

PLANNING COMMITTEE AGENDA
PART 6: Planning Applications for Decision

25th January 2018
Item 6.3

1 SUMMARY OF APPLICATION DETAILS

Ref: 17/04836/FUL
 Location: Canterbury House, 2-6 Sydenham Road, Croydon, CR0 9XE
 Ward: Fairfield
 Description: Demolition of existing buildings and erection of a 34 storey building comprising 232 x one bedroom and 64 x two bedroom flats, provision of communal amenity space, cycle parking, landscaping and associated plant

Drawing Nos: 610-00-CH-00-0000-03, 610-20-CH-00-0001-03, 610-20-CH-00-1130-09, 610-20-CH-B1-1121-09, 610-20-CH-B2-1122-08, 610-25-CH-00-1300-07, 610-25-CH-01-1301-06, 610-25-CH-02-1302-07, 610-25-CH-11-1303-07, 610-25-CH-31-1304-02, 610-25-CH-32-1305-07, 610-25-CH-33-1306-08, 610-21-CH-99-1211-05, 610-21-CH-99-1212-05, 610-21-CH-99-1213-05, 610-21-CH-99-1214-06, 610-21-CH-99-1215-09, 610-21-CH-99-1216-07, 610-21-CH-99-1217-02, 610-21-CH-99-1218-02, 610-25-CH-99-1221-04, 610-25-CH-99-1222-04, 610-25-CH-99-1223-05, 610-25-CH-99-1224-02, 610-25-CH-99-1225-06, 610-25-CH-99-1226-06.

Applicant: Croydon Investments Ltd
 Agent: Savills
 Case Officer: Allison De Marco

	1 bed	2 bed	3 bed	Total
Market Rent	116	32	0	148
Offered as: Intermediate Tenure // Discount Market Rent (Living London Rent)*	116	32	0	148
Total	232	64	0	296

* Refer Affordable Housing section below.

Number of car parking spaces	Number of cycle parking spaces
10*	434*

* Refer Proposals below.

- 1.1 This application is being reported to Planning Committee because the Chair of Planning Committee (Councillor Paul Scott) made representations in accordance with the Committee Consideration Criteria. The proposal is also for a large scale major development.

2 BACKGROUND

- 2.1 Pre-Application: This proposal has not been presented to the Planning Committee at pre-application stage.

3 RECOMMENDATION

3.1 That the Planning Committee resolve to agree the REASONS FOR REFUSAL.

3.1.1 That the Director of Planning and Strategic Transport has delegated authority to refuse the planning permission subject to:

3.1.1.1. any direction from the Mayor of London;

3.1.1.2. amendments considered necessary by the Director of Planning and Strategic Transport to the Reasons for Refusal;

Reasons for Refusal

Liveability of Proposed development and Impact on Adjacent Dwellings (Amenity / Liveability / Health)

- 1) The proposed development, by reason of its design including siting, scale, massing, relationship to adjoining development (including outlook), unit size, aspect, environmental performance, lack of private amenity space and deficient consideration of health and wellbeing, represents a form of harmful development of insufficient design and residential quality which would result in a detrimental impact on the amenity and health of future occupants and adjacent occupiers.

The quality of accommodation would not accord with the requirements of the good design principles of the NPPF, the requirement set out in the Mayor of London's Housing SPG for exemplary design and liveability, Affordable Housing and Viability SPG, Providing for Children and Young People's Informal Recreation, London Best Practice Guidance (BPG) on Health Issues in Planning, BRE guideline standards for daylight and sunlight (both in respect of future occupiers and impact on adjacent occupiers) and London Plan Policy 3.8 requirements in respect of good quality accommodation for Private Rented Sector housing and would result in a poor quality living environment which would fail to promote healthy lifestyles or reduce health inequalities and would therefore constitute unsustainable development.

Therefore the application is contrary to part 7 'Requiring good design' of the NPPF; London Plan Policies 3.2, 3.4, 3.5; the Mayor of London's Housing SPG and SPG on Providing for Children and Young People's Informal Recreation and Affordable Housing and Viability SPG, Croydon Opportunity Area Planning Framework, adopted CLP1 Policy SP2.6 and emerging Policies CLP1.1 SP2.7, SP2.8 and CLP2 Draft Policies DM11, DM16 and DM17, draft London Plan Policies D2 and D4.

Inclusive Access including insufficient Blue Badge parking

- 2) The proposal fails to address inclusive design and access considerations, specifically by proposing a very significant proportion of small 1-bed and 2-bed units which are inflexible and not readily capable of adaption or meeting accessible requirements therefore failing to deliver an inclusive environment to meet the needs of all Londoners.

The scheme would not accord with adopted London Plan Policy 3.8 of the London Plan that 10% of units should meet building regulation requirement M4(3) 'wheelchair user dwellings' and the Mayor of London's Housing SPG standards in respect of inclusive design. The scheme would not accord with adopted London

Plan Policy 3.8 that 90% of new housing meet building regulation requirement M4(2) 'Accessible and Adaptable Dwellings' and the Mayor of London's Housing SPG standards in respect of inclusive design. The provision of blue badge spaces is deficient assessed against a compliant and would be contrary to London Plan policy 6.13 on parking and the Mayors Housing Supplementary Planning Guidance.

Therefore the application is contrary to part 6 'Delivering a wide choice of high quality homes' of the NPPF and London Plan Policy 7.2, draft London Plan Policies D3 and D5.

Design

- 3) The proposed development, by reason of its urban design including layout, siting, landscaping, building arrangement including relationship with the existing Canterbury House Phase 1 block (including interface with existing ground level residential units), proposed 11-storey privacy screen, servicing, refuse design, loading bay, relationship to adjoining sites and vehicular access represents a form of unacceptably harmful development which would have a detrimental impact on local character, place making and its surrounds constituting unsustainable development and undermining the regeneration objectives of the Croydon Local Plan in respect of the Croydon Opportunity Area.

The quality of the development would not accord with the requirements of the good design principles of the NPPF, London Plan Policies and Croydon adopted policies.

Accordingly the application proposal is contrary to part 7 'Requiring good design' of the NPPF; London Plan Policies 2.13, 3.4, 3.5, 7.5, 7.6, 7.7, the Mayor of London's Housing SPG and SPG on Providing for Children and Young People's Informal Recreation, Croydon Opportunity Area Planning Framework, CLP1 Policy SP2.6, SP4, SP4.4, SP9.5, and CLP2 Draft Policy DM11 and DM16 and DM17, draft London Plan Policies D2, D3, D7 and D8.

Mix

- 4) The proposal fails to provide an appropriate mix of new homes, including affordable housing of a mix, type and tenure is assessed as being inconsistent with the adopted and draft policy position on housing needs. The provision of 78% of units as very small one-bed units, no family units and no units capable of adaption fails to provide a range of housing choice, in terms of mix of housing sizes, types and need failing to result in good quality (Private Rented Sector housing) accommodation, mixed and balanced communities and sustainable neighbourhoods contrary to London Plan Policy 3.8. Insufficient information has been submitted to substantiate that the affordable housing proposed would accord with identified housing needs as set out within adopted policy and the departure from adopted planning policy has not been adequately justified in this case.

The scheme would not accord with adopted policies by failing to meet need across the Borough. The mix does not accord with identified housing needs as set out within policy and departure from adopted planning policy has not been adequately justified in this case. Accordingly the development would be detrimental to the delivery of housing of a mix and type which meets strategic and local needs.

Therefore the application is contrary to part 6 'Delivering a wide choice of high quality homes' of the NPPF; Affordable Housing and Viability SPG, Croydon Opportunity Area Planning Framework, London Plan Policies 3.1, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12 and 7.2, CLP1 Policy SP1.4, SP2.1, SP2.3, SP2.4, SP 2.5, CLP1.1 draft Policy SP2.1, SP2.3 and SP2.4 and CLP2 Draft Policy DM1, draft London Plan Policies H12 and H13.

Insufficient Details

- 5) The proposal, by reason of insufficient information fails to demonstrate that the development would be sustainable in that insufficient information has been provided on the following:
- a. The matters highlighted by the **Council's Environmental** advisors in their 'initial' report and confirmed in their 'final' report as listed at Appendix 2.
 - b. The matters highlighted by the **Council's Viability advisors** and provided to the Applicant in the Council's correspondence of 1st December 2017.
 - c. The matters in respect of **Internal Daylight and Sunlight** performance including kitchen performance, frosted glazing (to windows in Phase 2 and 11 storey screen) and impact of the 1-5 Lansdowne scheme and confirmed in the Council's Environmental advisors 'final' report as listed at Appendix 2.
 - d. The matters raised by the **LLFA** and provided to the Applicant in the Council's correspondence of 7th November 2017.
 - e. In respect of **Inclusive Access and Design** - Confirmation that 90% of units would meet M4 (2) 'accessible and adaptable dwellings and 10% of units would meet building regulation requirement M4(3).
 - f. In respect of the impact on the **Grade 1 St Michael and All Angels** - View and assessment of impact.
 - g. **In respect of heritage impact** - Accuracy of the TVBHIA to be confirmed and near views of Corinthian House indicating the level of visibility of the proposed development and confirmed in the Council's Environmental advisors 'final' report as listed at Appendix 2.
 - h. **In respect of townscape impact** - Visual assessment in respect of the area between Phase 1 and Phase 2, including the proposed 11 storey screen. Views showing the full height of Phase 1, Phase 2, frosted screen and 1-5 Lansdowne Road.
 - i. In respect of the **appearance of the screen** - the design, materials, function, timing and discrete environmental effects of the privacy screen
 - j. **In respect of the wind Impacts of the screen** - the impact of the privacy screen needs to be assessed because such a structure could lead to localised wind funnelling. Also, the landscape design measures to ameliorate stronger wind speeds could be better explained. Further information is required on the influence of the Privacy Screen on wind patterns and flows.
 - k. **In respect of climate change**- overheating, worksheet calculations, the site heat network, and combined heat and power

- i. **In respect of swept path analysis** – Showing how refuse vehicles can access the parking layout at the front. The same situation is shown in the swept path analysis for 8m and 10m rigid vehicles.

