

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

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

Appeal reference APP/H5960/W/25/3371729

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Appendices

- NS/1** Extract from 2004 Housing Act relating to HMOs.
- NS/2** Homes for Londoners SPG 2017.
- NS/3** BPS Report, December 2025.
- NS/4** Marked-up typical floorplan showing measurements.
- NS/5** Note relating to consultation draft NPPF.

1.0 Introduction and Summary

Introduction

- 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 instructed by London Borough of Wandsworth to represent it in matters relating to this appeal. The evidence that I provide is my true professional opinion.

Summary

- 1.3 I am appearing as the planning witness for the Council.
- 1.4 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.
- 1.5 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 in this case.
- 1.6 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.
- 1.7 Accordingly, it is my firm professional opinion that planning permission should be refused for these proposals and that this appeal should be dismissed.

2.0 Qualifications and involvement with the proposal

- 2.1 My name is Nik Smith and I am a town planning consultant, instructed by London Borough of Wandsworth to act for it in matters relating to this appeal, including in providing evidence to the Public Inquiry in January.
- 2.2 I am a Chartered Town Planner, with over 20 years' experience in the public, private and government sectors. I hold a Masters degree in Urban and Regional Planning from the University of Westminster. I am employed as Regional Director (London) by Nexus Planning, a national consultancy of professional town planners that provides town planning advice to the public and private sectors.
- 2.3 I am a full Member of the Royal Town Planning Institute.
- 2.4 I have extensive experience of handling planning applications for major schemes in London, both in my previous capacities working for local authorities and in my current role as a planning consultant which includes supporting clients in securing planning permission.
- 2.5 I know Wandsworth, and the area within which the site is located well, and have visited the site.
- 2.6 I was approached by London Borough of Wandsworth at the beginning of December 2025 and asked if I would defend the case of the Council in this appeal. I understand that the reasoning for that approach was resourcing issues within the Council's internal team.
- 2.7 Prior to accepting the instruction, I reviewed the case file in detail and I agreed with all of the Council's reasons for refusing the appeal application (noting that matters relating to energy have now been resolved, subject to agreeing conditions) and agreed to act for it in this appeal.
- 2.8 The evidence which I have prepared and provide for this appeal reference APP/H5960/W/25/3371729 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

3.0 Development Plan and national policy context, an overview

The Development Plan

3.1 The Development Plan for Wandsworth comprises the Wandsworth Local Plan (2023) and the London Plan (2021). A schedule of policies relevant to the appeal development are set out at Section 4 of the Council's Statement of Case (CD/D1).

National Policy Context

3.2 The National Planning Policy Framework (2024) sets out the Government's planning policies for England and how these should be applied. I refer to applicable policies of the Framework as appropriate throughout my evidence.

3.3 On 18th December 2025, the Government published a consultation version of the updated Framework. I have provided a note at NS/5 identifying draft policies that I consider relevant to the appeal scheme, and some commentary on compliance with those policies, although given its current status, no more than limited weight should be applied to this document at this time. In summary, I consider that the draft policies reinforce my overall position on the appeal scheme, and that planning permission should not be granted for it.

Other material considerations

3.4 Relevant policies and guidance documents to this appeal are set out at Section 4 of the Council's Statement of Case (CD/D1). This is referred to as appropriate throughout my evidence.

3.5 This also includes the Wandsworth Local Plan partial review, which includes amendments to LP23, LP29 and LP31. The Local Plan partial review Examination in Public was held from the 4th November – 6th November 2025, with the main modification consultation running for a period of 7 weeks from 26 November 2025 and closing at 11.59pm on 14 January 2026. Given the advanced stage of the Local Plan partial review the emerging policies do carry weight in decision making at this time.

4.0 The lawful use of the site

- 4.1 I have read the proof of evidence provided by Ms Thafvelin (CD/H4). This rightly refers to the recent Certificate of Lawfulness Inquiry and the conclusions reached by a previous Inspector in that case on the matter. I understand that the Appellant disagreed with those conclusions at the time, and sought to challenge that decision through the courts, but was unsuccessful in doing so. As I understand it, the Appellant has moved on from the position advocated in the appeal material, i.e. that the existing use of the site is as a hostel and so planning permission is not required for the appeal development.
- 4.2 Ms Thafvelin's evidence on the lawful use of the appeal site is clear. That is that, in summary, there is no 'baseline use' at the site for the purposes of assessing the appeal scheme – i.e. it has a 'nil use'. That is because no lawful use has been demonstrated by the Appellant. Or because even if the lawful use of the site is as I understand is now being advanced by the Appellant (for a use comprising some combination of student accommodation, office and storage uses), by the Appellant's own evidence, there is no prospect of that use occurring in the future.
- 4.3 The Appellant's position on the matter of a lawful use at the appeal site has changed on a number of occasions over time, through the CLEUD appeal, the planning application and now through this appeal. As I understand it the most recent correspondence (an email to the Planning Inspectorate dated 12th December 2025) was that the lawful use of the site is as student accommodation and facilities ancillary to that use.
- 4.4 I note that the planning application form for the appeal application (CD/A1) says that the proposal would not involve the loss or replacement of any student accommodation, but it appears that the Appellant now takes a different view on this matter.
- 4.5 The Appellant's evidence will no doubt expand on why they now consider that to be the case, and what they consider the implications of the purported lawful use to be in the context of the appeal scheme – including with reference to their evidence that this use will not continue at the site.

