late stage review – a repeat of the Mid-Stage review, with the output being a payment in lieu, if there is a positive surplus. Again, 60% of any surplus would be available to fund further affordable housing.

404. I agree with the parties that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 204 of the Framework and Regulation 122 of the CIL Regulations 2010 as I consider them to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Conditions**

405. A schedule of 48 suggested planning conditions were agreed between the Council and the Appellant, and were discussed in detail at the inquiry. NOISE made comments on several of the conditions, and I have dealt with most of the points raised elsewhere in my conclusions. One matter not already addressed, relates to Condition 46, which would seek to control ground-borne vibration to acceptable levels during construction activities. NOISE took the view that if complaints were made to the Council in this regard, it could just ignore them<sup>[105]</sup>.

406. NOISE’s approach seems to be driven, as with some of its other objections, by a general mistrust of the Council, and a fear that the Council would not act responsibly and/or effectively enforce any imposed conditions. To repeat my earlier points, the planning system relies on LPAs undertaking their duties in a responsible manner, and there is no firm evidence before me to cause me to believe that this

would not happen here. In any case, as was pointed out at the inquiry, there would be recourse to judicial review if the Council was to fail in its duties.

407. Having regard to this point, and the matters raised earlier concerning the suggested conditions, I am satisfied that the conditions set out in Appendix C to this Report all accord with the 6 tests for planning conditions set out in the PPG<sup>248</sup>.

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

408. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal proposals have to be assessed in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development.
409. This leads to paragraph 14 of the Framework, which explains that proposals that accord with the development plan should be approved without delay; and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
410. In this case I have identified a conflict with development plan policies relating to heritage assets, so the first bullet point of the decision-taking section of paragraph 14 is not engaged; and under the second bullet point of this decision-taking section, the Framework's heritage policies come within the ambit of the second indent – specific policies which indicate that development should be restricted - as they are specifically referred to in footnote 9. I have already indicated that I consider the appeal proposals would result in a low level of less than substantial harm to designated heritage assets, as detailed in paragraph 134 of the Framework. This harm therefore needs to be weighed against the public benefits arising from the proposals.
411. Notwithstanding NOISE's view on this matter, reported earlier, I consider that significant public benefits would arise from this proposed development. These would be the economic and social benefits set out in paragraphs 379 to 387 above, along with environmental benefits such as the improvements to the public realm, and improvements to the living conditions of nearby residents as a result of the moving of the commercial service access and open service yard. Significant public benefits would also flow from the LBR, Mayoral and Crossrail CIL contributions. Taken together, it is my assessment that these public benefits would significantly outweigh the low level of less than substantial harm to the aforementioned heritage assets. As a result, the proposals pass the paragraph 134 "test", and development should therefore not be restricted for this reason.
412. My findings on this point mean that the appeal proposals now fall to be assessed using the tilted balance set out in the first indent of this second decision-taking bullet point. I have already referred to the fact that there would be a low level of less than substantial harm caused to the significance of the Grade II\* listed

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<sup>248</sup> 003 Reference ID: 21a-003-20140306

Hospital Chapel and its associated buildings. However, I have identified no further harm under any of the other main considerations detailed earlier in these conclusions.

413. Set against this harm there would, however, be a substantial amount of public benefit, again as detailed above. I give significant weight to the fact that the appeal proposals would satisfy the economic and social dimensions of sustainable development, with further weight being added as a result of the proposals also satisfying – on balance – the environmental dimension. There would be further benefits as the proposals would boost the supply of both market and affordable housing. Additional benefits would also flow from the CIL contributions referred to above, and also the submitted S106 Agreement, which I have taken into account in coming to my conclusion. I have not found against the appeal proposals on any of the other identified main considerations, or on any of the other matters raised.
414. In these circumstances, and contrary to the views expressed by NOISE, the adverse impacts of the appeal proposals would clearly not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore conclude that the appeal proposals should benefit from the Framework's presumption in favour of sustainable development. This is a material consideration in the proposed development's favour and, in my assessment, it outweighs the low level of conflict with the development plan's heritage policies which, as I have already concluded, can only carry moderate weight in this appeal.
415. In light of all the above points my assessment of the planning balance leads to the overall conclusion that this appeal should be allowed, subject to the imposition of a number of conditions, as discussed at the inquiry and set out in the attached schedule in Appendix C, which also contains the reasons why I consider these conditions are necessary.
416. In addition, the Council was keen to ensure that if planning permission was to be granted, the SoS makes an express finding in his decision as to whether or not he considers the obligations contained in the S106 Agreement meet the requirements of Regulation 122 of the CIL Regulations 2010. For my part, I consider that each of the obligations does accord with Regulation 122.

### **Recommendation**

417. I recommend that the appeal be allowed, and that planning permission be granted, subject to the conditions detailed in Appendix C.

*David Wildsmith*

INSPECTOR

## **APPENDIX A - APPEARANCES**

### **FOR THE COUNCIL OF THE LONDON BOROUGH OF REDBRIDGE (LBR):**

Mr Neil Cameron QC Instructed by Loraine Adams, Legal and Constitutional Services, LBR

*Mr Cameron called no witnesses, but simply made an opening statement indicating that the Council no longer resisted the appeal and would not call evidence at the inquiry. Council participation was limited to the Round Table Sessions dealing with the submitted planning obligation and the agreed conditions, and representation at the accompanied site visit.*

### **FOR SAINSBURY'S SUPERMARKETS LTD (SSL):**

Mr Timothy Corner QC Instructed by Dentons, One Fleet Place, London

#### **He called**

Mr Ross Hutchison	Founding Director, UNIT Architects Limited
BA(Hons) Dip Arch RIBA	
Mr Roger Mascal	Senior Director and Head of Heritage, Turley Planning Consultants
BSc(Hons) DipBldgCons (RICS)	
MRTPI IHBC	
Mrs Vera Lamont	Director, Mayer Brown Limited
BE(Civil) CEng MICE MCIHT MCM	
Mr Paul Newton	Partner, Barton Willmore LLP
BA(Hons) DipTP MRTPI	
Mr Robert Fourt	Partner, Gerald Eve LLP
BSc(Hons) MSc FRICS	

### **FOR NEIGHBOURHOODS OF SOUTH ILFORD ENGAGE (NOISE) (RULE 6(6) PARTY):**

Ms Meenakshi Sharma and  
Ms Linda Speedwell

#### **They called**

Ms Judith Garfield MBE	Executive Director, Eastside Community Heritage
Ms Linda Speedwell	Chairperson, Police Loxford Ward Panel, and local resident
Mr Jimmy Papi	Local sole trader
Mr Fahad Sheikh	Local resident
Ms Meenakshi Sharma	Freelance educator and local resident
Mrs Malkit Panesar	Local resident
Ms Wendy Taylor	Local resident

### **INTERESTED PERSONS OPPOSING THE PROPOSALS:**

Mr Paul Scott	Local resident
Capt John Clifton	The Salvation Army (Ilford corps)

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## **APPENDIX B - DOCUMENTS**

### **CORE DOCUMENTS**

#### **A Government policy and guidance**

- A1 National Planning Policy Framework (the Framework)
- A2 Planning Practice Guidance (PPG): (extracts: *Conserving and enhancing the historic environment; Consultation; Design; Ensuring the vitality of town centres; Noise; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Use of planning conditions; Viability*)
- A3 GLA: DD1448 Ilford Town Centre Housing Zone, LBR
- A4 GLA: MD1545 Designation of Housing Zones (Round 2)
- A5 Housing White Paper (February 2017)
- A6 DCMS Principles of Selection for Listed Buildings (March 2010)
- A7 RICS – Financial viability in Planning (August 2012)