- m. **In respect of trip generation** - Should be revised using Census data

In the absence of this information, the Local Planning Authority is unable to fully assess the impact of the development including assessment against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such the proposal would be contrary to Paragraph 134 of the NPPF, part 6 'delivering a wide choice of high quality homes' of the NPPF; part 7 'Requiring good design' of the NPPF; part 4 'Promoting sustainable transport' of the NPPF; part 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF; part 11 'Conserving and enhancing the historic environment', London Plan Policies 2.13, 3.1, 3.2, 3.4, 3.5, 3.8, 3.9, 3.10, 3.12, 6.3, 7.2, 7.5, 7.6, 7.7, CLP1 Policies SP1.4, SP2.1, SP2.3, SP2.4, 2.5, SP2.6, SP4, SP4.4, SP9.5, CLP1.1 draft Policy SP2.1, SP2.3, 2.4(b), SP2.8 and CLP2 Draft Policies DM1, DM11, 16, 17, the Mayor of London's Housing SPG and SPG on Providing for Children and Young People's Informal Recreation and Affordable Housing and Viability SPG.

Mitigation

- 6) In the absence of a legal agreement to secure measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of preventing parking and air quality impacts, carbon reduction and securing affordable housing, local employment and training initiatives, a contribution to TfL for public transport enhancements, funding for a car club, off site highway works, TV signal mitigation, travel planning and securing publically accessible routes through the site) the proposal would fail to mitigate harmful impacts and be unacceptable in planning terms. The proposal therefore conflicts with policy SP2.4 of the Croydon Local Plan: Strategic Policies 2013 and policies 3.11, 3.12 of the London Plan 2016.

Informatives

- 1) Community Infrastructure Levy – refused
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the construction of a residential development comprising a 34 storey building +169.7(AOD), with 2 x basement levels, providing 296 residential units (232 x 1-bedroom; 64 x 2-bedroom; 0 x 3-bedroom). The tower has an overall footprint of approximately 22.6m (north-south) and 24m (east-west).
- 4.2 The erection of an 11 x storey frosted glass screen (with a height of approximately 34m and width of 11.4m) proposed to be located 4.5m from the southern façade of the existing Canterbury House (Phase 1). The screen is shown fixed by a series of horizontal elements to the southern façade of Canterbury House. The lowest of these horizontal elements is shown approximately 3m above ground. From Levels 2-10

frosted glass panels are proposed to all units at the north-east and north-west corners of the proposed Phase 2 tower to avoid inter-visibility/privacy issues between the proposed tower and existing Phase 1 building.

- 4.3 The applicant proposes 50% of units (116 x 1 bed & 32 x 2 bed) at Discount Market Rent (DMR) at London Living Rent Levels, which within the Fairfield Ward would be: £919/month for one-beds and £1,021/month for two-beds. The units are offered in perpetuity.
- 4.4 None of the one-bed units (78% of total 296 units) meet or exceed the National Described Space Standards (NDSS) in terms of internal floorspace standards, with the majority being very significantly below the minimum threshold – up to 37% smaller than the minimum one-bed/two-person threshold and up to 20% smaller than the minimum one-bed/one-person threshold.
- 4.5 None of the two-bed units meet or exceed the National Described Space Standards (NDSS) in terms of internal floorspace standards for two-bed/four-person threshold. Only 4 two-bed units (at Level 31) are assessed to be above the minimum threshold for 2-bed/3-person units.
- 4.6 0% of the units would have access to private amenity space.
- 4.7 None of the units as submitted are designed to be wheelchair adaptable (requirement M4(3)). Officers note that although the submitted Design and Access Statement illustratively shows how 2-bedroom units may be capable of adaption, the submitted plans show this is likely to require that they be converted to 1-bedroom units, increasing the proportion of one-bedroom units further / altering the proposed unit-mix.
- 4.8 Communal amenity space and external rooftop communal space is proposed as follows:
 - **Ground floor** – Lobby and hangout room (approximately 65sqm);
 - **1st Floor** – Cinema /Games room (approximately 62sqm); Open plan Multifunction space including workshop space and residents lounge (approximately 175sqm); and Private dining / function space (approximately 100sqm). The floor includes toilets to support the use of the space for communal amenity.
 - **32nd Floor** – Two external terraces totalling 264sqm of amenity space and internal amenity space of 245sqm including residents day room.
- 4.9 Publically accessible external space is proposed at ground including two dedicated children's playspaces comprising: a grass hill playspace of 160sqm to the west of the proposed Phase 1 tower and 65sqm to the south of the proposed Phase 1 tower.
- 4.10 The provision of 10* blue badge disabled parking space (2% of the total number of units on site (out of 392)). A total of 434* cycle spaces is proposed. * Officers note that this provision is intended to support the existing Phase 1 building as well as the proposed Phase 2 building and note minor inaccuracies in respect of cycle spaces within the supporting information.
- 4.11 **Environmental Impact Assessment:** The Application is accompanied by an Environmental Statement.
- 4.12 **Financial and Legal considerations**
- 4.13 Should the recommendation to refuse the application be agreed by the Committee then the Council, subject to Mayor of London's further response, would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice

Guidance emphasises that parties usually pay their own expenses arising from an appeal.

- 4.14 Following an appeal hearing or public inquiry costs may be awarded against a party if it has acted unreasonably.
- 4.15 It is noted that the Mayor of London has indicated that he may elect to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application.
- 4.16 The LPA is required to take into account the environmental information for the purposes of the Town and County Planning (Environmental Impact Assessment Regulations) 2001. The environmental information has been taking into account in the consideration of this application.

Site and Surroundings

- 4.17 The Subject Site is located in close proximity to East Croydon Station and is located in an area with a Public Transport Accessibility (PTAL) rating of 6b (on a scale of 1a - 6b, where 6b is the most accessible), as indicated on maps produced by TfL. The site is therefore considered to have an excellent level of accessibility to public transport links.
- 4.18 The site is roughly rectangular with a width of approximately 51.5m (east-west) and depth of approximately 67m (north-south) and located on the southern side of Sydenham Road. The total site area, which includes the existing building at Canterbury House, is approximately 0.385ha.
- 4.19 The site area includes both the existing 12 storey Phase 1 block known as Canterbury House and the proposed 34 storey tower referred to as Phase 2. Throughout this report the existing building on site is referred to as 'Phase 1' and the proposed new tower is referred to as 'Phase 2'.
- 4.20 The site is characterised by the existing Phase 1 block at its northern extent and a car park to the south which includes an external one-storey energy centre and external one-storey bin and waste store and cycle storage.
- 4.21 Phase 1 Building: The site currently accommodates a 12 storey former office building (existing Canterbury House) with a footprint of approximately 626sqm that has been converted for residential use which has recently been converted to residential use, containing 98 flats (55 one-bed units and 43 two-bed units). The building is proposed to be retained and appears, according to the submitted Environmental Statement, to remain fully occupied during the construction works.
- 4.22 The proposed demolition and relocation of the adjoining single storey energy centre building, which will be relocated to the ground floor of Canterbury House will result in a loss of 2 flats so that the total number of dwellings will be 96.
- 4.23 The surrounding area contains a mix of commercial and residential buildings. The surrounding areas includes the Grade II listed Electric House located approximately 315m to the south of the site, the Grade I listed Parish Church of St Michael and All Angels approximately 240m to the north-west of the site and Grade I listed Hospital of the Holy Trinity (Whitgift Hospital) located approximately 440m to the south-west of the site. The site does not lie within a conservation area, however the Wellesley Road North Conservation Area is located approximately 350m to the north of the site, with the Central Croydon Conservation Area situated within 300m to the west of the site.
- 4.24 Contemporary existing buildings within the surrounding area include existing buildings to the north across Sydenham Road comprising the 20 storey Lunar House.
- 4.25 The following designations apply:

- Croydon Opportunity Area (Central Area)
- Croydon Metropolitan Centre
- Area of High Density
- LBC Core Tall Building Zone

Planning History

4.26 The following planning decisions are particularly relevant to the application.

4.27 Application Site

4.28 Environmental Impact Assessment Scoping Opinion

4.29 17/2312/ENVS – The applicant submitted a request for an Environmental Impact Assessment (EIA) Scoping Opinion to the London Borough of Croydon in May 2017. The Council issued its decision in June 2017 concluding that ... “Croydon Borough Council as Local Planning Authority hereby determines that the EIA scope for the development described above, and referred to in your application received on the 5th May 2017, contains relevant topics to be included in the Environmental Statement in support of the proposed planning application, subject to the additional matters set out in the enclosed Scoping Opinion”.

