

**Mount Clare Campus, Minstead gardens,
Roehampton Gate, London, W15 4EE**

Summary Proof of Evidence of Mr Nik Smith
BA (hons), MA, MRTPI

Appeal reference APP/H5960/W/25/3371729

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1.0 Introduction and Summary

- 1.1 My name is Nik Smith and I am a chartered town planner, with over 20 years' experience in the public, private and governmental sectors. I hold a Masters Degree in Urban and Regional Planning from the University of Westminster.
- 1.2 I am appearing as the planning witness for the Council.
- 1.3 The scope of my evidence relates to affordable housing, the suitability of the site for the type of development proposed and the quality of the accommodation put forward by the appeal scheme as well as overall policy compliance.
- 1.4 I also draw on the evidence of others on matters relating to the lawful use of the site, heritage, and the contribution that the appeal scheme could make to meeting need for temporary accommodation when reaching my conclusion on the planning balance.
- 1.5 My evidence concludes that the appeal scheme would conflict with multiple important policies of the development plan, and the development plan when read as a whole. There are no material considerations that outweigh these conflicts. The appeal scheme, in brief summary, is the wrong development in the wrong place.
- 1.6 It is my firm professional opinion that planning permission should be refused for these proposals and that this appeal should be dismissed.

2.0 The lawful use of the site

- 2.1 In my evidence I consider the proof of evidence provided by Ms Thafvelin, which relates to the lawful use of the site.
- 2.2 I do not set out the details of the lawful use position here, but whether there is a 'nil-use' or some kind of lawful, or 'baseline' use involving student accommodation, I consider that the appeal scheme requires planning permission, and my evidence assesses the compliance of the proposals against the development plan and other material considerations.

3.0 The development applied for

- 3.1 The appeal application is for the change of use of the non-listed buildings at the site to temporary accommodation. The Appellant describes that it would be occupied by people in need of such accommodation, who would be subject to licences, limiting periods of occupation to no more than one year.
- 3.2 The proposed use has a *sui generis* use class. Planning permission is required to use the buildings at the site in the way proposed and the Appellant does not now appear to dispute this.
- 3.3 The proposed use is not the same planning use as a House in Multiple Occupation (HMO). However, some of the units would appear to align with the definition of an HMO. It is therefore appropriate to consider planning policies that relate to HMOs when assessing a development proposal such as this. I have done so in my evidence.
- 3.4 In addition to the proposed change of use, some operational development is proposed. This comprises additional cycle stands and some play areas at the site.
- 3.5 The proposal also includes works to the Lodge building. The Council and the Appellant have different views as to the extent of these works, and whether they would, in themselves, require planning permission. For the purposes of my evidence, I have taken it that they would not.

4.0 Main Issues

- 4.1 The Inspector has set out the main issues as:
 1. Whether the proposal would preserve or enhance the character or appearance of the Alton Conservation Area; preserve a Grade II Alton West Registered Park and Garden; preserve a Grade I listed building known as Clare Mount and Grade II listed building known as The Temple, along with their setting or features of special architectural or historic interest that each possesses;
 2. Whether the proposal would result in high quality living accommodation; and

3. Whether the proposal would accord with local and national policies, having regard to whether the capacity of the site has been optimised for housing delivery, dwelling type, needs, mixed and sustainable communities, suitability of the location for the use and heritage assets.

4.2 As main issue 3 is a composite main issue, I address the following topics separately and then conduct a planning balance thereafter:

- i. Heritage impact.
- ii. Affordable housing requirements.
- iii. Optimisation of the capacity of the site and site allocation policy.
- iv. Quality of the living accommodation.
- v. Suitability of the location for the proposed development.
- vi. Whether the proposal would result in a mixed and sustainable community.
- vii. Need for temporary accommodation.
- viii. Planning balance.

4.3 I address these matters in turn in my proof of evidence and summarise briefly here my evidence.

5.0 Heritage impacts

- 5.1 I have read the evidence of Mr Sellers on heritage matters. This includes detailed descriptions of the relevant legislative and planning policy contexts and so I do not repeat these here.
- 5.2 Having considered Mr Sellers' evidence in the context of the appeal scheme, I believe that from a heritage perspective the appeal scheme would be in conflict with policies PM7, RO2, HC1 and LP3 of the Local Plan and conflict with the requirements of London Plan Policy D3.
- 5.3 The proposal also conflicts with provisions of the NPPF. The proposal leads to less than substantial harm and the public benefits do not outweigh that harm and as such the proposal conflicts with paragraph 215.
- 5.4 These are important and significant policy conflicts, given the heritage value of the appeal site, and I address their contribution to my overall planning balance in my evidence.