#### **B Development Plan documents and LPA guidance**

- B1 LBR – Local Development Framework - Core Strategy - DPD (March 2008) with Ilford Town Centre inset plan
- B2 LBR – Local Development Framework – Borough Wide Primary Policies - DPD (May 2008)
- B3 LBR – Local Development Framework – Development Opportunity Sites - DPD (May 2008)
- B4 LBR – Local Development Framework – Development Sites with Housing Capacity – DPD (May 2008) (extracts, with site L006 plan)
- B5 LBR Ilford Town Centre Area Action Plan – DPD (May 2008)
- B6 LBR – Affordable Housing – Supplementary Planning Document (March 2009)
- B7 LBR – Quantitative Retail Capacity Assessment (December 2015)
- B8 LBR – Retail Site Opportunities Assessment (December 2015)
- B9 LBR - Local Plan 2015 – 2030: Pre-Submission Draft (July 2016) (with Ilford Town Centre inset plan)
- B10 Outer North East London SHMA – Report of Findings (September 2016)
- B11 LBR – Redbridge Housing Strategy April 2014 – March 2019
- B12 LBR – Local Plan Viability Assessment and Community Infrastructure Levy Review by BNP Paribas (October 2015)
- B13 London Plan (consolidated March 2016) [*extracts: front page and index, chapters: 1, 2, 3, 4, 7, 8, annex 1 extract for Ilford, and annex 2 extract for town centre*]
- B14 Mayor of London Housing SPG (March 2016)
- B15 Mayor of London Homes for Londoners AHVSPG (August 2017)
- B16 LBR – Tall Buildings in Redbridge – Evidence Base (April 2017)
- B17 Outer North East London SHMA – Update for Redbridge (April 2017)
- B18 LBR – Local Plan – Schedule of Modifications – updated 30/06/2017

#### **C Ilford planning application documents (ref 4499/15)**

- C1 Covering letter and application form (13 November 2015)
- C2 Application plans (A3 pack of plans)
- C3 Design and Access Statement (November 2015)
- C4 Planning and Retail Statement (November 2015)
- C5 Affordable Housing Statement (November 2015)

- C6 Viability Review (30 November 2015)
- C7 Energy Statement (November 2015)
- C8 Fire Safety Strategy (November 2015)
- C9 Sustainability Statement (November 2015)
- C10 Statement of Community Involvement (November 2015)
- C11 Community Infrastructure Levy form (26 November 2015)
- C12 Environmental Statement (November 2015)
- C13 Statutory consultee responses:
  - a) Historic England
  - b) Metropolitan Police
  - c) Natural England
  - d) Thames Water
  - e) Transport for London
  - f) Environment Agency
  - g) Greater London Archaeology Advisory Service
- C14 GLA Stage I Planning Report (22 January 2016)
- C15 LBR - Review of viability review (BNP Paribas) (February 2016)
- C16 Daylight Sunlight (February 2016)
- C17 Turley letter to LBR responding to ES comments (2 February 2016)
- C18 Environmental Statement February 2016 revision – with:
  - Non-Technical Summary revision
  - Revised chapters: 1, 2, 5, 6, 7, 8, 9, 10, 11, 16, 17
  - Vol 2 (Townscape and Visual Impact Assessment)
- C19 Turley letter to LBR responding to Land Use Consultant's review of built heritage ES Chapter (2 February 2016)
- C20 Environmental Statement March 2016 revision – with:
  - Non-Technical Summary revision
  - Turley letter to LBR responding to Land Use Consultant's review of ES (11 March 2016)
  - Turley letter to LBR responding to Land Use Consultant's review of ES (15 March 2016)
  - Revised chapters: 7, 9, 14, 16, 17
  - Buro Happold Technical Note (11 March 2016)
  - Buro Happold Drainage Strategy (11 March 2016)
  - GC Design Phase 1 Habitat Survey (March 2016)
- C21 Mayer Brown Technical Note – response to LBR draft Highways Comments (24 February 2016)
- C22 Turley response to GLA Stage I Report (2 March 2016)
- C23 LBR email to Sainsbury's regarding affordable housing viability and attaching review mechanism (11 March 2016)
- C24 LBR – BRE Client Report: Review of daylight assessment for Sainsbury's Roden Street (24 March 2016)
- C25 LBR – Urban Delivery: financial viability report (June 2016)
- C26 LBR – Technical Review of transport submission (WYG commission) (April 2016)
- C27 LBR Regulatory Committee Report (27 July 2016) and minutes and addendum
- C28 GLA Stage II Planning Report (18 August 2016)
- C29 LBR refusal notice (22 August 2016)
- D Ilford planning appeal documents**
- D1 Statement of Case (as submitted with appeal)

- D2 Draft Statement of Common Ground (as submitted with appeal)
- D3 Appeal form (25 November 2016)
- D4 LBR Questionnaire with list of all drawings and documents [*without other supporting documents*]
- D5 LBR Statement of Case (February 2017)
- D6 NOISE representation (February 2017)
- D7 Third party representations (received March 2017)
- D8 NOISE Statement of Case (21 March 2017)

**LBR LBR evidence**

- LBR1 Summary Proof of Evidence – Andrew Jones (BPS) (September 2017)
- LBR2 Proof of Evidence – Andrew Jones (BPS) (September 2017)
- LBR3 Proof of Evidence – Neil Powling (September 2017)
- LBR4 Proof of Evidence – Steven Sensecall (Carter Jonas) (September 2017)
- LBR5 Rebuttal Proof of Evidence of CEBR
- LBR6 LBR letter of withdrawal of evidence (14 October 2017)
- LBR7 Statement of Common Ground in relation to Financial Viability (submitted on 17 October 2017)
- LBR8 LBR position/opening statement (submitted on 17 October 2017)

**SSL SSL evidence**

- SSL1 Proof of Evidence of Ross Hutchinson (Design)
- SSL2 Appendices to Proof of Evidence of Ross Hutchinson (Design)
- SSL3 Summary Proof of Evidence of Roger Mascall (Heritage)
- SSL4 Proof of Evidence and Appendices of Roger Mascall (Heritage)
- SSL5 Summary Proof of Evidence of Vera Lamont (Transport)
- SSL6 Proof of Evidence of Vera Lamont (Transport)
- SSL7 Appendices to Proof of Evidence of Vera Lamont (Transport)
- SSL8 Summary Proof of Evidence of Robert Fourt (Viability)
- SSL9 Proof of Evidence of Robert Fourt (Viability)
- SSL10 Appendices to Proof of Evidence of Robert Fourt (Viability)
- SSL11 Summary Proof of Evidence of Paul Newton (Planning)
- SSL12 Proof of Evidence of Paul Newton (Planning)
- SSL13 Appendices to Proof of Evidence of Paul Newton (Planning)
- SSL14 Rebuttal Proof of Evidence of Robert Fourt with Appendices
- SSL15 Rebuttal Proof of Evidence of Ian Toates with Appendices
- SSL16 Rebuttal Proof of Evidence of Tom Edson with Appendices
- SSL17 General Statement of Common Ground (submitted on 17 October 2017)
- SSL18 Opening submissions on behalf of SSL (submitted on 17 October 2017)
- SSL19 Building Scale Overview Schedule (submitted on 17 October 2017)
- SSL20 LBR Local Plan Schedule of Main Modifications to Redbridge Local Plan consultation with Proposed Additional Modifications (AM) to Redbridge Local Plan, summary of main modifications and extract from Revised Appendix 1 Development Opportunity Site (submitted on 17 October 2017)
- SSL21 LBR Cabinet report – Budgetary Control Report for June 2017 – and minute from 5 September 2017 (submitted on 17 October 2017)
- SSL22 Ilford door knocking analysis March 2015 (submitted on 17 October 2017)
- SSL23 Ilford Call Log 2015 (submitted on 17 October 2017)
- SSL24 Ilford Recorder advertisements (25 June 2015 & 2 July 2015) (submitted on 17 October 2017)
- SSL25 Street plan of local area, marking Heron Mews and York Place (submitted on 18 October 2017)