Phase 1 Building

4.30 The site currently accommodates a 12 storey former office building (existing Canterbury House) with a footprint of approximately 626sqm that has been converted for residential use which has recently been converted to residential use, containing 98 flats (55 one-bed units and 43 two-bed units). The building is proposed to be retained and appears, according to the submitted Environmental Statement, to remain fully occupied during the construction works.

4.31 The proposed demolition and relocation of the adjoining single storey energy centre building, which will be relocated to the ground floor of Canterbury House will result in a loss of 2 flats so that the total number of dwellings will be 96.

- **15/02898/P** – Erection of bin storage, bike storage, fencing, gas meter box and energy centre (partially implemented):

Implemented:

- The application proposed the erection of bin storage, bike storage, fencing and gas meter box to the south of the Phase 1 building.
- This portion of the permission has been substantially implemented.

Not Implemented:

- The application also proposed making alterations to the forecourt of the building.
- The layout submitted as existing at the time showed 6 off-street parking spaces, including 4 x blue badge. The Applicant proposed reducing the number of parking spaces to 2 (Disabled spaces) and providing soft landscaping to the north of Phase 1 to allow a pedestrian pathway and entrance to be formed directly to the front of Canterbury House (Phase 1).

- This portion of the permission has not been implemented and the parking arrangements on-site indicate that 4 x blue badge parking spaces still exist on site and all appear to be in use. Additional informal parking is also taking place to the south of the building.
- **15/00670/RES** – Discharge of condition 1 attached to planning permission 14/02050/P for the alterations to elevations
- **14/02067/GPDO** – Use of 98 no. flats granted on 11th July 2014. Officers have relied on a combination of the 3 no. drawings listed at the decision notice for 14/02067/GPDO together with those relevant to the applications above and details submitted by the applicant.
- **14/02050/P** – Alterations to Elevations

Neighbouring Sites

1-5 Landsdowne Road

- **17/03457/FUL**: To the south-west a scheme at 1-5 Landsdowne Road (ref: 17/03457/FUL) was recently approved on 17 November 2017. The scheme proposed an eastern tower comprising 68 storeys, with a western tower of 41 storeys with a linked 11 storey podium structure. The scheme contains 794 residential units (Use Class C3), 35,000 sq.m (GIA) of offices (Use Class B1a), retailing / restaurant / bar uses (Class A1 / A3 / A4 and/or A5). The scheme also provides a public viewing gallery, swimming pool and gym (Use Class D2), with associated access and servicing, car / cycle parking, landscaped pedestrian walkways and public plaza.
- Units meet London Plan unit size standards, there are no single aspect north facing units, there are a high proportion of corner units with dual aspect, all residential units meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% meet Building Regulation requirement M4 (3) designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Units include private amenity space in the form of either winter gardens or balconies or are oversized and additionally areas of communal amenity space are provided. The two tower forms are in proximity, however arranged in an east-west arrangement, which minimises overshadowing of one form on the other.
- The consented scheme provides a range of benefits including: private amenity areas throughout, mix of residential units including 3-bed and 4-bed units, rooftop public acceptable amenity, affordable housing which has been assessed as meeting need and a monetary contribution of £1.2 million towards tram and/or bus capacity improvements within the town.

5 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 5.1 The principle of a high-density residential development on the Application Site (c.0.385ha site) is strongly supported given the significant housing demand within Croydon, London and nationally. Adopted planning policies, guidance and Officers are strongly supportive of regeneration supporting growth, including housing, within the Croydon Opportunity Area.
- 5.2 Officers have assessed however that these ambitions and policy requirements are not met by the proposed scheme.

- 5.3 Regrettably Officers have assessed that the proposals would result in unsustainable development at the expense of appropriate affordable housing and appropriate mix required to meet identified housing needs and the creation of mixed and balanced communities.
- 5.4 The proposals significantly compromise residential amenity (within the proposed Phase 2 tower and adjoining Phase 1 block), do not represent exemplary or in some cases good design and are assessed as an unacceptable response to inclusivity, health and wellbeing and sustainable development.
- 5.5 The Applicant's justification for the proposal's impacts including departures from adopted development policies and departure from adopted guidance on the delivery of quality PRS/Build to Rent is based on an offer of 50% of the dwellings (no. 148) at Discount Market Rent at London Living Rent. The Applicant considers that these dwellings are of 'high quality'. Officers assessment indicates that the dwellings offered at Discount Market Rent at London Living Rent are characterised by a combination of significantly compromised outlook (towards a 11 storey frosted glass screen 4.5m away from habitable room windows), substantially reduced daylight and sunlight at lower levels and a disproportionately higher number of single aspect units than those which the application material assume are retained as market rent.
- 5.6 Officers consider that an offer of 148 very substantially undersized and compromised units (amenity and design) as intermediate housing does not provide a compelling case for accepting departures from policy requirements and housing standards. The Affordable Housing offer is considered to be substantially undermined by its lack of adherence to guidance in respect of this specific and unique housing product, specifically the offer does not adhere to the design requirements set for Build to Rent typology.
- 5.7 The scheme was reviewed by Croydon Council's Place Review Panel, chaired by Angela Brady OBE, Past President of the Royal Institute of British Architects (2011-2013). The Place Review Panel concluded that *'the scheme is not of the quality and standard that Croydon needs and expects and that such a scheme would set a dangerous precedent. The panel remains unconvinced about a significant number of aspects of the scheme as submitted and presented, and do not consider it to be exemplar design in any aspect'*.
- 5.8 The GLA have commented that the total disregard for London Plan space standards, particularly at this scale, is unacceptable. They have assessed that the current design and residential quality of the proposals fail to meet the policy requirements and that a complete review of the approach to the positioning of the building, the retention of Canterbury House (Phase 1), and the residential accommodation and design quality must be undertaken.
- 5.9 The LLFA have objected to the proposals and Historic England conclude that the proposals have the potential to cause some harm to the setting of nearby designated heritage assets in line with paragraph 134 of the NPPF and recommend that further assessment of the likely impacts is undertaken before reaching a decision.
- 5.10 No objections have been received in response to consultation undertaken including site notices, press advertisement and consultation letters. Responses of no comment or no objection are listed in the report below.
- 5.11 The Application is accompanied by an Environmental Statement which has been reviewed by the Council's Environmental Consultants who have advised that there are a number of matters raised which render the submitted Environmental Statement deficient and which contravene the requirements of the EIA Regulations and/ or related

case law. A number of omissions and weaknesses in the ES have been identified by Council's Environmental Consultants which necessitate the provision of further information or clarification from the Applicant. These matters are attached to this report and it is considered that this adds weight to Officers assessment of the scheme's detrimental environmental impacts.

- 5.12 The report sets out how Council Officers have worked with the applicant positively and proactively throughout the pre-application and post-submission process. Officers have acknowledged the positive elements of the scheme, including the principle of a significant amount of housing offered at Discount Market Rent (LLR), a tall building element of some height, a public route from Sydenham Road to Lansdowne Road and the positive architectural features of the Phase 2 tower façade design.
- 5.13 Council Officers have provided consistent advice to the Applicant highlighting their concerns in respect of the scheme's unsatisfactory relationship between Phase 1 and Phase 2, amenity and design. Officers highlighted in particular concerns in respect of detrimental impact on amenity, including outlook, daylight and sunlight, at a very early stage in February 2017.
- 5.14 At the time of writing no formal response has been received from the Applicant to the substantial matters raised and this is set out in detail within the report.
- 5.15 On balance the adverse impacts are considered to significantly outweigh the benefits assessed within the report. The scheme's adverse impacts are considered to undermine the regeneration objectives of the Croydon Local Plan and specifically those of the Croydon Opportunity Area in delivering high quality housing growth.
- 5.16 Regrettably Officers are unable to support this application and recommend that planning permission be refused for the reasons set out above.

6 CONSULTATION RESPONSES

- 6.1 The views of the Planning Service are expressed in the 'MATERIAL PLANNING CONSIDERATIONS' section below.
- 6.2 The following organisations were consulted regarding the application:
The Greater London Authority (Statutory Consultee)
- 6.3 The GLA have made the following comments:
- **Principle / Housing:** Although the principle of high-density residential use on this site is supported, a complete review of the approach to the positioning of the building, the retention of Canterbury House, and the residential accommodation and design quality must be undertaken with GLA and Council officers.
 - **Mix:** The proposal includes 78% one-bed units, with the remainder as two-beds. This, together with the residential and design quality of the scheme raises concerns that the proposals would not deliver an appropriate choice of housing. In addressing design concerns, the applicant must provide a better balance between unit sizes, with a greater proportion of 2-bed units.