4.6 I will naturally review any material presented and will respond to it through evidence as required, but for the purposes of my evidence now, my overall conclusions on the appropriateness of the appeal scheme do not change. Either way, it is my professional opinion that this scheme does not accord with the development plan and material considerations do not indicate that permission should be granted.

4.7 Whether there is a 'nil-use' or some kind of lawful, or 'baseline' use involving student accommodation (that we are told has not operated for some time and will not operate in the future), the appeal scheme requires planning permission, and my evidence assesses the compliance of the proposals against the development plan and other material considerations.

4.8 In the context of the main issues of this appeal (which for example, do not include the loss of student accommodation) I would not attach weight to a purported historic student accommodation use as a material consideration in my planning balance even if this is the lawful use of the site. That is in part because the character and impacts of a student accommodation use are materially different, (which is why planning permission is required to change use between them) and in part because the Appellant has clearly said that any student accommodation use would not operate at the site in the future.

5.0 The development applied for

- 5.1 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.
- 5.2 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.
- 5.3 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 as set in the 2004 Housing Act (see Appendix NS/1). 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.
- 5.4 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.
- 5.5 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. This is to ensure that the Appellant's position is taken at its highest and to ensure that my evidence is robust. In the event that planning permission is required, that will be a matter for the Council to address with the Appellant subsequently.

6.0 Main Issues

6.1 At the CMC and then in subsequent email correspondence (dated 24 November 2024) the Inspector 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.

6.2 As main issue 3 is a composite main issue which has a number of sub-issues, I consider that the most appropriate way in which to set out my evidence is to address the following topics separately and then conduct a planning balance thereafter, as follows:

- 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.

6.3 I address these matters in turn in the following sections of my evidence.

7.0 Heritage impacts

7.1 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 in full in my own evidence. I note that Mr Sellers' evidence has been provided in the context of a Heritage Impact Assessment that was not provided with the planning application but was provided recently.

7.2 Mr Sellers describes in detail both the opportunity for and policy requirement of development at this site to enhance, manage and maintain the important heritage assets at the site. The appeal scheme fails to achieve those policy requirements and instead relies on vague assertions that proceeds generated by the development will feed into a longer-term plan for those buildings, without providing any detail as to what that plan might look like, or how it would be achieved.

7.3 The Appellant has suggested that management plans for the listed buildings at the site could be the subject of conditions, but without knowing how it is proposed to repair, enhance or use these buildings, it would not be realistic or useful to apply such conditions. In the absence of any level of this detail, it would not be at all clear to any party what the asserted plan would comprise. As Mr Sellers has describes, and as is clear from the appeal scheme, the application has effectively 'sidestepped' the ongoing care, use and maintenance of these important heritage assets, and in doing so, is in conflict with the development plan policies that necessarily envisage that these form a central feature of the regeneration of the appeal site, and the wider Alton Estate.

7.4 In particular, when describing 'missed opportunities', Mr Sellers explains the significant benefit that would have been achieved through the reintroduction of the historic pond at the site, in front of the Temple. Whilst this is described at para. 9.34 of the supporting text to Policy RO2 as being driven by the biodiversity value of such an intervention, Mr Sellers' opinion is that this would also bring with it important heritage benefits. Instead, the appeal scheme seeks to 'repair' the Lodge building (which notably includes replacement of large parts of it, even on the Appellant's case) at the site. In doing so rather than reinstating the pond, that opportunity for achieving that heritage benefit would be lost by the appeal scheme.

7.5 Mr Sellers is right to be concerned about the lack of ambition shown by the appeal scheme in the context of policy requirements from a heritage perspective. Alongside the policies of the

development plan that I refer to below, Paragraph 201 (a) of the Framework says that '*in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*'. The appeal scheme offers no such assurance, even despite the high heritage status of the buildings in question and the fact that the entirety of the Site is one allocation in the Local Plan and should evidently be considered as a whole.

7.6 Mr Sellers is also concerned, as is clear from his evidence, that the works required to restore the Lodge would be tantamount to its replacement, because the condition of that building is so poor. He considers that the process of rebuilding that structure would result in harm to the setting of both the Temple and Mount Clare and the RPG. I note that the Inspector has concluded that this proposal would not grant permission for any operational development and that if the Council takes a different view, then it would be open to it to issue enforcement proceedings.

7.7 Whether or not planning permission is required, it is clear that the building is being re-built in order to facilitate the use applied for. It is therefore appropriate in my view to consider the impact of that re-building/replacement/repair as part of this appeal. However, without prejudice to this position, as I have noted that there is a disagreement between the parties as to how this is to be treated, I have reached my planning judgments without considering the impact of the re-building/replacement/repair of the Lodge. Although this would clearly add to the heritage harm if it were to be considered as part of any balancing exercise.

7.8 Mr Sellers has also described that harm would be caused to the setting of the heritage assets through the use of the site for temporary accommodation, through associated noise, lighting and activity at the site. Whilst potentially comparable impacts may also arise as a consequence of the use of the site as student accommodation, that use does not exist at the site and the Appellant has clearly set out that it will not do so in the future.