- SSL26 Anstey Horne letter to Turley with response to BRE report (dated 23 March 2016) (submitted on 19 October 2017)
- SSL27 LBR Local Plan Proposed Modifications – Table 3: update to Paul Newton Appendix 10 (submitted on 19 October 2017)
- SSL28 LBR Local Plan Proposed Modifications – CED053: update to Paul Newton Appendix 11 (submitted on 19 October 2017)
- SSL29 Sainsbury's letter to Mr Jackman dated 23 July 2015 (submitted on 20 October 2017)
- SSL30 Sainsbury's leaflet mailshot contact list (submitted on 20 October 2017)
- SSL31 PPG extract: Before submitting an application (submitted on 20 October 2017)
- SSL32 Section 61(W) TCPA 1990 with definition of development order (submitted on 20 October 2017)
- SSL33 Dentons summary of section 106 Agreement (submitted on 20 October 2017)
- SSL34 Dentons CIL Regulation 122 Statement of Compliance (submitted on 20 October 2017)
- SSL35 Section 106 Agreement agreed (between LBR and SSL) draft with plans (submitted on 20 October 2017)
- SSL36 Robert Fourt summary of changes note with updated Appendices 3 & 4 (submitted on 25 October 2017)
- SSL37 Revised conditions in light of Inspector comments (tracked changes with comments from LBR and SSL) (submitted on 25 October 2017)
- SSL38 Section 106 Agreement, schedule 4 extract with tracked changes (submitted on 27 October 2017)
- SSL39 Revised conditions agreed between LBR & SSL (submitted on 27 October 2017)
- SSL40 Completed section 106 Agreement dated 27 October 2017 (submitted on 27 October 2017)
- SSL41 Closing submissions on behalf of SSL (submitted on 27 October 2017)
- SSL42 Dentons letter to PINs confirming completion of section 106 Agreement (submitted on 27 October 2017)

**N NOISE evidence**

- N1 Proof of Evidence with Appendices of Linda Speedwell (Crime & Safety)
- N2 Summary Proof of Evidence of Meenakshi Sharma (Design, Infrastructure, Quality)
- N3 Proof of Evidence of Meenakshi Sharma (Design, Infrastructure, Quality)
- N3A Appendices to Proof of Evidence of Meenakshi Sharma (Design, Infrastructure, Quality)
- N4 Proof of Evidence of Tom Jackman (Consultation)
- N5 Proof of Evidence of Judith Garfield (Heritage)
- N5A Appendices to Proof of Evidence of Judith Garfield (Heritage)
- N6 Summary Proof of Evidence of Fahad Sheikh (Road Safety, Traffic Flows and Parking)
- N7 Proof of Evidence of Fahad Sheikh (Road Safety, Traffic Flows and Parking)
- N7A Appendices to Proof of Evidence of Fahad Sheikh (Road Safety, Traffic Flows and Parking)
- N8 Proof of Evidence of Jimmy Papi (Retail Function)
- N8A Appendices to Proof of Evidence of Jimmy Papi (Retail Function)
- N9 Proof of Evidence of Wendy Taylor (Affordable Housing)
- N10 Opening submissions on behalf of NOISE (submitted on 17 October 2017)
- N11 Email from Mr Thomas Antoniow enclosing email from Mr Gareth Gwynne at

- LB Tower Hamlets confirming date for appeal on SSL Whitechapel (submitted on 20 October 2017)
- N12 Secure By Design information (submitted on 20 October 2017)
- N13 Park Mark information (submitted on 20 October 2017)
- N14 Crossrail/Elizabeth Line service on eastern section information (submitted on 24 October 2017)
- N15 Ilford Recorder 24 March 2017 article: Plans to combat "dangerous" overcrowding at Ilford station have been revealed (submitted on 24 October 2017)
- N16 Mayor of London - London Housing Design Guide (Interim Edition, August 2010) (submitted on 25 October 2017)
- N17 Extracts of the no longer extant PPG24: Planning and Noise (submitted on 24 October 2017)
- N18 London Plan, extract, Policy 3.3 (part) (submitted on 24 October 2017)
- N19 LBR 15 September 2016 Council meeting (extract) (submitted on 24 October 2017)
- N20 LBR – Redbridge Selective Licensing, evidence base (April 2016) (extract, 8.1) (submitted on 24 October 2017)
- N21 LB Tower Hamlets – Strategic Development Committee Report (21 December 2016) re: application PA/15/00837 (extracts, pages 1 & 56) (submitted on 24 October 2017)
- N22 Proof of Evidence of Malkit Panesar (Consultation) (submitted on 25 October 2017)
- N23 Email correspondence from Dr Bob Colenutt dated 17 October 2017 (submitted on 25 October 2017)
- N24 Email correspondence between Meenakshi Sharma and Dr Bob Colenutt (undated) (submitted on 25 October 2017)
- N25 LBR – Local Plan Viability Assessment and Community Infrastructure Levy Review by BNP Paribas (October 2015) (extracts, pages 4 & 17) with NOISE table of affordable housing viability assessment (submitted on 25 October 2017)
- N26 Closing submissions on behalf of NOISE (submitted on 27 October 2017)
- N27 Details of further Appendices to proofs of evidence

**IP Interested persons' evidence**

- IP1 Statement from Mr Paul Scott (submitted on 17 October 2017)

**NOTE** - documents and plans submitted at the inquiry have not been listed separately, but have been incorporated into the list of Core Documents (above) and have been identified by their date of submission – 17 October to 27 October.