- **Density:** Notwithstanding the in principle support for a high density proposal on this town centre site in an Opportunity Area; as discussed below, the current design and residential quality of the proposals fail to meet the requirements of draft London Plan D4 and D2 and London Plan Policies 3.4 and 3.5, and the high density of the proposals cannot therefore be supported.
- **Affordable housing:** 50% (by habitable room) affordable housing, in the form of 148 Discounted Market Rent units (intermediate tenure) at London Living Rent levels. This offer, for a high-density scheme on a vacant site within an Opportunity Area, is supported; however, this is predicated on significant improvements to unacceptable residential and design quality. As it currently stands, the application must follow the Viability Tested Route as set out in the Affordable Housing and Viability SPG, which also requires early and late stage viability reviews.
- **Urban design and inclusive design:** All of the units are below London Plan space standards, and all lack private external amenity or compensatory internal space. The total disregard for London Plan space standards, particularly at this scale, is unacceptable. This is exacerbated by the proximity of the building to the existing Phase 1 residential building; the proposed mitigation of an 11 storey frosted glass screen is unacceptable. The proposals do not meet Building Regulation M4(2) and M4(3) requirements, which is unacceptable. The design of the proposed pedestrian route around the retained building should also be reconsidered. A more comprehensive approach to the development of the site is required.
- **Transport:** A financial contribution is required to mitigate the public transport impacts within Croydon Town Centre. Cycle parking should be increased to meet the standards for all land uses.
- **Climate change:** Further information is required on overheating, worksheet calculations, the site heat network, and combined heat and power.
- **Pre-Application Engagement:** No formal pre-application discussions were held with the GLA.

Transport for London (TfL) (Statutory Consultee)

6.4 TfL requests the following points are addressed for the application to comply with the transport policies of the London Plan:

- The trip generation should be revised using Census data
- A financial contribution should be secured to mitigate the public transport impacts within Croydon Town Centre
- Cycle parking should be increased to meet the standards for the residential use (draft London Plan standards)
- The application should investigate the demand and options for providing a car club space and EVCPs
- Car club membership and restrictions for parking permits should be include in any s106 agreement
- The Delivery and Servicing Plan and Construction Logistics Plan being secured by condition; and
- Travel Plan secured through a S106 legal agreement

Officer Comment – Officers note that the current financial viability appraisal makes limited allowance for potential s106 contributions.

Environment Agency (Statutory Consultee)

- 6.5 The Environment Agency have confirmed that they have no objection to the proposed development subject to conditions in respect of: Contamination (including verification), written express consent for infiltration of surface water drainage into the ground, written consent for piling or other foundation design.

Historic England - Archaeology

- 6.6 The archaeology team at Historic England have confirmed that there is no need to consult GLAAS.

Historic England

- 6.7 Historic England have stated that the height of the scheme means the proposals will be visible within the setting of designated heritage assets and to some extent from within the boundary of the Central Croydon Conservation Area. They have stated that the supporting TVBHIA identified a small section of the proposed tower that would be perceived between the central gable and northern chimney stack of the Almshouses when viewed from the junction of the High Street and Church Street (view 5). It also identified that the proposed development would be visible in views of St Michael and All Angels church from the west Croydon bus station (view 6), albeit set away from the church behind Lunar House.
- 6.8 Historic England state that at its current scale, they consider that the impact of the proposed development on the setting of the Whitgift Almshouses and the Central Croydon Conservation Area to be limited, although any increase in scale above the proposed 34 storeys would have a more noticeable impact. While the proposed development would be visible in views of St Michael and All Angels church from the west Croydon bus station, it is acknowledged that the backdrop to the church is already compromised within this view by Green Park House and the proposed development would sit to one side of the church, behind Lunar House. They consider the impact on the setting of the church within this view to be limited. However, they do not consider that the wider impacts on the setting of St Michael and All Angels church have been fully assessed within the application submission.
- 6.9 Historic England conclude that the proposals have the potential to cause some harm to the setting of nearby designated heritage assets in line with paragraph 134 of the NPPF and recommend that further assessment of the likely impacts is undertaken before reaching a decision. They recommend that the impacts of the proposed development within the new view of St Michael and All Angels church is modelled to allow for an assessment of the resultant impacts on its setting to be judged.

Natural England

- 6.10 Natural England have raised no objection to the proposal.

The Health and Safety Executive (HSE)

- 6.11 HSE have confirmed they have no comments to make on the application as the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Network Rail

- 6.12 Network Rail have responded to the issued consultation request and provided a standard response.
- 6.13 **Officer Comment** – Officers consider that the site would not have a material impact on the matters listed for inclusion as an informative in Network Rail response.

Thames Water

- 6.14 In respect of surface water drainage requested that the Applicant should incorporate protection to the property by installing by example a non-return valve or other suitable device to avoid the risk of backflow at a later date. In respect of surface water drainage, Thames Water have noted that the developer make proper provision for drainage to ground, water coursed or a suitable sewer. Thames Water have requested that conditions and informative be added to any permission.

Metropolitan Police Service – Designing Out Crime Officer

- 6.15 The Officer in responding to an earlier round of consultation has confirmed no objection to the proposal subject to a ‘Secured by Design’ condition being attached to any permission granted.

Gatwick Airport

- 6.16 Gatwick Airport has confirmed that the site is outside its 15km ‘physical safeguarding zone’. However, as the site is located within 30km of their wind turbine safeguarding zone they should any wind turbines be proposed in future they be consulted.

NATS Safeguarding

- 6.17 NATS has raised an objection on the grounds that the proposal has a potential for the building to reflect energy from its H10 radar located at Heathrow. The reflection of radar signals has been assessed as being likely to cause false aircraft targets to appear on Air Traffic Control screens. NATS states that it will submit a further representation clarifying the grounds of the objection in the near future. Notwithstanding these points NATS states that the impact of the proposal can be mitigated through a modification to the radar system.
- 6.18 Should the LPA be minded to grant the scheme, NATS would be supportive of a conditional consent based on the aviation conditions to secure a Radar Mitigation Scheme (RMS) to be implemented prior to construction.

London Borough of Croydon – Environmental Health

- 6.19 The Council’s Environmental Health Team made the following comments however Officers note that the Council’s Environmental advisors have not accepted the conclusions of the submitted Environmental Statement at this time. The comments below are advisory and superseded by those provided by the council’s Environmental Consultants in this case.
- **Air Quality:** Because there is an increasing relative contribution of no-road transport sources of emissions of air pollution to breaches of the air quality objective and the exposure reduction target, the Council considered the development should play a greater role in improving air quality, especially in such locations as this where air quality is already poor. As such the development would be contrary to Policies EP1, the Councils Air Quality interim policy guidance and the Air Quality Action plan (AQAP). The Council will impose conditions or seek a planning obligation to implement this policy.
 - Any s106 should seek a contribution at a rate of £100/dwelling.

- **Demolition and Construction:** The Applicant should follow the recommendations of the Environmental Statement: Chapter 5 Demolition and Construction;
- **Delivery and Servicing:** The Applicant should follow the recommendations of the Framework Delivery and Servicing Plan and should provide a final Delivery and Servicing Plan; Chapter 8 Noise and Vibration.
- **Construction Management:** The Applicant should follow the recommendations of the Framework Construction Management Plan and should provide a final Construction Management Plan. The final Construction Management Plan should include consideration of: Non-Road Mobile Machinery (NRMM) and Freight Operators Recognition Scheme (FORS).
- **Noise:** The Applicant should follow the recommendations of the Environmental Statement: Chapter 8.

Officer Comment – Officers note that the current financial viability appraisal makes limited allowance for potential s106 contributions.

Local Lead Flood Authority

6.20 The LLFA have objected to the proposals in the absence of adequate drainage strategy. The LLFA's response confirms that further acceptable details are required before they can then consider recommending a condition on any permission requiring final detailed surface water drainage information. The following further information is required in order to address the objection.

- An updated topographical survey
 - Clarification over impermeable areas
 - Calculations of run off rates
 - SuDS details including design
 - Storage capacity and attenuation volumes (confirmation)
 - Benefits of the proposed design strategy
 - Details in respect of greenfield runoff rates and justification if these are not met
 - Confirmation that Thames Water has agreed a point of discharge and discharge rates
 - Drainage plans
 - SuDS maintenance plan
- **Officer Comment** – The Applicant was provided with a copy of this representation and asked to respond to the comments on 7th November 2017. At the time of writing this report the Applicant had not formally responded to the above objection or submitted any further details. In order to be consistent with the approach adopted on other schemes Officers do not consider that this should be a reason for refusal but rather be listed within the inadequate information reason for refusal.

Croydon Council's Place Review Panel (PRP)

6.21 A scheme was formally reviewed by Croydon Council's Place Review Panel on 23rd November 2017.

6.22 The review was chaired by Angela Brady OBE, Past President of the Royal Institute of British Architects (2011-2013).