7.9 An appropriate regeneration of the site that aligned with the Council's site allocation policy and vision of the estate would also bring forward activity at the site. However, a scheme that complied with those policies would necessarily be 'heritage-led' and so I would anticipate such a scheme to avoid problematic impacts and / or for the overall effects of that scheme to be substantially more beneficial in heritage terms than the appeal scheme.

7.10 Mr Sellers also identifies that harm would be caused to the significance of heritage assets at the site through harm to their setting and harm to the registered park and garden and conservation areas themselves because of the proposed operational development. In summary, these harms are caused by the introduction of a large quantum of cycle storage at the site. He concludes that the level of harm would be 'less than substantial' in the terms of the Framework. This harm is further added to by the introduction of play equipment.

7.11 The Appellant appeared to agree with this conclusion, where at paragraph 6.3 of their Statement of Case (CD/B2) they recognise 'less than substantial harm' would be caused. Though, I note that the Heritage Assessment now states that this is not the case.

7.12 Para. 215 of the Framework requires that less than substantial harm is weighed against the public benefits of the proposal, including, where appropriate, securing its optimum use. In this case, of course, no use is proposed for the heritage buildings at the site, and so securing the optimum use of these buildings is not a 'public benefit' in favour of the appeal scheme in this balance.

7.13 It is also relevant to note that section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as interpreted by *Barnwell Manor Wind Energy v East Northamptonshire District Council* [2014] EWCA Civ 137 means that considerable importance and weight should be given to the desirability of preserving the setting of listed buildings and the character and appearance of conservation areas.

7.14 The public benefits associated with the appeal scheme are very limited. Whilst there is some 'in principle' benefit associated with the delivery of temporary accommodation for those in need of it, the quality of the accommodation would be so poor that the Local Authority, as housing provider, would not direct those on its waiting list towards it. That is telling and must substantially erode the weight attached to that consideration.

7.15 Otherwise, the scheme would deliver a small amount of local employment (but again, presumably this is only if it could actually be used as temporary accommodation), would 'upgrade' the non-listed buildings at the site to a habitable standard (notwithstanding my evidence on the quality of the accommodation provided for future residents), and would provide some play spaces and cycle parking areas. Cumulatively, even if taken at their highest, these are very narrow public benefits that could not sensibly attract more than limited positive weight in favour of the proposal.

7.16 On that basis, and even if the level of harm that Mr Sellers has described is at the low end of the 'less than substantial' spectrum, it would still not be outweighed by the public benefits of the scheme, because they would be so limited. The Appellant's Statement of Case (CD/B2) describes that the heritage harm (that they appear to recognise) would be '*outweighed by the clear public benefits*' (para. 6.3). For the reasons described above, I disagree with that conclusion.

7.17 In the context of all of the above, the appeal scheme would be in conflict with policies PM7 and RO2 (CD/I3) of the Local Plan. These policies require that the important heritage assets at this site are enhanced, managed and maintained through development of the site as part of the positive regeneration of the area. I note that this objective is supported by the statutory duties I have described above. The approach taken by the appeal scheme is that attention will be given to these important matters at a later date, with almost no detail as to how and when. That represents both a 'missed opportunity' and a conflict with important and highly relevant policies of the development plan.

7.18 For the same reasons, the appeal scheme would conflict with the requirements of London Plan Policy D3 (Optimising site capacity through the design-led approach) (CD/I2) which requires that development proposals '*respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character*'.

7.19 The requirement for development schemes to demonstrate consideration to '*the conservation of features and elements that contribute to the heritage asset's significance and character*' (1), '*reinstate features or elements that contribute to the significance of heritage assets which have been lost*' (2), and '*securing the optimum viable use for heritage assets*' (5) are also requirements of Local Plan Policy LP3 (Historic Environment) (CD/I3).

7.20 The appeal scheme would not achieve these requirements and so would conflict with this policy, including because it would not '*sustain, preserve, and, wherever possible, enhance, the significance, appearance, character, function and setting*' of the heritage assets at the site, including Mount Clare, the Temple, the RPG or the Alton Conservation Area. Similar requirements are found within Policy HC1 (Heritage conservation and growth) of the London Plan (CD/I2) and the appeal scheme would also conflict with that policy.

7.21 The proposal also conflicts with provisions of the NPPF. I note that paragraph 212 of that document requires great weight to be given to the conservation of heritage assets and the more important the asset the greater the weight should be. The grade I listing of Mount Clare and II* listing of the Temple indicate that very great weight should be given to their conservation. 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.

7.22 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 later in my evidence.

7.23 I note that chapter 20 of the consultation draft of the revised NPPF says that '*the objectives of the policies in this chapter is to conserve and enhance the historic environment. Heritage assets are an irreplaceable resource...These assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'. For the reasons described in Mr Seller's evidence, this objective would not be met by the appeal scheme.

8.0 Affordable housing

8.1 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.

8.2 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. I disagree with that position, for the reasons which follow in this section.