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**APPENDIX C - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED (48 in total)**

1. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** *In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following plans and documents: 01 AP 0100 100 P1; 01 AP 0110 100 P1; 01 AP 0120 100 P1; 01 AP 0120 101 P1; 01 AP 0120 102 P1; 01 AP 0000 100 P2; 01 AP 0000 101 P2; 01 AP 0010 001 P2; 01 AP 0010 002 P3; 01 AP 0010 003 P3; 01 AP 0010 004 P2; 01 AP 0010 005 P2; 01 AP 0010 006 P2; 01 AP 0010 007 P2; 01 AP 0010 008 P2; 01 AP 0010 009 P2; 01 AP 0010 010 P2; 01 AP 0010 012 P2; 01 AP 0010 013 P2; 01 AP 0010 015 P2; 01 AP 0010 016 P2; 01 AP 0010 017 P2; 01 AP 0010 018 P2; 01 AP 0010 019 P2; 01 AP 0010 031 P2; 01 AP 0010 032 P2; 01 AP 0010 040 P2; 01 AP 0020 101 P3; 01 AP 0020 102 P2; 01 AP 0020 103 P3; 01 AP 0020 104 P2; 01 AP 0020 110 P2; 01 AP 0020 111 P2; 01 AP 0030 101 P2; 01 AP 0030 102 P1; 01 AP 0030 103 P2; 01 AP 0030 104 P2; 01 AP 0030 105 P1; 01 AP 0030 106 P3; 01 AP 0030 107 P2; 01 AP 0030 108 P2; 01 AP 0030 109 P2; 01 AP 0030 110 P3; 01 AP 0030 111 P2; 01 AP 0030 112 P2; 01 AP 0030 113 P2; 01 AP 0030 114 P2; 01 AP 0030 115 P1; 01 AP 0030 116 P2; 01 AP 0200 001 P2; 01 AP 0200 002 P1; 01 AP 0300 001 P1; 01 AP 0410 001 P2; 01 AP 0410 002 P2; 01 AP 0410 003 P2; 01 AP 0410 004 P1; 01 AP 0410 005 P1; 01 AP 0410 006 P1; 01 AP 0410 007 P1; 01 AP 0410 008 P1; 01 AP 2000 001 P1; 01 AP 2000 002 P1; 01 AP 2000 003 P1; 01 AP 2000 004 P1; 01 AP 2000 005 P1; 01 AP 2000 006 P2; 01 AP 2000 007 P2; 01 AP 2000 008 P2; 01 AP 2000 009 P2; 01 AP 2000 010 P1; 01 AP 2000 011 P2; 01 AP 2000 012 P2; 01 AP 2000 013 P2; 01 AP 2000 014 P2; 01 AP 2000 015 P2; 01 AP 2000 016 P2; 01 AP 2000 017 P1; 01 AP 2000 018 P1; 01 AP 2000 019 P1; 01 AP 2000 020 P1; 01 AP 2000 021 P1; 01 AP 2000 022 P1; 01 AP 2000 023 P1; 01 AP 2000 024 P1; 01 AP 2000 025 P1; 01 AP 2000 026 P1; 01 AP 2000 027 P1; 01 AP 2000 028 P1; 01 AP 2000 029 P1; 01 AP 2000 030 P1; 01 AP 2000 031 P1; 01 AP 2000 032 P1; 01 AP 2000 033 P1; 01 AP 2000 034 P1; 01AP 4100 01 P1; 01AP 4100 02 P1; 01AP 4100 03 P1; 01AP 4100 04 P1; 01AP 4100 05 P1; 01AP 4100 06 P1; 01AP 4100 07 P1; 01AP 4100 08 P1; 01AP 4100 09 P1; 01AP 4100 10 P1; 01AP 4100 11 P1; 01AP 4100 12 P1; 01AP 4100 13 P1; 01AP 4100 14 P1; 01AP 4100 15 P1; 01AP 4100 16 P1; 01AP 4100 17 P1; 01AP 4100 18 P1; 01AP 4100 19 P1; 01AP 4100 20 P1; 01AP 4100 21 P1; 01AP 4100 22 P1; 01AP 4100 23 P1; 01AP 4100 24 P1; 01AP 4100 25 P1; 01AP 4100 26 P1; 01AP 4100 27 P1; 01AP 4100 28 P1; 01AP 4100 29 P1; 01AP 4100 30 P1; 01 AP 9000 001 P1; 01 AP 9000 002 P1; 01 AP 9000 003 P1; 01 AP 9000 004 P1; 01 AP 9000 005 P1; 01 AP 9000 006 P1; 01 AP 9000 101 P1; 01 AP 9000 102 P1; ASK216; ASK217; ASK218; ASK220; SCH013 P2; SCH014 P1; SCH015 P2; 01 AP 4100 030 P1; Sustainability Statement November 2015; Energy Statement November 2015; Fire Safety Strategy Report November 2015; Mayer Brown Road Safety Audit Response Report Stage 1 Road Safety Audit March 2016; Mayer Brown Road Stage 1 Road Safety Audit March 2016; Mayer Brown Technical Note (February 2016); Phase 1 Habitat Survey March 2016; Drainage Strategy 033894 rev 02 Draft 11 March 2016; and Arboricultural Report reference GC.142421.15 dated 27.10.15.

**Reason:** *To provide certainty, and in the interests of proper planning.*

### **Pre-commencement**

3. Prior to the commencement of development, a method statement for the reduction of emissions from construction vehicles shall be submitted to and approved in writing by the local planning authority.

The statement shall include (but not be limited to) evidence to demonstrate that all mobile vehicles associated with the demolition/construction should comply with the standard of the London Low Emission Zone and all Non Road Mobile Machinery being used in the development should be registered on the following site: <https://nrmm.london/>. The development shall only be carried out in accordance with the approved details.

**Reason:** *The London Borough of Redbridge is an air quality management area, therefore construction vehicles and plant must meet the requirements of the Low Emission Zone and the NRMM requirements for outer London to minimise additional pollution loading from the construction process.*

4. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) a scheme shall be submitted to and approved in writing by the local planning authority describing the means by which the provision and implementation of highways and public realm improvements, including (but not limited to):

- a) the provision of a signalised crossing across Roden Street;
- b) pedestrian and cycle links to and from the site;
- c) a cycle link between the existing Chapel Road/Winston Way signals to the new pedestrian/cycle crossing (required by part (a) of this condition) and the adopted boundary to rear of new footway along Roden Street;
- d) road markings and a timeframe for implementation associated with the above.

are to be achieved and implemented.

These highways and public realm improvements shall be informed by an up-to-date PERS Audit which shall be submitted as part of the details submitted to discharge this condition. The approved improvements shall be implemented in accordance with the approved programme of implementation.

**Reason:** *In order to ensure that the proposed works to the highways are undertaken in a manner which minimises its effect on the surrounding highways and results in a development that is safe and accessible for pedestrians, public transport users and motorists.*

5. Prior to the commencement of development, a Demolition & Construction Management and Logistics Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:
- a) Demolition plans;
  - b) The location of notice board/s on the site to include details of the site manager, including contact details (phone, facsimile, email, postal address);
  - c) A strategy for the parking of vehicles of site operatives and visitors;
  - d) A strategy for the loading and unloading of plant and materials;

- e) A strategy for the storage of plant and materials used in constructing the development;
- f) Details of any parking bay suspension along Riverdene Road;
- g) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) Details of any means of protection of services such as pipes and water mains within the road;
- i) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- j) Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during construction works;
- k) Location of workers' conveniences (eg toilets, showers);
- l) Reasonable measures to be adopted, such as a restriction on the size of construction vehicles and machinery accessing the site, to minimise any potential damage occurring to adjacent streets throughout the construction period;
- m) Location of vehicle and construction machinery access during the period of site works including identification of any works necessary to the public highway necessary to provide a means of access during the construction and/or operation of the development;
- n) Numbers and timing of truck movements throughout the day and the proposed routes broken down by size of trucks;
- o) Vehicle holding areas;
- p) Construction traffic routes;
- q) Noise suppression measures;
- r) Procedures including wheel washing for controlling sediment runoff, dust and the removal of soil, debris and demolition and construction materials from public roads or places;
- s) A Dust Management Plan, including details of mitigation measures for dust and emissions during demolition and construction along with a monitoring regime for the same; and,
- t) A Demolition and Construction Site Waste Management Plan which includes details of managing demolition and construction waste having regard to the site waste hierarchy (prevention, reuse, recycling, recovery, safe disposal).