6.23 The **Place Review Panel Report** is attached to this report **Appendix 1**.

6.24 In summary the following comments were made:

- Following the material presented, the panel does not support the scheme and does not consider it to have demonstrated exemplar design in any respect.
- The panel recognises the potential of the site to accommodate new development of some height, however there are a range of concerns about the quality of the submitted scheme on fundamental levels and in all aspects, from the scale of the amenity space through to the size of the dwellings, the public realm, microclimate, material palette and elevational treatment.
- All of these elements are considered to fall well below an exemplar quality.
- The PRP concluded that the scheme is not of the quality and standard that Croydon needs and expects and that such a scheme would set a dangerous precedent. The panel remains unconvinced about a significant number of aspects of the scheme as submitted and presented, and do not consider it to be exemplar design in any aspect. The panel notes that even with the proposed revisions (such as the angled windows), that unless the scheme is revised to take a more comprehensive approach to the site, it is unlikely to be able to be considered exemplary.

The panel made the following recommendations:

- The panel refers the applicant to the earlier schemes that incorporated Canterbury House into the proposal and advises that a more comprehensive approach to the site should be taken.
- The current relationship with Canterbury House is unacceptable and unresolved.
- Angled windows applied to the façade of the existing Canterbury House (Phase 1) would provide a better opportunity to resolve the overlooking issue than the screen (as submitted) if the current scheme is pursued further. The panel notes that this solution would need significant design development to be acceptable.
- The number of single aspect units needs to be reduced, especially those that are north facing and overlooking Canterbury House. The panel notes the quantum currently proposed is unacceptable and is exacerbated by the small size of the units and lack of sufficient good quality shared amenity spaces to compensate.
- Further interrogate the size of the units and explore all opportunities to increase these as the current sizes are below space standards. The design of the units themselves and the scheme as a whole fail to demonstrate exemplar qualities that could be considered to offset the failure to meet space standards.
- The layouts of the units need to show an understanding of specific domestic functions to demonstrate how falling below the spaces standards may be

acceptable. Currently there is little demonstration that the design of the units has been carefully thought through. The panel advises that the living rooms should be more generous at the expense of the bedrooms and that further work is required to devise space efficient design solutions to make the plan work harder to provide the living, cooking and eating spaces needed.

- An increased area of shared amenity space is required to offset the lack of private amenity space and sub-standard size of the units. The panel refers the applicants to European models of microflat developments that have significant shared amenity and that the architects should consider devoting every 5th floor to shared amenity spaces.
- Further work is needed to demonstrate the quality of the public realm and play spaces, and how the findings from the microclimate technical reports have been incorporated into the design to ensure the spaces are usable. The panel remains unconvinced about the quality of the public realm and play spaces, and the microclimate in these areas.
- The servicing and refuse strategy need further resolution to be effective, with more generous internal basement refuse storage, as well as more direct access between the internal basement refuse and the external grade stores. The current provision is considered inadequate and access routes between the service spaces are convoluted’.

London Borough of Croydon – Environmental Consultants

- 6.25 The Council has appointed external Environmental Consultants to review the submitted Environmental Statement. Comments were issued as ‘initial comments’ on the 6th of December 2017 for consideration. The comments were intended to form the basis of discussion with the Applicant. Officers proposed a meeting in early December to discuss the substantial number of matters raised.
- 6.26 The final version of the review completed by Council’s Environmental Consultants is attached at **Appendix 2**.
- 6.27 The Council’s Environmental Consultants have advised that the matters raised have rendered the submitted Environmental Statement deficient. This adds weight to Officers assessment of the scheme’s detrimental environmental impacts.

7 LOCAL REPRESENTATION

- 7.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The application has also been publicised in the local press. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 01 Objecting: 00 Supporting: 00 Neutral:
01

No of petitions received: 00

- 7.2 The above concerns that are material to the determination of the application, are addressed in substance in the ‘MATERIAL PLANNING CONSIDERATIONS’ section of this report, or by way of planning condition or planning obligation.

8 RELEVANT PLANNING POLICIES AND GUIDANCE

- 8.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the London Plan (Consolidated with Alterations since 2011), the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.
- 8.2 draft London Plan Policies are included as the GLA are treating the draft plan as carrying weight.
- 8.3 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:
- Requiring good design (including Paragraphs 61, 62 and 64).
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting sustainable transport
 - Delivering a wide choice of high quality homes
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the historic environment
- 8.4 The main policy considerations raised by the application that the Committee are required to consider are:
- 8.5 London Plan (Consolidated with Alterations since 2011)
- 2.6 Outer London: Vision and Strategy
 - 2.7 Outer London: Economy
 - 2.8 Outer London: Transport
 - 2.13 Opportunity Areas and Intensification Areas
 - 3.2 Improving Health and Addressing Health Inequalities
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people's play and informal recreation facilities
 - 3.7 Large residential developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.12 Negotiating affordable housing
 - 3.13 Affordable Housing thresholds
 - 3.14 Existing Housing
 - 5.1 Climate Change Mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction

- 5.5 Decentralised Energy Networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Tall and large buildings
- 7.8 Heritage assets
- 7.9 Heritage-led Regeneration
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.21 Trees and Woodland
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

8.6 Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP1.1 Sustainable Development
- SP1.2 Place Making
- SP1.3 Growth
- SP1.4 Growth
- SP2.1 Homes
- SP2.2 Quantities and Locations
- SP2.3 Affordable Homes - Tenure
- SP2.4 Affordable Homes - Quantum
- SP2.5 Mix of homes by size
- SP2.6 Quality and Standard
- SP3.2 Innovation, Investment & Enterprise
- SP3.7 Town Centres
- SP4 Urban Design & Local Character
- SP4.1 Urban Design & Local Character
- SP4.2 Urban Design & Local Character
- SP4.4 Croydon Opportunity Area
- SP4.5 Tall Buildings

- SP4.6 Tall Buildings
- SP4.7-4.10 Public Realm
- SP4.12 Character, Conservation and Heritage
- SP4.13 Character, Conservation and Heritage
- SP6 Environment and Climate Change
- SP6.1 Environment and Climate Change
- SP6.2 Energy and carbon dioxide (co2) reduction
- SP6.3 Sustainable design and construction
- SP6.4 Flooding, urban blue corridors and water management
- SP7.4 Enhance biodiversity
- SP8 Transport and Communication
- SP8.1 Transport and Communication
- SP8.3 Pattern of development and accessibility
- SP8.4 Pattern of development and accessibility
- SP8.6 Sustainable travel choice
- SP8.7 Sustainable travel choice
- SP8.8 Sustainable travel choice
- SP8.11 Sustainable travel choice
- SP8.12- Motor vehicle transportation
- SP8.13- Motor vehicle transportation
- SP8.14- Motor vehicle transportation
- SP8.15- Parking
- SP8.16- Parking
- SP8.18- Efficient clean movement

8.7 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP):

- UD2 Layout and siting of new development
- UD3 Scale and Design of new buildings
- UD6 Safety and Security and New Development
- UD7 New Development and Access for All
- UD8 Protecting residential amenity
- UD11 Views and Landmarks
- UD12 New Street Design and Layout
- UD13 Parking Design and Layout
- UD14 Landscaping
- UD15 Refuse and Recycling Storage
- EP1 – EP3 Pollution
- EP5 - EP7 Water – Flooding, Drainage and Conservation
- T2 Traffic Generation from Development
- T4 Cycling
- T8 Parking
- H2 Supply of new housing
- H3 Housing Sites
- H4 Dwelling mix on large sites

8.8 Emerging Policies CLP1.1

- SP2.2- Quantities and locations
- SP2.3-2.6- Affordable Homes

- SP2.7 – Mix of Homes by sizes
- SP2.8- Quality and standards
- SP3.13- Office floor space in the Croydon Metropolitan Centre
- SP3.14- Employment and training
- SP4.13- Character, conservation and heritage
- SP6.3- Sustainable design and construction
- SP6.4- Flooding, urban blue corridors and water management
- SP8.9- Sustainable travel choice

8.9 Emerging Policies CLP2

- DM1- Housing choice for sustainable communities
- DM5- Development in Croydon Metropolitan Centre
- DM5.1- Vitality and viability
- DM5.3- Mixed use developments
- DM9- Development in edge of centre and out of centre locations
- DM11- Design and character
- DM11.1- Quality and character
- DM11.2- Quality of public and private spaces
- DM11.4- Residential amenity space
- DM11.5- Communal residential amenity space
- DM11.6- Protecting residential amenity
- DM11.7- Design quality
- DM11.9- Landscaping
- DM11.10- Architectural lighting
- DM12- Shopfront design and security
- DM14- Refuse and recycling
- DM16- Tall and large buildings
- DM17.1- Promoting healthy communities
- DM19.1- Character, appearance and setting of heritage assets
- DM19.9- Archaeology
- DM24- Development and construction
- DM25- Land contamination
- DM26.2- Flood resilience
- DM26.3- Sustainable drainage systems
- DM28- Biodiversity
- DM29- Trees
- DM30- Promoting sustainable travel and reducing congestion
- DM31- Car and cycle parking in new development
- DM33- Facilitating rail and tram improvements
- DM36- Croydon Opportunity Area

8.10 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) was approved by Full Council on 5th December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3rd February 2017. The examination in public took place between 16th May and 31st May 2017. Main modifications have been received from the Planning Inspector and the Council consulted on these modifications during the period 29th August – 10th October 2017.