8.3 Further, my understanding is that the Appellant contends that an affordable housing contribution is not payable as a matter of principle and does not put forward any case that the development could not viably provide for affordable housing. In such circumstances, the issue for the inquiry is one of principle rather than quantum. However, the Council has instructed BPS to calculate the level of affordable housing contribution on the basis of the information available to them. This is provided to the inquiry to demonstrate what the level of affordable housing contribution would be in the event that the Inspector agrees that it is payable. That is provided at Appendix NS/3 to my proof.

8.4 London Plan Policy H4 (Delivering affordable housing) requires that 'major developments' which trigger affordable housing requirements provide AH in line with the requirements of Policy H5. Footnote 50 says that '*all major development of 10 or more units triggers an affordable housing requirements*'. The appeal scheme is a 'major development' comprising '10 or more units'.

8.5 Paragraph 4.4.1 of the supporting text to Policy H4 says that '*all schemes are expected to maximise the delivery of affordable housing*'. Paragraph 4.4.5 says that '*it is crucial that residential and mixed-use development contributes directly towards the provision of affordable housing*'.

8.6 London Plan Policy H5 (Threshold approach to applications) says that '*the threshold approach applies to development proposals which trigger affordable housing requirements*'.

8.7 Local Plan policy LP23 (Affordable Housing – Strategic Policy) is clear that the provision of affordable housing will be sought for '*any development making provision for...residential accommodation with shared facilities*'. The appeal scheme would appear to meet this definition.

8.8 Local Plan Policy LP29 (Housing with Shared Facilities) says that proposals for large scale purpose built shared living accommodation must '*provide a financial contribution towards the provision of affordable housing in the borough, in accordance with the London Plan*' (Part D.3 of the policy). London Plan Policy H16 (Large scale purpose built shared living) also requires affordable housing to be delivered by these schemes.

8.9 Whilst the appeal scheme is not 'purpose-built' in that it is not new built-development, it would otherwise meet the general description of 'large scale purpose built shared living accommodation' and so it would be appropriate to apply these policies to this development.

8.10 Local Plan Policy 31 (Specialist Housing for Vulnerable People and for Older People) says that '*proposals for the development of specialist and supported housing will be supported where...affordable housing is provided, in accordance with policies H4, H5 and H13 of the London Plan*'.

8.11 It is clear from other references in the supporting text (see paragraph 17.57) that the policy relates to housing for homeless people (such as hostel accommodation).

8.12 Paragraph 2.51 of the Mayor's Affordable Housing and Viability SPG (2017) (see Appendix NS/3) is very clear where it specifically refers to affordable housing contributions being required for '*non-self-contained accommodation and hostels*'.

8.13 It is clear to me from the above that the appeal scheme generates a requirement to make an affordable housing contribution. That is irrespective of whether it is defined as being most closely aligned with large scale purpose built shared accommodation, or specialist housing, or both.

8.14 I have seen an undated letter from a Mr Robert Bloss of a company called Redloft which was provided by the Appellant to the Council. I do not know if Mr Bloss is a town planner or the relationship between the views expressed in the letter and the Appellant's planning evidence to the inquiry. Taking the views expressed as the Appellant's position, it appears to be that an affordable housing requirement is not required because the accommodation may have a relatively low cost to the end user (i.e. occupiers). This means that affordable housing policy does not apply. In my opinion, that is an incorrect interpretation of both the intent and the drafting of these policies.

8.15 The appeal scheme is, for want of a better word, a commercial enterprise, whereby the operator is paid a 'market rate' to provide the accommodation. It would therefore be expected to generate 'market' yields in the same way that other housing products would (such as traditional open market housing). I have seen no evidence to indicate that to make an affordable housing contribution in line with the requirements of the policies that I have identified would be financially unviable for the appeal development. The actual cost to the end user, and how this relates to, say, open market housing rent levels, is in my opinion, not the point.

8.16 The Redloft letter additionally implies that because London Plan Policy H12 (Supported and specialised accommodation) does not refer to an affordable housing contribution being required, one should not be sought. However, other development plan policies (as I have referenced) do require contributions from the type of use proposed by the appeal scheme.

8.17 The letter also makes reference to paragraph 17.57 of the supporting text to Local Plan Policy LP31, where it identifies 'covering' use classes C2 and C3. They say seem to say that because the proposed use would not fall within either of those use classes, and the specific type of accommodation proposed is not listed as an 'example' use in the supporting text, the policy does not apply to the appeal scheme.

8.18 In my view, that is the incorrect interpretation of that policy. Firstly, the appeal scheme is plainly 'specialist housing for vulnerable people' (which is what the policy is about). Secondly, the application of the policy is not limited to uses falling within C2 or C3, or the example uses cited in the supporting text. A policy cannot reasonably be expected to list all possible types of specialist housing and the policy does not purport to do so. And thirdly, the same paragraph of supporting text (17.57) that the Appellant appears to be relying on to say that the policy does not apply to the appeal scheme also says that *'this policy aims to ensure that there is a sufficient supply of appropriate housing for...homeless people'*. It is clear to me that this policy and its requirements do apply to the appeal scheme.

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

9.1 The appeal site is located within the Alton Estate Regeneration Area. This area benefits from and is subject to an Area Strategy, set out in the recently adopted Local Plan. The Strategy is provided in full at in the Local Plan (from page 204), but 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.