The development hereby permitted shall only be carried out in accordance with the approved details.

**Reason:** *In order to ensure that the construction of the development is undertaken in a manner which minimises its effect on the local environment and to comply with Policy SP3 of the Core Strategy.*

6. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the approved piling method statement.

**Reason:** *The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.*

7. A. Prior to the commencement of development:

1. The following shall be carried out in accordance with British Standard 10175: 2011 "Investigation of Potentially Contaminated Sites - Code of Practice" by a suitably qualified person:
  - (a) a desk-top study and site reconnaissance to identify potential sources of contamination;
  - (b) a site investigation to fully and effectively characterise the nature and extent of any contamination; and,
  - (c) the preparation of a site investigation report, with proposals for a remediation scheme to render the site fit for the proposed use(s) and details of any risk assessments as may be needed in support of the scheme. The scheme shall include a timetable of the sequence of remediation works in relation to development works.
2. The site investigation report and remediation scheme shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved scheme.
3. If during the course of development any contamination is discovered that was not previously identified then this shall be reported to the local planning authority together with revised remediation proposals.

- B. Prior to first occupation of the development, a validation report by a suitably qualified person, verifying implementation and completion of the scheme, shall be submitted to and approved in writing by the local planning authority. The validation report shall include verification of the quality of any imported soil.

**Reason:** *In order to ensure that contaminated soil at the site is dealt with so that it poses negligible risk to future occupiers to comply with policy SP3 of the Core Strategy. A pre commencement condition is required as there is the potential for an immediate health risk from the proposal.*

8. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) a drainage strategy detailing on and/or off-site drainage works shall be submitted to, and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

**Reason:** *The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development in order to avoid adverse environmental impact upon the community, as well as to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

**Pre-commencement (excluding site clearance, demolition and preparatory construction works)**

9. Notwithstanding condition 2 of this permission, prior to the commencement of development (excluding site clearance, demolition and preparatory construction works) details for the provision of an additional 33 (thirty three) cycle spaces for the commercial uses shall be submitted to and approved in writing by the local planning authority.

The approved 33 (thirty three) spaces shall be provided prior to the first occupation of the commercial units and thereafter be made permanently available and maintained in accordance with the approved details.

**Reason:** *In order to ensure the development complies with Policy T5 of the Council's Borough Wide Primary Policies DPD and Policy 6.9 of the London Plan (2016).*

10. Prior to the commencement of development (excluding site clearance, demolition and preparatory construction works), design stage assessment(s), supported by relevant BRE interim certificate(s), shall be submitted to and approved in writing by the local planning authority. The assessment and certificates will demonstrate that the commercial elements of the development will achieve a BREEAM rating of no less than "Very Good".

The development shall be constructed and maintained in accordance with the details approved in the design stage assessment, so as to achieve a final certification rating of no less than "Very Good". The final BRE accreditation certificate(s) shall be submitted to the local planning authority within 6 months of first occupation of any part of the commercial elements of the development, confirming that the development has achieved a BREEAM rating(s) of no less than "Very Good".

**Reason:** *In order to ensure that the development is constructed in an environmentally sustainable manner and to comply with Policy SP3 of the Council's Core Strategy DPD, Policy BD1 of this Council's Borough Wide Primary Policies DPD and Policies 5.2 and 5.3 of the London Plan (2016).*

11. Prior to commencement of the development (excluding site clearance, demolition and preparatory construction works), details (samples/plans as appropriate) of all facing materials, shall be submitted to and approved in writing by the local planning authority and shall be substantially in accordance with drawing no 01 AP 4100 030 P1. The details shall include:
- a) Brickwork;
  - b) Cladding;
  - c) Windows and doors (including reveals and frames);
  - d) Soffits;
  - e) Balconies and privacy screens;
  - f) Canopies;
  - g) External guttering;
  - h) Details of all rooftop structures including flues, satellite dishes, plant, lift overruns, cleaning cradles; and,
  - i) Plant enclosures.

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

**Reason:** *To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policy BD1 of the Council's Borough Wide Primary Policies DPD.*

12. Notwithstanding condition 2 of this permission, prior to commencement of the development (excluding site clearance, demolition and preparatory construction works), a scheme for a Sustainable Urban Drainage System shall be submitted to

and approved in writing by the local planning authority. The submitted scheme shall include details of:

- a) Tanking of basement level and de-watering of excavated areas;
- b) How reduction in surface water runoff to 3 times the greenfield runoff rate (i.e. 9.1 litres/second) through the implementation of attenuation storage units at podium level will be achieved;
- c) Installation petrol/oil interceptors;
- d) Distribution of foul water flows into the surrounding sewer network;
- e) Installation of rainfall attenuation units for capturing and reusing water;
- f) Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- g) A timetable for its implementation; and,
- h) Shall provide a management and maintenance plan for the lifetime of the development.

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

**Reason:** *To ensure the development does not contribute to urban flooding downstream in accordance with London Plan Policy 5.13.*

### **Above grade works**

13. Prior to the carrying out of above grade works, details of measures to be taken to insulate and/or screen from external noise the residential units, balconies and amenity areas hereby approved shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided prior to first residential occupation of the site and shall be retained thereafter.

**Reason:** *In order to ensure that the residential accommodation and amenity areas to be provided are suitably protected from any source of disturbance, and to accord with Policy SP3 of the Council's Core Strategy DPD and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

14. Notwithstanding condition 2 of this permission and the details shown on drawing no 01 AP 0200 002 Rev P01 submitted with the application, prior to the carrying out of above grade works, details of the child play space areas, which shall cover an area of no less than 2,440 square metres, shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) Detailed design of the play spaces and play equipment; and,
- b) A maintenance plan to demonstrate how the play spaces and play equipment will be repaired and/or replaced (as appropriate) over time.

The level 03 (podium) child play space areas serving residential blocks 1–7 of the podium development shall be accessible to all future children occupying that element of the development. The level -01 (lower ground) child play space areas serving the Town and Mews houses shall be accessible to all future children occupying that part of the development. The approved measures shall be provided prior to first residential occupation of the relevant part of the development and the play spaces shall be retained thereafter.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

15. Notwithstanding the details shown in the submitted Design and Access Statement, prior to the carrying out of above grade works detailed plans, to a scale of 1:50, shall be submitted to and approved in writing by the local planning authority to identify the location, size and detailed design of 72 (seventy-two) wheelchair adaptable dwellings. The units identified as wheelchair housing shall comply with Building Regulations Operational Requirements Approved Document M4 (3) Category 3: wheelchair user dwellings (2015 edition).

The development shall be carried out in accordance with the approved details and evidence of compliance shall be notified to the building control body appointed for the development in an appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control check compliance.

**Reason:** *In order to ensure the development complies with the terms of the application and to secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with Policy H2 (Housing Choice) of the Council's Borough Wide Primary Policies DPD and Policy 3.8 of the London Plan 2016.*

16. Prior to the carrying out of above grade works details shall be submitted to and approved in writing by the local planning authority to demonstrate that the development can achieve a Part 2 "Secured by Design" Accreditation. The development shall only be carried out in accordance with the approved details. Within 3 months of first occupation of each building or part of a building or use, a Part 2 "Secured by Design" accreditation shall be obtained for such building or part of such building or use.