6.0 Affordable housing

6.1 Had the Council determined the appeal application, its Statement of Case says that it would have refused planning permission because '*the development would fail to optimise the capacity of the site to maximise housing delivery (including affordable housing)*' (Reason for Refusal 1). Reason for Refusal 2 says that '*the proposed use of the site...would not meet the requirements of Local Plan policy LP31 [by] failing to provide affordable housing*'. Reason for Refusal 5 says that '*the proposed development fails to meet the requirements for affordable housing*' and Reason for Refusal 7 also refers to failing to secure affordable housing.

6.2 The appeal scheme does not constitute affordable housing (with reference to the definitions provided at Annex 2 of the National Planning Policy Framework) and no contribution towards delivering affordable housing elsewhere is proposed by the Appellant. The reason for this appears to be the Appellant's opinion that there are no planning policies in place that require the scheme to deliver or contribute towards affordable housing, nor to require payment of an affordable housing contribution. I disagree with that position, for the reasons set out at section 8 of my proof of evidence.

7.0 Optimisation of the capacity of the site and site allocation policies PM7 and RO2

7.1 The site is located within the Alton Estate Regeneration Area. This area benefits from and is subject to an Area Strategy, set out in the Local Plan. The Strategy is, in summary, it is an ambitious, positive and proactive strategy that recognises the current deficiencies of the estate, and is aimed at substantially enhancing the contribution that it makes to the local area.

7.2 As set out in section 9 of my proof, the appeal scheme sits squarely at odds with the objectives of the vision for the estate regeneration and the requirements of the site allocation policy.

8.0 The quality of the living accommodation

- 8.1 I consider the requirements for development proposals to deliver high-quality design (reflected in all levels of planning policy) at section 10 of my proof.
- 8.2 Altogether, I do not think it is possible to reach any other conclusion that the appeal scheme would be substandard development. It falls some way short of the 'high-quality' required by policy and that is all the more significant given the needs of the people who would be living there.

9.0 Suitability of the location for the proposed development

- 9.1 As I explain elsewhere in my evidence, the appeal scheme does not conform with the Council's vision for the regeneration of the Estate (that seeks to solve these problems) and has the potential to undermine it altogether through sterilising one of the three site allocations that are charged with delivering positive change.
- 9.2 I set out at section 11 of my proof that it should not be understated that the appeal scheme proposes accommodation for very vulnerable people, who could very well have family, friends, work and school some distance from the appeal site. They will need good travel options. They will likely be on low incomes and will need easy access to a variety of shops and services to meet their individual and financial needs.
- 9.3 The appeal site simply doesn't provide that. The Council recognises the deficiencies in the local area and is trying to change that through its plan making. It would not be responsible in the meantime to introduce a use at this site that is manifestly unsuitable for it and that could make the lives of very vulnerable people even more difficult.

10.0 Whether the proposal would result in a mixed and sustainable community

- 10.1 As set out at section 12 of my evidence, the appeal scheme would conflict with the relevant policy requirements of this issues because it would create a large community at the site that would not be mixed or balanced. The vast majority of the accommodation at the scheme would be for single

occupation, meaning of course that it would be occupied by single people. All residents would be vulnerable, likely of low incomes.

10.2 I consider that the proposed development achieves the opposite of the policy expectations for mixed, balanced communities, further reinforcing the unsuitability of the proposed development at this site.

11.0 Need for Temporary Accommodation

11.1 I consider this issue at section 13 of my evidence, having read the evidence of Mr Worth. His role as Director of Housing Services at Wandsworth clearly means that he is an authority of matters relating to the need for and supply of temporary accommodation in the Borough.

11.2 On his evidence regarding the need generally, when there is a clear need for it, it would be appropriate for me to give significant positive weight in favour of providing temporary accommodation, in my planning balance.

11.3 However, the quality of the accommodation proposed here would be very poor and the location of the site is entirely unsuitable for the proposed use. I explain the reasons for that in my evidence, and this significantly erodes the benefits that would be associated with a good quality, well located development. The problems with the proposal are so stark that Mr Worth has said that the Local Housing Authority would not seek to house people at the development. That is clearly a significant and telling indictment of the appeal scheme. He says that there would be a real risk of challenges to the courts by people whom the Council might seek to house there.

11.4 Ultimately, if the Housing Authority would not house people in the appeal scheme then it would not meet needs in the borough.

12.0 Planning Balance.

12.1 I consider the overall planning balance at section 14 of my proof.

12.2 I consider that the appeal scheme would conflict with various, wide-reaching policies of the Development Plan.

- 12.3 It is clear that the proposal conflicts with the development plan overall. It is necessary then to consider whether material considerations indicate that a decision should be reached otherwise than in accordance with the development plan.
- 12.4 I do recognise that the scheme would bring forward some benefits. For example, there is a need for more temporary accommodation in Wandsworth and significant weight should be attached to delivering accommodation that can help meet that need, notwithstanding the serious concerns expressed by Mr Worth.
- 12.5 However, even in considering these benefits, for reasons described in detail in my evidence, and in conclusion, the appeal scheme does not represent sustainable development in the terms of the Framework, and I invite the Inspector to dismiss this appeal.

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