9.2 An important objective of the vision is the delivery of new homes across the estate (849 by 2032/33) but that is only part of the story. The vision is far more wide reaching than that, with objectives to holistically improve the area through well-considered, sensitive, and ambitious intervention.

9.3 The Vision for the estate includes:

Creating a mixed and inclusive community with new and improved high-quality housing that will widen housing choice (1).

Delivering benefits to the wider community through the provision of new and improved community facilities, and improved retail offer, affordable workspace and enhanced open space and play facilities (4).

Protecting and enhancing existing heritage assets and the special character of the Alton Estate and Roehampton (5).

Creating local economic opportunities through the provision of incubator space and revitalised commercial premises to address relative deprivation within the area (7).

Facilitating new cultural facilities and activities to draw in both local and wider audience (9).

9.4 Requirements of Policy PM7 include that '*proposals for the regeneration of the area must contribute to improving the quality of existing building stock and the public realm and open spaces*' (B.5).

9.5 In order to deliver the vision set out at Policy PM7, the Local Plan allocates three development sites within the regeneration area. One of those sites is the appeal site, and Policy RO2 (Mount Clare,

Minstead Gardens, Roehampton, SW15) describes that the appeal site is allocated for a '*mixed-use development with residential uses*' and that '*any proposals must consider the future role of the Doric Temple and provide a scheme for its long-term management and maintenance*'.

- 9.6 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. The scheme is not for the regeneration of the site at all, but for the re-use of some of the existing buildings, with modest interventions to bring them up to a habitable standard.
- 9.7 The appeal scheme is not for a mix of uses, with residential uses – as required by the site allocation policy. It is for an intensive concentration of a single use.
- 9.8 No part of the appeal scheme is for the conservation and enhancement of the heritage assets at the site, including the preservation of the Doric Temple and its long-term management and maintenance. The Appellant alludes to cross-funding from the use of the site as a hostel being made available for works to the heritage assets at the site, but no details of that have been provided and no such works would be secured by a planning permission granted at the site.
- 9.9 Notwithstanding the various other policy conflicts described in my evidence and the evidence of others, the appeal scheme simply fundamentally fails to rise to the ambition of the vision for the regeneration of the site estate. On the one hand, that could be described as a 'missed opportunity' but it is more than that. It means that the appeal scheme is in conflict with important policies of the development plan, which require regenerative, positive, mixed-use change to address identified problems in Roehampton and a particular focus on the protection and enhancement of the important heritage assets at the site.
- 9.10 This development would, effectively, sterilise this allocated site, which is one of only three that has been charged with delivering positive change through regenerative development. Given that this site is one third of the sites allocated within the regeneration area, that would clearly call into question the subsequent effectiveness of the vision and its ability to be delivered in the terms described in the policy.
- 9.11 Although my conclusion is not dependent upon this fact, this is particularly stark in circumstances where it is agreed that there is effectively no baseline use for this Site. There is no real prospect of

the Site continuing in its current use and there is no good reason why the Site should not come forward in a manner which meet the requirements of the allocation.

- 9.12 If planning permission was granted for the appeal scheme, there would no longer be an opportunity to secure the long-term management and maintenance of the Doric Temple and the other important heritage assets at the site as part of a regeneration proposal which has considered the site on a holistic basis.
- 9.13 The appeal scheme clearly conflicts with policies PM7 and RO2 of the Local Plan. The appeal scheme simply does not deliver anything like the type of development required by those policies, and as a consequence, would have the potential to undermine the delivery of the adopted vision for the Alton Estate altogether.
- 9.14 The objectives of these local policies are underpinned and supported by the requirements of Policy D3 (Optimising site capacity through the design-led approach). The appeal scheme is in conflict with this policy. It requires that '*all development must make best use of land by following a design-led approach that optimises the capacity of sites, including site allocations*'. It says that optimising site capacity means ensuring that development is of the most appropriate form and land use for the site (my emphasis).
- 9.15 The appeal scheme, for all of the reasons described in my evidence is clearly not the most appropriate form and land use for this site. Indeed, it is at odds with the requirements of the Council's site allocation policies, that describe what development should come forward, and what it should entail.
- 9.16 Policy D3 says that '*where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason*'. In this case, the site allocation policy is clear that the site has capacity for a mix of uses (including residential) and that it should contribute towards delivering 847 new homes across the regeneration area. The appeal scheme does not correspond with the site allocation policy and so should be refused for that reason.