**Reason:** *To ensure that Secured by Design principles are implemented into the development as far as reasonable and in accordance with policy 7.3 of the London Plan (2016) and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

### **Before occupation**

17. Prior to the first occupation of each of the commercial units (including the superstore), the following details shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit:

- a) Details of any associated extraction/flue/filtration/ventilation systems to be installed, including details of any other external plant or machinery (including ventilation units and air intake louvers), together with details of its method of construction, appearance, finish and acoustic performance. The measures shall be in accordance with the relevant DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems (January 2005).

The commercial units shall only be occupied in accordance with the approved details.

**Reason:** *In order to ensure that the commercial uses respect the amenities enjoyed by occupants of neighbouring properties and that they do not suffer an*

*unreasonable loss of amenity from the operation of the uses hereby permitted and to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

18. Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.

**Reason:** *In order to prevent the use causing an undue disturbance to occupants of neighbouring property at unreasonable hours of the day, and to accord with Policy SP3 of the Council's Core Strategy DPD and Policy R1 of the Council's Borough Wide Primary Policies DPD.*

19. Notwithstanding condition 2 of this permission, prior to the first use/occupation of the superstore, other retail/employment uses and Town and Mews houses hereby approved, a Landscape Strategy, including a scheme for hard and soft landscaping, for all public realm (including publicly accessible open space as identified in drawings nos 01 AP 9000 001 Rev P01; 01 AP 9000 002 Rev P01; & 01 AP 9000 003 Rev P010) and communal landscaping works at lower ground level and ground level shall be submitted to and agreed in writing by the local planning authority.

A. The soft landscaping scheme shall include:

- a) A planting plan;
- b) A written specification (including cultivation and other operations associated with trees, plants and grass);
- c) A Schedule of plants and trees, setting out the species, sizes, numbers/densities and soil depths; and,
- d) The scheme shall also include a programme setting out how the plan will be put into practice including measures for protecting plants and trees both during and after development has finished.

The new planting shall be carried out in the first planting and/or seeding season following the first occupation of the superstore, other retail/employment uses and Town and Mews houses or the substantial completion of the development, whichever is the sooner and shall comply with the requirements specified in BS 3936 (1992) "Specification of Nursery Stock Part 1 Trees and Shrubs", and in BS 4428 (1989) "Recommendations for General Landscape Operations". None of the new trees, plants or shrubs planted shall be lopped or topped within a period of 5 years from the completion of the development.

Any trees, plants or shrubs, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.

B. The hard landscaping scheme shall include:

- a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time;
- b) All details of any fencing, gates, walls or other means of enclosure within the development; and,

- c) A programme setting out how the plan will be put into practice.

The hard landscaping schemes shall be installed prior to first occupation of the superstore, other retail/employment uses and Town and Mews houses and maintained thereafter in accordance with the maintenance plans hereby approved.

**Reason:** *To ensure a satisfactory appearance, to take opportunities to enhance biodiversity, to ensure that there is appropriate communal and publicly accessible space within the development, and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

20. Notwithstanding condition 2 of this permission, prior to the first occupation of any residential units contained in blocks 1–7 hereby approved, a Landscape Strategy, including a scheme for hard and soft landscaping on the podium shall be submitted to and agreed in writing by the local planning authority.

A. The soft landscaping scheme shall include:

- a) A planting plan;
- b) A written specification (including cultivation and other operations associated with trees, plants and grass);
- c) A Schedule of plants and trees, setting out the species, sizes, numbers/densities and soil depths; and,
- d) The scheme shall also include a programme setting out how the plan will be put into practice including measures for protecting plants and trees both during and after development has finished.

The new planting shall be carried out in the first planting and/or seeding season following the first occupation of any residential units contained in blocks 1–7 or the substantial completion of the development, whichever is the sooner and shall comply with the requirements specified in BS 3936 (1992) "Specification of Nursery Stock Part 1 Trees and Shrubs", and in BS 4428 (1989) "Recommendations for General Landscape Operations". None of the new trees, plants or shrubs planted shall be lopped or topped within a period of 5 years from the completion of the development.

Any trees, plants or shrubs, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme. The approved landscaping scheme shall be maintained thereafter.

B. The hard landscaping scheme shall include:

- a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time;
- b) All details of any fencing, gates, walls or other means of enclosure within the development; and,
- c) A programme setting out how the plan will be put into practice.

The hard landscaping schemes shall be installed prior to first occupation of any residential unit within blocks 1-7 and maintained thereafter in accordance with the maintenance plans hereby approved.

**Reason:** *To ensure a satisfactory appearance, to take opportunities to enhance biodiversity, to ensure that there is appropriate communal and publicly accessible space within the development, and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

21. Prior to the first occupation of any part of the development hereby approved, a Car Park Management Plan ("CPMP") shall be submitted to and approved in writing by the local planning authority. The CPMP shall include details of:
- a) The location of the 24 (twenty-four) and 15 (fifteen) car parking spaces to be allocated to blue badge holders and Parent & Child spaces respectively;
  - b) How the 42 (forty-two) residential car parking spaces will be allocated (and re-allocated, as necessary) to blue badge holders within the residential development;
  - c) Details of provision of active electric vehicle charging points for 20% of the residential car parking spaces and a further 20% passive provision; and,
  - d) Details of provision of active electric vehicle charging points for 10% of the commercial car parking spaces and a further 10% passive provision.

The development shall be carried out in accordance with the approved details, and the arrangements thereby approved shall be retained thereafter.

**Reason:** *In order to ensure the development accords with Policy T5 of the Council's Borough Wide Primary Policies DPD and Policy 6.13 of the London Plan (2016).*

22. Prior to the first occupation of any part of the development, details of measures to be implemented to ensure the development is safeguarded to allow future connection to a decentralised energy network, should one become available, shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) Confirmation that a communal heating system will be used and not individual gas boilers;
  - b) Internal heating systems designed so they can be connected to a heat network with minimal retrofit; and,
  - c) Pipe work routes to be safeguarded to the boundary of the plot where connection to the heat network is likely to be made.

The energy safeguarding measures as approved shall be implemented prior to first occupation of the development and maintained as such thereafter.

**Reason:** *In order to safeguard connection of the development to a future decentralised energy network, and to comply with Policies 5.5 and 5.6 of the London Plan and Policy BD1 of the Borough Wide Primary Policies DPD.*

23. Prior to the first occupation of any part of the development and prior to the installation of any external lighting (whichever is sooner), details of all external lighting, including the location, specification, fixtures and fittings, measures to reduce light spillage, and the maintenance of such external lighting, shall be submitted to and approved in writing by the local planning authority.

The approved external lighting shall be installed and operational prior to first occupation and shall be maintained thereafter.

**Reason:** *In the interests of securing sustainable development, and ensure that the resulting appearance and construction of the development is of a high standard, in accordance with the requirements of policy BD1 of the Council's Borough Wide Primary Policies DPD.*

24. Prior to the first occupation of the podium level residential element of the development, details of measures for screening views from the communal gardens and walkways into habitable rooms of the residential units located at podium level shall be submitted to and approved in writing by the local planning authority.