8.11 According to paragraph 216 of the NPPF, relevant policies in emerging plans may be accorded weight following publication, but with the weight to be given to them is dependent on, among other matters, their stage of preparation. Now that the main modifications to CLP1.1 and CLP2 have now been published for consultation, there are certain policies contained within these plans that are not subject to any modifications and significant weight may be afforded to them on the basis that they will be unchanged when CLP1.1 and CLP2 are adopted and the Inspector would not ask for consultation on Main Modifications if he was going to find the whole Plan unsound. However, none of the policies that can be afforded significant weight would have a bearing on the proposal to the extent they would lead to a different recommendation. The other policies that are subject to further consultation thought the Main Modifications do not outweigh the adopted policies listed here and therefore, do not lead to a different recommendation.

8.12 There is relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- Homes for Londoners: Affordable Housing and Viability SPG, August 2017
- National Technical Housing Standards, 2015
- National Planning Practice Guidance, 2014
- London Best Practice Guidance (BPG) on Health Issues in Planning
- Play and Informal Recreation SPG
- Accessible London: Achieving an Inclusive Environment SPG
- Sustainable Design and Construction SPG
- Draft Culture and Night Time Economy SPG
- Croydon Public Realm Design Guide, 2012
- Croydon Opportunity Area Planning Framework (adopted by the Mayor and Croydon), 2013
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015)
- Tall Buildings: Historic England Advice Note 4 (2015)
- Croydon Public Realm Design Guide (2012)
- Instructure Delivery Plan (2016)
- Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy-- Review 2017 (June 2017)

8.13 Draft London Plan Policies

- D2 Delivering good design
- D3 Inclusive design
- D4 Housing Quality and standards
- D5 Accessible housing
- D6 Optimising housing density
- D7 Public realm
- D8 Tall buildings
- H5 Delivering Affordable Housing
- H6 Threshold approach to applications
- H12 Housing size mix
- H13 Build to Rent

9 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of development and density
2. Affordable housing
3. Housing unit mix
4. Design including heritage, townscape and visual impact
5. Quality of living environment provided for future occupiers
6. Impact on surrounding development including existing Phase 1
7. Transportation, access and parking
8. Sustainability
9. Environmental Statement and other environmental impacts
10. Other planning Matters
11. Positive and Proactive engagement from the LPA

1. Principle of development and density

9.2 At the heart of the National Planning Framework 2012 (NPPF) is a presumption in favour of sustainable development which meets social, economic and environmental needs.

9.3 The principle of residential use on this site is fully supported by policy at the national, regional and local level and is in accordance with the objectives of the London Plan, Croydon Local Plan: Strategic Policies, Croydon OAPF and UDP.

9.4 LB Croydon policies and the guidance of the OAPF encourage high quality, high density developments that are tailored to and help to protect or establish local identity. In such cases there is policy support that residential densities be optimised in appropriate locations.

9.5 Strategically the application site (Phase 1 and Phase 2) has potential for a high quality, high density residential scheme which would make a significant contribution towards Croydon Local Plan Strategic Policies (CLP1) including Policy SP1.3, Policy SP1.2, the Croydon Opportunity Area Planning Framework (OAPF), NPPF support for significantly boosting the supply of new housing and London Plan Policy 3.3.

9.6 The scheme proposes 296 new residential units within a site area of 0.385 hectares. Officers highlight that the 0.385ha site area (red line of the application) includes the existing Phase 1 block (96 units, which includes a known deduction of 2 units over the GPDO approval) so in calculating density it would be appropriate to either calculate density using the total dwellings (existing and proposed) on the site or calculate the 296 dwellings using a proportion of the site rather than the total 0.385ha. Officers have calculated the density based on the overall site area and total number of units (Phase 1 and Phase 2) as 1,018 dwellings per hectare and a density of 2,324 habitable rooms per hectare. The proposals significantly exceed the density ranges of London Plan's Sustainable residential quality (SRQ) density matrix (650–1100hr/ha for sites such as

this in 'central' locations). Officers note that the standards are not applied mechanistically but rather that assessment against the test of exemplary design including consideration of the NPPF, the Mayor's Housing SPG and local plan policies.

- 9.7 The GLA has commented that although the principle of high-density residential use on this site is supported, a complete review of the approach to the positioning of the building, the retention of Canterbury House, and the residential accommodation and design quality must be undertaken. GLA Officers have commented that notwithstanding the in principle support for a high density proposal on this town centre site in an Opportunity Area that the current design and residential quality of the proposals fail to meet the requirements of London Plan Policies 3.4 and 3.5, and the high density of the proposals cannot therefore be supported.
- 9.8 LB Croydon policies and the guidance of the OAPF encourage high quality, high density developments that are tailored to and help to protect or establish local identity. In such cases there is policy support that residential densities be optimised in appropriate locations.
- 9.9 Where the density thresholds of the London Plan are exceeded, Paragraph 1.3.51 of the Housing SPG (Page 54) is applicable. This guidance notes that while it may be acceptable to exceed the ranges in the density matrix, that this must be high quality design adequately addressing qualitative concerns. Paragraph 1.3.51 sets out a detailed list of considerations which include consideration of London Plan Policy 3.4, the design principles set out in Chapter 7 of the London Plan including liveability/residential amenity, local context and character, public realm, contribution towards local 'placemaking' and impacts on transport.
- 9.10 Where these considerations are satisfactorily addressed, the adopted London Plan provides sufficient flexibility for such higher density schemes to be supported.
- 9.11 The scheme as is highlighted in the assessment below significantly undermines key liveability and design quality, housing mix and choice policies and standards and the NPPFs requirements that development be sustainable. The proposal would undermine the high quality high density aspirations of CLP1 strategic policy SP4.4 Croydon Opportunity Area. In respect of Affordable Housing the offer is undermined by non-compliance against the design requirements set for Build to Rent typology.
- 9.12 Cumulatively this results in a scheme which would not positively support the growth aspirations of the Opportunity Area contrary to Policy 2.13 of the adopted London Plan which identifies the centre of Croydon and its immediate surroundings as an Opportunity Area capable of accommodating large scale development including significant amounts of new housing.
- 9.13 For the reasons assessed below Officers consider that the development does not represent sustainable development which meets social and environmental needs and would therefore significantly undermine and be contrary to the adopted and emerging development plan policies encouraging high quality high density residential development to support the significant regeneration and housing growth envisaged for the OAPF.

2. Affordable Housing

- 9.14 **The Applicant has offered:** '50% Discounted Market Rent Homes let at London Living Rent Levels' within a 'Build to Rent' scheme.

- 9.15 The Applicant has stated that 'this would meet the Council's target 50% Affordable Housing provision, significantly exceeding the minimum policy requirements of 30% and will provide housing for an established demand in central area of Croydon'.
- 9.16 This offer, for a high-density scheme on a vacant site within an Opportunity Area, is supported; however, for the reasons set out below Officers cannot currently conclude that it satisfactorily accords with the objectives of the London Plan, draft London Plan, Housing SPG, Mayor's Affordable Housing SPG, CLP1, CLP1.1, Croydon OAPF, UDP Saved Policies 2013 and NPPF guidance.
- 9.17 CLP1.1 draft Policy SP2.1 states that in order to provide a choice of housing for people in socially-balanced and inclusive communities the Council will apply a presumption in favour of development of new homes provided applications for residential development meet the requirements of Policy SP2, SP3.14 and other applicable policies of the development plan. CLP1 SP2 has a similar presumption in favour of development.
- 9.18 Officers are not satisfied that the proposals meet the requirements of CLP1 Policy SP2 (Homes) and CLP1.1 draft Policy SP2 (Homes) for the reasons set out below.
- 9.19 **Approach to mix in line with CLP1 adopted Policy SP 2.4(a) and CLP1.1 draft Policy 2.4(b)** - CLP1 adopted Policy SP 2.4(a) seeks up to 50% Affordable Housing on the basis set out at Table 4.1. The table seeks a mix of affordable housing tenures within the OAPF of 60% affordable or social rent and 40% intermediate low cost home ownership. This can be varied if there is agreement between Croydon Council and a Registered Provider that a different tenure split is justified.
- 9.20 Emerging CLP1.1 draft Policy 2.4(b) states that Council will negotiate up to 50% Affordable Housing, subject to viability and seek a ratio of 60% affordable rented and 40% intermediate (including starter) homes. Again if there is agreement between the Council and a RP that a different tenure split is justified.
- 9.21 In respect of Private Rented Schemes (PRS) emerging CLP1.1 draft Policy 2.4(b) sets out that this form of tenure will be considered if it can be demonstrated that the scheme cannot viability deliver the 60:40 ratio and the units would be covenanted as PRS.
- 9.22 In respect of the requirements of emerging CLP1.1 draft Policy 2.4(b) the scheme a Financial Viability Assessment has been submitted in support of the application and been independently assessed by the Council's Viability Consultants.
- 9.23 The submitted Financial Viability Assessment is based on the offer of 50% Discounted Market Rent (LLR) and does not provide any other affordable housing permutations reflecting alternative tenure mixes including a 60/40 split. The Financial Viability Assessment does not provide any explanation of this or why they have not been considered
- 9.24 Without consideration of an alternative 60/40 split within the Financial Viability Assessment Officers consider that they cannot satisfy themselves that the requirements of CLP1.1 draft Policy 2.4(b) and CLP1.1 SP Policy 2.4(a) have been appropriately considered. In the absence of this information, the Local Planning Authority is unable to fully assess viability in line with adopted and emerging affordable housing policies and as such the proposal is not currently in accordance with CLP1.1 draft Policy 2.4(b) and CLP1.1 SP Policy 2.4(a).
- 9.25 Officers consider that the approach to establishing the mix of Affordable Housing tenures has not been demonstrated in line with the requirements of CLP1 adopted Policy SP 2.4(a) and CLP1.1 draft Policy 2.4(b) or accepted by the Council in this case. Officers acknowledge that policies relating to mix should be proportionally applied in respect of Build to Rent /PRS however for the reasons below Officers consider that the

proposed Build to Rent offer has not sufficiently demonstrated the good and high quality expectations set in adopted guidance.