10.0 The quality of the living accommodation

- 10.1 Requirements for development proposals to deliver high-quality design are reflected in all levels of planning policy.
- 10.2 London Plan Policy D5 (Inclusive design) requires that schemes deliver high standards of accessible and inclusive design, including by providing '*high quality people focussed spaces that are designed to facilitate social interaction and inclusion*' (2) that can '*be used easily and with dignity for all*' (2).
- 10.3 Policy D6 (Housing quality and standards) requires that '*housing development should be of a high quality design and provide adequate sized rooms with comfortable and functional layouts which are fit for purpose...*' (A).
- 10.4 Local Plan policies LP27 (Housing standards), LP29 (Housing with Shared Facilities) and LP31 (Specialist Housing for Vulnerable People and Older People) similarly all require that developments such as the appeal scheme provide a high-standard of living accommodation for occupiers. For example, LP31 says that proposals will be supported where '*the accommodation is of a high quality and meets relevant best practice guidance for this type of accommodation*'.
- 10.5 Turning to what the appropriate measure of what an acceptable standard of accommodation should be for a development of this nature, I have had regard to Setting the Standard (at CD/I15). Setting the Standard is a '*pan-London- centralised accommodation inspection scheme that is designed to guide the temporary placement of those in need of temporary accommodation*'.
- 10.6 It is important to note from the outset that the standards apply to 'nightly' accommodation, such as bed and breakfasts, and do not apply to 'long-stay accommodation' like the appeal scheme (where I understand people could live for more than one year). It follows in my view that standards for longer term accommodation should be higher than single night emergency accommodation at a bed and breakfast. This is supported by the evidence of Mr Worth on behalf of the Local Housing Authority.

10.7 Even in that context, the scheme would barely achieve these (objectively low) space standards, and in some cases do not even meet those. The Standards say on page 44 that '*the space standards specified in this guide are low, reflecting the temporary nature of the accommodation*'. For example, the standards require that sleeping rooms not containing cooking facilities are not less than 6.5m². The sleeping rooms within Blocks A – E that do not contain cooking equipment would be around 4.5m². For sleeping rooms containing cooking facilities, the standard requires that these are not less than 10.2m². The proposal is that these rooms would be around 10.3m², so only just meeting that standard. Measured 'typical' floorplans for Blocks A-E are provided at NS/4.

10.8 It is important again to reinforce these are not the 'gold standard'. They are not even the minimum standard for this type of accommodation. They are the absolute minimum for emergency, overnight accommodation. Not for accommodation where somebody is going to live for many months and, as Mr Worth explains, possibly more than a year. The Standards themselves say at Appendix 1 (page 33) that the space standards '*are regarded as an absolute minimum for sleeping rooms*' (my emphasis) in short-term overnight accommodation.

10.9 An alternative relevant standard is the Council's HMO standards (at CD/I16), particularly if rooms did not have adequate cooking facilities and so will be expected to rely upon using those at another part of the site. Those standards say that minimum size of a single bedroom with no kitchen facilities should be between 10.22 and 15m². The HMO standards further state that 'where kitchen facilities are provided within a bedroom (i.e. bedsits), an additional floor area of 3.5m² shall be required in addition to the minimum bedroom sizes'. On that basis the minimum size of a single bedroom would be between 13.72m² and 15.7m². The rooms with kitchenette facilities are inadequate when compared against this.

10.10 A third means of judging the size of the rooms proposed is with reference to Policy D6 of the London Plan requires that requires '*a one bedspace single bedroom must have a floor area of at least 7.5m²*' (3). It should be born in mind that this policy requirement is anticipating that the bedrooms it is describing will be as part of a dwellinghouse, where there would be separate cooking, living and storage spaces in different parts of the dwelling. That would not be the case for the appeal scheme, where residents would be expected to use the space available to them for all of their needs. Furthermore, a studio flat (where cooking and washing facilities would be provided) is required to be at least 37m².

10.11 Regardless of what standards the accommodation is assessed against, it performs poorly. The importance of this should not be understated. The people living in this accommodation will be amongst the most vulnerable in society, and will likely be accompanied by all of their worldly possessions. They will need to live, cook, eat, work or study and store their belongings in an area of around 10m². Even an area of 12m² (if the Appellant's assertions were correct) would be inadequate.

10.12 The appeal scheme says that there will be shared facilities for cooking, clothes washing and eating at Picasso House but it is not accepted that those spaces are large enough to harmoniously cater for all of the people who would be living at the site, at meal times for example, or at weekends when many people will want to wash their clothes. It seems to me highly impractical that residents will feel inclined to travel between Blocks A-E and Picasso House in the dark, or in bad weather to use those facilities.

10.13 All of this would be compounded by the density of the scheme and the number of people who would be living there, at very close quarters. Again, residents are likely to be vulnerable, having experienced homelessness and I would expect would not value living in these types of arrangements, so close to their neighbours and with so little private space. These deficiencies would be further amplified by the location of the site, with poor public transport links and limited services and facilities nearby.

10.14 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.

10.15 All of this is explained very clearly by Mr Worth in his evidence. He explains that there is a need for temporary accommodation in the Borough. Even in the context of that need (which the Council is managing well), the Council (as Housing Authority) would not support or take on the appeal scheme because the quality would be too poor. Mr Worth explains that the site is too dense, the units are too cramped and that the risk of management problems would be significant. Mr Worth is concerned that if the Council were to try to house people at the site, they would initiate legal challenges against that because of the unsuitability of the development. Mr Worth's evidence is very important in the context of the key issues in this appeal. I give it significant weight.

10.16 The Vision for the regeneration of the Alton Estate, set out at Policy PM7 of the Local Plan describes the objective to '*provide the opportunity to realise the benefits for the local area and to address issues such as poor housing conditions, overcrowding, unemployment and deprivation*'. The appeal scheme, rather than address these problems, would introduce poor housing conditions and overcrowding, in direct conflict with what the policy is trying to achieve.

10.17 The appeal scheme would clearly conflict with those policies of the Development Plan that require high-quality design that I have referenced.