The residential units shown on drawing no 01 AP 0010 006 P02 shall not be occupied until the approved measures have been completed. The approved measures shall be maintained thereafter.

**Reason:** *In order to protect the privacy and amenities enjoyed by occupants of residential properties and to comply with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

25. Prior to the first occupation of any part of the development details of the following shall be submitted to and approved in writing by the local planning authority:
- a) All Combined Heat and Power ("CHP") Plant in the Thermal input range 50kWth – 20MWth shall be evaluated against CHP emission standards prescribed in Appendix 7 of the Greater London Authority ("GLA") Sustainable Design and Construction Supplementary Planning Guidance ("SPG"); and,
  - b) Evidence to demonstrate that the proposed CHP meets the prescribed emission standard shall be provided. If the proposed CHP plant does not meet the prescribed emission standard, evidence must be submitted regarding mitigation technique/s applied for the CHP combustion appliance to meet the required standard.

The CHP emission standard hereby agreed shall be maintained thereafter.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*

26. Prior to the first occupation of the superstore and 6 (six) commercial units, a commercial Delivery and Service Management Plan ("DSMP") in accordance with Transport for London best practice guidance shall be submitted to and approved in writing by the local planning authority.

The DSMP shall show the location of an on-site vehicular service and delivery bay along with its associated lighting and shall describe the means by which servicing of the commercial units are to be provided. The DSMP shall identify how and what types of vehicles are anticipated to service the buildings. The number of spaces available for servicing vehicles and their delivery times shall also be detailed to demonstrate that the proposed system would work within the available space.

Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

**Reason:** *In order to ensure the development accords with Policy T6 of the Council's Borough Wide Primary Policies DPD.*

27. Prior to the first occupation of the residential units, a residential Delivery and Service Management Plan (“DSMP”) in accordance with Transport for London best practice guidance shall be submitted to and approved in writing by the local planning authority.

The DSMP shall describe the means by which servicing of the residential buildings are to be provided including means of provision for servicing and delivery vehicles. The DSMP shall identify how and what types of vehicles are anticipated to service the buildings. The number of spaces available for servicing vehicles and their delivery times shall also be detailed to demonstrate that the proposed system would work within the available space.

Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

**Reason:** *In order to ensure the development accords with Policy T6 of the Council's Borough Wide Primary Policies DPD.*

28. Prior to the first occupation of the superstore and commercial development, a commercial Waste Management Plan (“WMP”) for the operational phase of the development shall be submitted to and approved in writing by the local planning authority.

The WMP plan shall provide details of the design and materials of the refuse and recycling enclosure/s, access (including access and usability by persons with mobility impairment), separation (including separated storage of recyclable materials), monitoring to deter contamination of bins, and details of collection and removal. The development shall be carried out and maintained in accordance with the WMP as approved.

**Reason:** *To provide adequate provision for the storage of refuse in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

29. Prior to the first occupation of the residential development, a residential Waste Management Plan (“WMP”) for the operational phase of the development shall be submitted to and approved in writing by the local planning authority.

The WMP plan shall provide details of the design and materials of the refuse and recycling enclosure/s, access (including access and usability by persons with mobility impairment), separation (including separated storage of recyclable materials), monitoring to deter contamination of bins, and details of collection and removal. The development shall be carried out and maintained in accordance with the WMP as approved.

**Reason:** *To provide adequate provision for the storage of refuse in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

30. Notwithstanding condition 2 of this permission, prior to the first occupation of the residential development a scheme shall be submitted to and approved in writing by the local planning authority to demonstrate how the photovoltaic (“PV”) array will be maximised to assist output and electricity generation to the development. The scheme shall include details of the location of the PV array and provide

confirmation of the estimated area, output and electricity generation. The approved scheme shall be implemented and be operational before first occupation.

**Reason:** *In order to ensure the development complies with the terms of the application and in the interests of reducing carbon emissions in accordance with Policy 5.2 of the London Plan.*

31. Prior to the first occupation of the development a statement (with supporting evidence) shall be submitted to and approved in writing by the local planning authority to demonstrate that the overall development shall achieve carbon emission reduction savings of no less than 19% below the Target Emissions Rate in Building Regulations (2013) of which the residential element shall achieve carbon emission reduction savings of no less than 34% below the Target Emissions Rate in Building Regulations (2013). The development shall be carried out and maintained in accordance with the approved Statement.

**Reason:** *In order to ensure the optimum energy and resource efficiency measures, low-carbon and decentralised energy, and on-site renewable energy generation and to comply with Policies 5.2, 5.5, 5.6 and 5.7 of the London Plan, Policy BD1 of the Borough Wide Primary Policies DPD and the Sustainable Design and Construction SPD (January 2012).*

32. Prior to the occupation of any of the residential units the following details shall be submitted to and approved in writing by the local planning authority:
- a) Evidence to demonstrate that all non-CHP gas fired boilers to be installed must achieve dry NO<sub>x</sub> emission levels equivalent to or less than 40 mg/kWh.

Each dwelling shall only be first occupied in accordance with the approved details.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*

33. Prior to the first occupation of the supermarket or the first commercial unit (whichever is the first to be occupied), a Travel Plan regarding the commercial and supermarket development shall be submitted to and approved in writing by the local planning authority. The Plan shall describe the means by which users of supermarket and commercial element of the the development shall be encouraged to travel to the site by means other than the private car. The Plan as approved shall be implemented, monitored and reviewed on an annual basis and a copy of that annual review and action plan arising shall be submitted in writing to the local planning authority. The measures described in the action plan shall be implemented in the time period identified in the action plan.

**Reason:** *In order to ensure all future users of the commercial and supermarket development are aware of all means of travel in the vicinity of the application site and to minimise unnecessary vehicular movements to and from the site in accordance with Policy T1 of the London Borough of Redbridge Borough Wide Primary Policies DPD (2008).*

34. Prior to first occupation of any of the residential units, a Travel Plan regarding the residential development shall be submitted to and approved in writing by the local planning authority. The Plan shall describe the means by which residents, visitors

and users of residential elements of the the development shall be encouraged to travel to the site by means other than the private car. The Plan as approved shall be implemented, monitored and reviewed on an annual basis and a copy of that annual review and action plan arising shall be submitted in writing to the local planning authority. The measures described in the action plan shall be implemented in the time period identified in the action plan.

**Reason:** *In order to ensure all future residents are aware of all means of travel in the vicinity of the application site and to minimise unnecessary vehicular movements to and from the site in accordance with Policy T1 of the London Borough of Redbridge Borough Wide Primary Policies DPD (2008).*

### **Contingent conditions**

35. Notwithstanding Article 3, Schedule 2, Part 2, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), details of any permanent Closed Circuit Television (CCTV) system shall be submitted to and approved in writing by the local planning authority prior to any installation of such CCTV.

The CCTV system/s shall only be installed in accordance with the approved details and shall be maintained as such thereafter.

**Reason:** *In the interests of ensuring any CCTV does not unduly harm the character and appearance of the development in accordance with Policy SP3 of the Council's Core Strategy and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

36. Prior to occupation of any part of the development hereby approved, a Noise Assessment to establish the lowest measured background noise level (LA90, 15 minutes) as measured one metre from nearest affected residential window(s) for the installation of any external plant, mechanical ventilation or flue shall be submitted to and approved in writing by the local planning authority.