- 9.26 **Build to Rent** – Notwithstanding that the Applicant has not demonstrated that a 60:40 ratio is not viable as set out above, Officers consider that the offer of 50% Affordable Housing is undermined because it does not accord with the criteria for ‘Build to Rent’ products upon which the acceptance of Discounted Market Rent as the sole tenure offer is based. Specifically the Applicant has disregarded one of the 5 key criteria (Design).
- 9.27 Government and the Mayor support provision of more private rented homes (Policy 3.8B a1) and the London Plan recognises that the planning system should take a positive approach in enabling this sector to contribute to the delivery of new homes. Build to Rent developments can make a positive contribution to increasing housing supply and are beneficial in a number of ways and Officers have given due regard to the benefit that new housing products can make to meeting housing need. The Mayor’s Housing SPG and Affordable Housing and Viability SPG identify Build to Rent housing as addressing a distinct need, and a means to accelerate housing delivery. The SPG provides a framework for delivering the maximum reasonable amount of affordable housing in the context of London Plan Policies (3.8, 3.9, 3.10, 3.11, and 3.12).
- 9.28 Discounted Market Rent at Living London Rent levels are capable of meeting the need for intermediate level affordable homes. This is reflected in emerging Croydon draft Policy CLP1.1 which widens the definition of intermediate affordable housing to include these products. Members will be aware of a number of recent decisions supporting Discounted Market Rent units, including a proportion at LLR rates, within schemes assessed as good and high quality and notably in compliance with the minimum space standards.
- 9.29 **‘Discounted Market Rent’ (DMR), ‘London Living Rent’ (LLR) and ‘Build to Rent’** DMR and LLR and Build to Rent are referred to in the Mayor of London’s Homes for Londoners: Affordable Housing and Viability SPG (August 2017) and the draft London Plan (2017). The Applicant has made an offer on this basis, offering only this single tenure as the scheme’s Affordable Housing offer. The Applicant has not offered any alternatives and the submitted Financial Viability Appraisal does not consider alternatives.
- 9.30 The Build to Rent section of the Affordable Housing and Viability SPG deals with ‘purpose built self-contained homes for private rent that meet the criteria set out...as ‘Build to Rent (Paragraph 4.3)’. The SPG states (paragraph 4.7) that ‘Build to Rent schemes should be assessed under a Build to Rent ‘pathway’ through the planning system. The pathway is based on five criteria, 1) Definition, 2) Affordable housing tenure, 3) Design, 4) Viability and 5) management standards.
- 9.31 Criteria 3 (Design) of the Build to Rent pathway is unit mix and design. It states that ‘All (Build to Rent) schemes are expected to meet the minimum space standards’. The guidance at Criteria (Design) explains that flexibility in respect of some standards (not the minimum space standards) may be acceptable.
- 9.32 The Applicant has disregarded that ‘Build to Rent’ units are expected to meet the space standards but still sought the flexibilities in respect of other standards and unit sizes within the same criteria. Officers do not agree this approach.
- 9.33 Where a developer is proposing a ‘Build to Rent’ development which meets the definitions, the affordable housing offer can be Discounted Market Rent (Paragraph 4.20).

- 9.34 Officers consider that the proposals do not accord with the criteria expectations which would apply for Build the Rent, through which Discount Market Rent may be weighted and assessed as an appropriate tenure type. Officers have concluded that the offer of 50% Affordable Housing is undermined by virtue of the fact that the units do not adhere to the expectations of the SPG in respect of the specific requirements for Build to Rent that 'All schemes are expected to meet the minimum space standards' (Paragraph 4.33) and meet the policy requirements relating to residential and design quality.
- 9.35 Further, the nature of the units, particularly the reliance on amenity areas outside each unit, together with the Applicant's supporting information suggests that the units may not comply with the definitions of Build to Rent.
- 9.36 Eligible 'Build to Rent' product would be subject to a 'Build to Rent' viability approach that recognises the distinct economics of the tenure.
- 9.37 The GLA have stated that the scheme is required to follow the 'Viability Tested Route' rather than the 'Fast Track Route' for schemes that exceed 35% Affordable Housing provision. The GLA have commented that 'This offer, for a high-density scheme on a vacant site within an Opportunity Area, is supported; however, this is predicated on major improvements to unacceptable residential and design quality, as discussed below. As it currently stands, the application falls significantly short of policy requirements relating to residential and design quality and does not therefore meet the requirements for the Fast Track Route. The application must therefore follow the Viability Tested Route as set out in the Affordable Housing and Viability SPG, which also requires early and late stage viability reviews'.
- 9.38 Officers have considered other matters set out in respect of appropriate assessment for 'new housing products' and consider that subject to appropriate conditions and s106 obligations that they would be capable of meeting the requirements of: effective management arrangement and is located in an area of high public transport accessibility. For the reasons below it is not possible at this time to conclude whether the proposals contribute to the requirements of Policy 3.12.
- 9.39 Specifically in respect of the Build to Rent proposals Officers consider that the proposals are not in accordance with the requirements of adopted London Plan Policy 3.8 (B a1) (Housing choice) which requires (at supporting text paragraph 3.54B) that the planning system should...support growth in private renting where this will result in 'well managed, good quality accommodation, mixed and balanced communities and sustainable neighbourhoods'. For the reasons assessed below the proposals would not be considered to result good quality accommodation, mixed and balanced communities and sustainable neighbourhoods contrary to London Plan Policy 3.8.
- 9.40 **Viability** – The Council's viability consultant have not been able to confirm the validity of the applicant's financial viability assessment due to a number of queries which were issued to the Applicant on the 1st December 2017. The Council's Viability Consultants 'initial report' was also passed through to the Applicant on the 1st December 2017.
- 9.41 The Council's Viability Consultants have not agreed the Applicant's Benchmark Land Values and further highlight that their own initial figure is subject to a number of unconfirmed assumptions and may be altered on receipt of additional relevant information. In addition to the Benchmark Land Value the Council's Viability Consultants have not agreed a number of the Applicant's assumptions including LLR yield, assumed LLR levels, rent levels for the top floor, income deductions.
- 9.42 In the absence of this information, the Local Planning Authority is unable to fully assess viability and it is highlighted that the GLA and Officers do not accept that the scheme is eligible for the 'fast track route'. It is considered that the proposal (with regards to

affordable housing) does not currently accord with the objectives of the London Plan, CLP1 adopted Policy SP 2.4(a) or emerging CLP1.1 draft Policy 2.4(b), consideration of the alternative tenure type of Discount Market Rent offered is undermined by virtue that the Build to Rent housing product does satisfy all of the 5 criteria set out in the Affordable Housing and Viability SPG.

3. Housing Mix, Choice, Mixed and Balanced Communities

- 9.43 London Plan Policy 3.8 (Housing Choice) strategically requires that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments'. London Plan Policy 3.8 requires that: c) ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'; and d) ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 9.44 London Plan Policy 3.9 (Mixed and balanced communities) states that communities mixed and balanced by tenure and household income should be promoted across London developments to foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment. CLP1 Policy SP2.5 seeks to secure the provision of family housing and states the Council's aspiration for 20% of all new homes within the Croydon Opportunity Area having three or more bedrooms and 35% of all two bedroom 4 person flats.
- 9.45 CLP2 Draft Policy DM1 (Housing choice sustainable communities) identifies that within this central location a requirement for 10% 3-bed units within the 'New Town' and East Croydon as defined by the Croydon Opportunity Area Planning Framework.
- 9.46 Officers acknowledge that Mayor's Affordable Housing and Viability SPG recognises that in respect of Build to Rent that local policies requiring a range of unit sizes should be applied flexibly to Build to Rent schemes to reflect demand for new rental stock, which is much greater for 1-2 bed units than in owner-occupied or social/affordable rent tenures. Further, the supporting text of draft Policy DM1 notes that there will be more opportunities for studio, one and two bedroom units on the higher density sites in the Croydon Metropolitan Centre.
- 9.47 However, as assessed above Officers consider that acceptance of the proposals as 'Build to Rent' is undermined by their incompatibility with Paragraph 4.3 of the Mayor's Affordable Housing and Viability SPG and that they do not represent 'good quality accommodation' as expected at London Plan Policy 3.8.
- 9.48 CLP2 Draft Policy DM1, setting a 10% 3-bed threshold (or 2-bed/4/person in the first three years of the plan), has evolved with the aim of supporting significant housing growth and intensification within Croydon and more specifically the OAPF area.
- 9.49 The proposals do not propose any family units and a disproportionate number of one-bed units. Officers consider that the proposed mix is not in accordance within CLP2 Draft Policy DM1.
- 9.50 The Applicant has submitted a Micro Unit report, considered in further detail below, which provides the Applicant's justification for the scheme's proposed mix and compromised unit sizes. As above Officers do not dispute the principle that there is a need for 1-2 bed units in central locations. The concept that one and two bed units can

free up family housing, as explained in the submitted Micro Unit report, is already set out at a strategic London level within Draft London Plan Policies (2017) and within the emerging Local Plan policies and Officers acknowledge that draft London Plan Policy H12 (Housing size mix) sets out these considerations.