11.0 Suitability of the location for the proposed development

11.1 The Local Planning Authority recognises that the location of the appeal site is currently deficient, and sets out a vision in its policies to address that.

11.2 The Supporting text to Policy PM7 of the Local Plan, which sets out the vision to positively regenerate the Alton Estate describes that:

'Danesbury Avenue is noted in the Urban Design Study (2021) as lacking vibrancy and interest, a result of a lack of leisure, community and entertainment facilities or restaurants...' (para. 9.3).

'The high-levels of economic inactivity and unemployment within the area are inherently linked to the poor access to employment opportunities within Roehampton, which is also a product of the low public transportation accessibility of the area and the relative distance from the borough's main centres' (para. 9.4).

'The low public transport accessibility also results in Roehampton feeling disconnected. In particular, the area is beyond an acceptable walking distance to rail and underground stations and Transport for London PTAL scores for the areas, ranging from 1b to 3 reflect this'. 'Roads experience severe congestion, which is due in part to the lack of public transport services and adequate cycling infrastructure' (para. 9.5).

11.3 As I have explained elsewhere in my evidence, the appeal scheme does not conform with the 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.

11.4 As the Applicant has explained the purpose of the appeal scheme, it would be used by people who have experienced homelessness and are in need of temporary accommodation, for up to one year. Occupiers are more likely to be vulnerable, indeed, they could be amongst the most vulnerable in our society. They will likely be on low incomes.

11.5 Occupiers will need to be able to go about their daily lives, which could mean the need to travel across the Borough or beyond for day to day activities such as school, work, medical appointments and visiting friends and family. Given the nature of temporary accommodation, it will clearly not necessarily be the case that it will be located within walking distance of the places that occupiers will need to visit regularly. That is why it is particularly important that sites that deliver temporary accommodation have good access to public travel options. This is described by Mr Worth in his evidence, to which I give significant weight.

11.6 That is reflected in Local Plan Policy LP31, which says that proposals for the development of specialist and supported housing will be supported where (amongst other requirements), '*the accommodation has access to good levels of public transport, and to shops and services and leisure facilities appropriate to the needs of the intended occupiers*'.

11.7 The appeal site has a very poor level of public transport accessibility. Transport for London attributes the site as having a Public Transport Accessibility Level (PTAL) of 1b. That is some way short of a 'good' level of accessibility (as required by the policy), which would achieve a PTAL of 4.

11.8 There are some bus services that pass by the site, and the frequency and range of these services will have been taken into account by TfL when arriving at the PTAL rating. They clearly do not reflect a good level of accessibility. The site is not within walking distance of a rail station (the evidence of Mr Lewis, provided with the Appellant's appeal statement, describes the nearest railway station as being Barnes station, which is approximately a 30-minute walk away). Mr Lewis says that people can get to the station more quickly by taking the bus there. It is important to remember again, that the people living at this site would be vulnerable and on low incomes. Lengthy, and more costly journeys are less appropriate for these people than the general population. That is why the development plan directs these types of uses to well-connected locations. The appeal site is not a well-connected location.

11.9 There are a small selection of shops and services within a manageable (around 15 minute) walk of the site, but these are limited in extent and variety and would not support all day to day needs. For example, the shops that can be walked to are small convenience stores and a small, local Co-op food store. These types of shops are typically more expensive than, say, a supermarket, because of their convenience. However, residents of the appeal site would likely be less able to afford to pay a premium for their weekly shopping. Whilst there are GP practices in the local area, I have seen no evidence that there is capacity across these to accommodate the number of residents who would live at the development.

11.10 I am not aware that the Appellant is proposing any improvements to the accessibility and / or sustainability of the site.

11.11 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.

11.12 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.

11.13 I note that Mr Worth explains in his proof of evidence that the volume of residents on this site in such an unsustainable location would be a particular concern. Whilst a much smaller proposal might be able to house people who are from the local area it is highly unlikely that even a majority of residents in this proposal would be from the local area. As such, the majority of residents would likely be divorced from the locations (such as school and employment) which they require access to in order to maintain their lives.

11.14 I understand that if developed, the appeal scheme would be the largest temporary accommodation scheme in the Borough. This is clearly not the right place for it.

11.15 For these reasons, the appeal scheme would be in conflict with Policy LP31 of the Local Plan, which incidentally, supports the delivery of high-quality specialist housing, where it is in the right place.

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

12.1 Paragraph 96 of the Framework requires that planning decisions '*promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments...*' One of the requirements of Policy RO2 is for a mix of uses.

12.2 Policy LP24 of the Local Plan requires that developments '*avoid any overconcentration of a single size of homes where this would undermine the achievement of creating mixed and balanced communities*'.

12.3 London Plan Policy GG4 (Delivering the homes Londoners need) requires that '*those involved in planning and development must...create mixed and inclusive communities, with good quality homes that meet high standards of design...*' (C).

12.4 The appeal scheme would conflict with these policy requirements 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.

12.5 Whilst the Appellant appears to intend families to be able to be resident at the accommodation it is difficult to see how this can occur in such a dense layout with tiny rooms and in a manner which appropriately safeguarded children. Even if families were accommodated on the appeal site I do not consider that this would provide a mixed and balanced community because it would be overwhelmingly occupied by people in very similar social and financial contexts, with similar recent lived experience (i.e. having recently experienced homelessness).