The external plant, mechanical ventilation or flue shall be not be installed unless it is designed to achieve a noise level of 10db below the lowest established measured background noise (LA90, 15 minutes) with the Noise Assessment approved pursuant to this condition.

The external plant, mechanical ventilation or flue equipment shall be maintained thereafter in accordance with manufacturer's instructions.

**Reason:** *To ensure that the development does not result in undue noise disturbance to residents, and ensure that the residential accommodation and amenity areas to be provided are suitably protected from any external source of disturbance, and to accord with Policy SP3 of the Council's Core Strategy DPD and Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

### **Compliance conditions**

37. All of the dwellings (with the exception of the 72 (seventy-two) units to be constructed in accordance with condition 15) shall comply with Building

Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition).

**Reason:** *In order to ensure that the development provides (or can be adapted to provide) satisfactory accommodation for people whose mobility is impaired, and to accord with Policy H2 of the Council's Borough Wide Primary Policies DPD.*

38. Prior to the occupation of each dwelling, that dwelling shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition).

**Reason:** *To comply with London Plan Policy 5.15.*

39. Notwithstanding Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no extensions, alterations or outbuildings shall be carried out to the single dwelling houses hereby approved without the grant of further specific permission from the local planning authority.

**Reason:** *The dwellings benefit from architectural consistency that could be harmed by piecemeal extensions and alterations and in order that any further additions may be considered by the local planning authority, having regard to the size of the dwelling, its plot and the amenities enjoyed by occupants of neighbouring property and to comply with Policies BD1 & BD5 of the Council's Borough Wide Primary Policies DPD.*

40. Prior to the first occupation of the residential development, parking for 1,008 (one thousand and eight) long-stay bicycle spaces for future occupiers of the residential development, and 23 (twenty-three) short stay bicycle spaces for visitors to the residential development, shall be provided as shown on the approved plans and thereafter be made permanently available and maintained for the relevant users of and visitors to the development.

**Reason:** *In order to ensure the development complies with the terms of the application and with Policy T5 of the Council's Borough Wide Primary Policies DPD.*

41. Prior to the first occupation of the supermarket, parking for 127 (one hundred and twenty seven) cycle spaces for the employees and customers of the supermarket and commercial uses shall be provided as shown on the approved plans and thereafter be made permanently available and maintained for the relevant users of and visitors to the development.

**Reason:** *In order to ensure the development complies with the terms of the application and with Policy T5 of the Council's Borough Wide Primary Policies DPD.*

42. Notwithstanding Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no walls, fences, gates or any other means of enclosure shall be installed other than that approved under conditions 19 and 20 of this permission.

**Reason:** *In order that any further additions may be considered by the local planning authority, having regard to the size of the dwelling, its plot and the*

*amenities enjoyed by occupants of neighbouring property and to comply with Policies BD1 & BD5 of the Council's Borough Wide Primary Policies DPD.*

43. Building, engineering or other operations such as demolition, works preparatory to or ancillary to the construction of the development hereby approved shall take place only between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0800 and 1300 Saturdays only and no works shall be carried out at any times on Sundays or Public Holidays. This condition shall apply unless otherwise agreed in writing by the local planning authority.

**Reason:** *To safeguard the amenity of surrounding residents.*

44. All communal amenity spaces shown on the podium plan (level 03) hereby approved, shall be accessible at all times to all future residents of the residential blocks 1–7.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

45. All communal amenity and child play spaces shown on the lower ground floor plan (level -01) hereby approved, shall be accessible at all times to all future residents of the Mews and Town houses hereby approved.

**Reason:** *To ensure an inclusive development and to accord with Policy BD1 of the Council's Borough Wide Primary Policies DPD and Policy 3.6 of the London Plan.*

46. During construction, ground-borne vibration shall not exceed 2.0mm/s Peak Particle Velocity ("PPV") at residential properties neighbouring the site and 3.0mm/s Peak Particle Velocity ("PPV") at commercial properties neighbouring the site.

**Reason:** *In order to ensure that construction of the development at this site is undertaken in a manner that minimises its effect on the local environment, in accordance with Policy BD1 of the Council's Borough Wide Primary Policies DPD.*

47. Prior to the first residential occupation of such building/s or part of a building, all lifts shown on the approved plans shall be installed and be operational. The lifts shall be appropriately maintained and permanently retained as approved.

**Reason:** *To ensure that adequate step-free access is provided to all accessible floors, in accordance with Policy 7.2 of the London Plan 2016.*

48. Prior to the occupation of the supermarket details of the mechanical ventilation system to be provided within the basement car park shall be submitted to and approved in writing by the local planning authority. The supermarket shall only be occupied in accordance with the approved details.

**Reason:** *In order to ensure the development meets local, regional and national air quality objectives; and in accordance with Policy E8 of the Borough Wide Primary Policies.*

**APPENDIX D - LIST OF ABBREVIATIONS**

AAP	Area Action Plan
ADF	Average Daylight Factor
AHVSPG	Affordable Housing and Viability Supplementary Planning Guidance
AQMA	Air Quality Management Area
BNPP	BNP Paribas
BRE	Building Research Establishment
BWPP	Borough Wide Primary Policies
CCTV	closed circuit television
CEBR	Centre for Economics and Business Research
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
dpa	dwellings per annum
DPD	Development Plan Document
dph	dwellings per hectare
DSHC	Development Sites with Housing Capacity
EIA	Environmental Impact Assessment
ES	Environmental Statement
FTE	Full Time Equivalent
FVSOCCG	Financial Viability Statement of Common Ground
GDC	Gross Development Cost
GDV	Gross Development Value
GIA	gross internal area
GLA	Greater London Authority
GP	General Practitioner
ha	hectare
HE	Historic England
HGV	heavy goods vehicle
HMO	House of Multiple Occupation
hrh	habitable rooms per hectare
HS	Heritage Statement
IRR	internal rate of return
l/s	litres per second
LBR	the Council of the London Borough of Redbridge
LPA	local planning authority
LUC	Land Use Consultants
MB	Mayer Brown
NO2	nitrogen dioxide
NOISE	Neighbourhoods of Ilford South Engage
Para	Paragraph
PERS	Pedestrian Environment Review System
PM10	fine particulate matter
PPG	Planning Policy Guidance
PRS	Planning and Retail Statement
PTAL	Public Transport Accessibility Level
RICS	Royal Institution of Chartered Surveyors
S106	Section 106

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SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground
SoS	Secretary of State for Communities and Local Government
SP3	Strategic Policy 3 of the Core Strategy
SP8	Strategic Policy 8 of the Core Strategy
sqm	Square metres
SSL	Sainsbury's Supermarkets Ltd
TA	Transport Assessment
TfL	Transport for London
the Appellant	Sainsbury's Supermarkets Ltd
the Council	the Council of the London Borough of Redbridge
the Framework	the National Planning Policy Framework
the Site	the appeal site
TVIA	Townscape and Visual Impact Assessment
VA	Viability Appraisal
WRfB	Work Redbridge for Business
WYG	White Young Green



# Ministry of Housing, Communities & Local Government

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

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

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

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

#### **Challenges under Section 288 of the TCP Act**

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

### SECTION 2: ENFORCEMENT APPEALS

#### **Challenges under Section 289 of the TCP Act**

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

### SECTION 3: AWARDS OF COSTS

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

### SECTION 4: INSPECTION OF DOCUMENTS

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