12.6 Whilst there are other residential properties broadly in the local area, the 'campus' arrangement of the site, means that it would bring with it a feeling of physical 'detachment' from the wider community.

12.7 All of these factors would lead to a development that achieves the opposite of the policy expectations for mixed, balanced communities, further reinforcing the unsuitability of the proposed development at this site.

13.0 Need for Temporary Accommodation

13.1 I have 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.

13.2 Mr Worth explains that there is a waiting list for temporary accommodation in the Borough and in that context, there is clearly a need for such provision in Wandsworth. That said, the authority manages demand well, and it fulfils its statutory obligations, albeit in order to do so, it relies on housing some people outside of the Borough, which is not ideal.

13.3 For these reasons, it would be appropriate for me to give significant positive weight in favour of providing temporary accommodation, when there is a clear need for it, in my planning balance.

13.4 However, the quality of the accommodation proposed would be very poor and the location of the site is entirely unsuitable for the proposed use. I have explained 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, in the context of the need that Mr Worth has explained. He says that there would be a real risk of challenges to the courts by people whom the Council might seek to house there.

13.5 Ultimately, and as is very clear from Mr Worth's evidence, the need in the Borough, and the Housing Authority's ability to meet that need is not so severe as to necessitate advocating for or relying on substandard schemes. That would not be the right thing to do by people who are vulnerable and in need of help and support, and on a practical level it would not be successful because of potential court challenges by those dissatisfied with the accommodation being provided.

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

14.0 Planning Balance.

- 14.1 The appeal scheme would conflict with various, wide-reaching policies of the Development Plan.
- 14.2 It would conflict with policies PM7 and RO2 and LP3 of the Local Plan and policies D3 and HC1 of the London Plan because the appeal scheme does not accommodate for the long term protection and maintenance of important heritage assets at the site and harm would be caused to the significance of the RPG and the Conservation Area through harm to their setting. That harm would not be outweighed by the public benefits associated with the development. Considerable importance and weight should be given to the desirability of preserving the setting of listed buildings and the character and appearance of conservation areas.
- 14.3 The scheme would conflict with policies LP23, LP29 and LP31 of the Local Plan and policies H4, H5, H16 of the London Plan because the development would not make a contribution towards affordable housing and no evidence has been provided to indicate that it would not be viable for the development to do so.
- 14.4 The proposals are in conflict with policies PM7 and RO2 of the Local Plan and D3 of the London Plan because they would not align, and would conflict with the Council's adopted vision for the Alton Estate, and the allocation of the site to contribute towards achieving that vision.
- 14.5 The scheme would conflict with policies LP27, LP29 and LP31 of the Local Plan and policies D5, D6 and D7 of the London Plan, because the scheme would not deliver a high-quality development. The quality of accommodation proposed is objectively poor quality and the significance of that given the needs of those who would occupy it should not be understated.
- 14.6 The site is not suitably located for the proposed use, in conflict with policy LP31 of the Local Plan and the scheme would not deliver a mixed or balanced community, in conflict with policy LP24 of the Local Plan and policy GG4 of the London Plan.
- 14.7 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.

14.8 I do recognise that the scheme would bring forward some benefits. 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.

14.9 In this case, the quality of the accommodation would be poor and its location unsuitable. As a consequence, and as described by Mr Worth, this scheme could not contribute towards meeting that need because the Council would not send those on the waiting list to it. The Housing Authority is managing demand well. All of this reduces the positive weight that should be afforded to this element of the scheme.

14.10 Additionally, the scheme would re-use existing buildings, that have fallen into a poor state of repair. Significant weight should be afforded to the regenerative benefits of utilising previously developed land.

14.11 There would also be some economic benefits, during construction, through employment at the site and as a consequence of local spend.

14.12 However, even when applying positive benefit liberally to these factors (including if significant weight were given to the meeting of need, in circumstances where the evidence of the Housing Authority was not accepted), they would not come close to outweighing the harms that I have explained in my evidence or to representing reasons why a decision should not be taken in accordance with the development plan.

14.13 The Framework describes that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.

14.14 It explains the three overarching objectives of the planning system, being economic, social and environmental. The appeal scheme would not meet any of these objectives.

14.15 Paragraph 8a of the Framework describes the economic objective as including '*ensuring that sufficient land of the right types is available in the right places and at the right time to support growth*'. The Council's allocation of the appeal site seeks to deliver on this objective. The appeal scheme runs contrary to that allocation, and would prevent it from being realised. Even though the appeal scheme

would generate some economic benefits from construction and employment, overall it would not meet the economic objective of sustainability.

- 14.16 The social objective is to support 'vibrant and healthy communities', through 'well-designed, beautiful and safe places, with accessible services'... that 'support health, social and cultural wellbeing'. For the reasons described in my evidence, the appeal scheme would not do any of those things.
- 14.17 The environmental objective includes 'making efficient use of land' (which the appeal scheme would not do, through failing to realise the vision for the Alton Estate) and protecting and enhancing the historic environment, (which as Mr Sellers describes, would not be the case here).
- 14.18 For these and the 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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