- 9.51 However, by proposing a very significant proportion of small 1-bed units Officers have assessed that the proposal fails to provide a range of housing choices, in terms of the mix of housing sizes and types (232 x 1-bedroom (78.38%) and 64 x 2-bedroom (21.62%)). The proposed overprovision of very small one-bedroom units would not take account of the housing requirements of different groups.
- 9.52 Officers do not support the Micro Unit report's conclusions that a need for 1 and 2 bed units equates to a need for such a disproportionate supply of one-bed units so significantly below space standards.
- 9.53 The provision of only two typologies (for one-bed units) to address the housing needs of 78.38% of the scheme's occupants is fundamentally contrary to the diversity of choice required by adopted London Plan Policy 3.8 and requirement to foster social diversity of London Plan Policy 3.9 (Mixed and balanced communities). This lack of choice, adaptability and flexibility is particularly emphasised as one-bed units are the least flexible unit type and therefore inherently restrict choice.
- 9.54 This lack of choice is particularly marked in respect of inclusivity and specifically the lack of provision of adapted or adaptable (wheelchair) units. Officers consider that the disproportionate number of small one-bed units fails to take into account the housing requirements of different groups, most specifically in respect of disabled occupants, as required by London Plan Policies 3.1, 3.5, 3.8 and 7.2.
- 9.55 GLA Officers have stated that the scheme raises concerns that the proposals would not deliver an appropriate choice of housing.
- 9.56 Officers consider that the scheme would not accord with adopted policies by failing to meet need across the Borough as assessed against CLP1 Policy SP2.5, OAPF in respect of the lack of any three-bedroom units.
- 9.57 Officers consider that the proposals would not be in accordance with Policy 3.8 (Housing Choice) of the London Plan in respect of the disproportionate number of very small one-bed unit, which are further restrictive of housing choice by virtue of their compromised and deficient size, and lack of consideration in respect of wheelchair units.
- 9.58 The proposed mix would result in a form of unsustainable development contrary to the NPPF requirements to support social sustainability through the supply of housing required to meet identified needs and foster social diversity.

4. Design including heritage, townscape and visual impact

- 9.59 NPPF Paragraph 62 requires that 'Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel'.
- 9.60 NPPF Paragraph 64 requires that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' and Paragraph 61 of the NPPF states that planning decisions should address the connections between people and places and the integration of new development into the natural, build and historic environment.

- 9.61 **Layout:** The scheme proposes a tall vertical tower directly to the south of an existing residential building with 9m set back (separation) between the north elevation of Phase 2 and south elevation of Phase 1. Officers note that this was recognised over a year ago by the scheme's own Architects as creating a fundamentally problematic relationship between the proposed tower and existing building. The scheme Architects have specifically critiqued this option noting it created a 'difficult relationship between the facing facades, and a potentially unpleasant space at Ground Floor'.
- 9.62 Officers provided early advice almost a year ago in February 2017 that this interrelationship was a fundamental concern, together with the detrimental amenity and environmental impacts that would result. The Applicant has not amended the scheme to address Officer's initial advice and this problematic relationship has remained, with an 11 storey screen proposed to specifically seek mitigation of privacy impacts between the two buildings.
- 9.63 Croydon Council's Place Review Panel (PRP) Members have stated that the 'current relationship with Canterbury House is unacceptable and unresolved' and further that it is far from exemplar.
- 9.64 It is disappointing that advice on basic principles provided by Council Officers during early engagement (such as advice on form, amenity and adjacencies) have not been taken on-board by the Applicant in developing the scheme and that there are now very substantial matters that Officers cannot support.
- 9.65 A number of these fundamental matters have now been reiterated formally by the Mayor of London in the GLA's Stage 1 response and by Croydon Council's Place Review Panel.
- 9.66 **Screen:** The privacy screen between the existing and proposed buildings is considered to represent poor design when assessed against the principles of good design supported by NPPF and adopted planning policy. The screen is a substantial structure. In addition to its impact on amenity as experienced from within dwellings in Phases 1 and 2, considered in further detail below, the screen would have a detrimental impact on urban design in respect of the quality of the space at ground and between the two buildings. Officers consider that it would create a 'canyon'/shaft like spaces either side of the screen which detrimentally impact on the character and quality of the area contrary to Paragraph 64 of the NPPF, London Plan Policies 7.4 (Local Character) and 7.7 (Tall Buildings). Although limited details have been provided the submitted drawings indicate that the lowest horizontal member of the screen would only be 3m above ground which would further impact the quality of the proposed public space between the buildings.
- 9.67 For a structure of such substantial scale there is notable lack of detail of the screen's appearance, its materiality, how it would be maintained, construction impacts and adequate assessment within the Environmental Statement. This profoundly undermines the credibility of its design.
- 9.68 The detrimental visual and urban design impact of the screen is further exacerbated by the significant amount of inactive frontage at Ground Level (Phase 1 and Phase 2) directly below the screen and to the east of the proposed Phase 2 tower which, together with the bin storage areas, creates a hostile public realm.
- 9.69 **Ground Floor / Public Route and Spaces** – The consented scheme to the south at 1-5 Lansdowne road has incorporated a clearly defined route and in order to complete this route a legible and beneficial route through the Application site would support the principle of the OAPF.

- 9.70 A new pedestrian public route is proposed, to link the adjacent 1-5 Lansdowne Road scheme to Sydenham Road. The route is proposed to run to the west of the Phase 1 and Phase 2 buildings and due to the proposed layout of scheme, retaining Phase 1 without modification, would run through part of the vehicular access running to the west of the Phase 1 building. The principle of incorporating a route is supported as it accords with principles in the adopted OAPF which state that proposals should support the creation of connections through deep blocks. The principle of the provision of the proposed route included is assessed as a positive benefit of the scheme.
- 9.71 In assessing the quality of the route Officers consider that the route and associated public space is compromised, being compressed between the boundary of the site and proposed building as well as the conflict with the ground level habitable room windows along the western elevation of the existing Phase 1 block. As such the proposal would create amenity issues and erode the legibility and importance of this route. The conflict that results from the proposed public route running through the Phase 1 vehicular entry / car park, via a constrained vehicular route reduces the legibility and quality of the route and is therefore considered to undermine the overall benefit of this route.
- 9.72 2 x existing units are arranged within the western elevation of the existing Phase 1 block at Ground Level which would be impacted in terms of amenity by the proposed route, further there are another 2 x existing units within the existing Phase 1 block at Ground Level at the eastern elevation that would be significantly compromised in respect of amenity.
- 9.73 The proposed vehicular and pedestrian layout in combination with the increase in movement generated by the 296 dwellings proposed within the Phase 2 tower together and other practical requirements to support the proposed Phase 2 tower would cumulatively result in significant detrimental privacy and other amenity impacts for these 2 x existing units.
- 9.74 The amenity of the lowest level unit in the south-east corner of Phase 1 will be particularly compromised, being surrounding by the new proposed refuse stores and loading bay. The two units on the western side of the existing Phase 1 block will be significantly impacted by heavily increased pedestrian and vehicular movement directly outside habitable room windows compared with the current situation. The privacy impacts are further considered below.
- 9.75 Officers acknowledge that the vehicular access would be used by a relatively limited number of vehicles however given the policy tests for dense residential proposals and tall buildings and exemplary design required in this case, Officers consider that the compromised legibility and quality of the route undermine the degree to which it would support the requirements of London Plan Policy 7.7G (Tall Buildings - contribute to improving the permeability) and to balance the other considerable detrimental impacts of the scheme.
- 9.76 **Active frontages including Phase 1 Ground Level** – Due to the intensity of use, density and increased servicing requirements tall buildings in particular require careful consideration of the ground plane, including vehicle access and servicing to ensure that they minimise impact on the public realm. Policy 7.7(c) requires that tall buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street (ground) level.
- 9.77 Active uses within the proposed Phase 2 tower at ground floor are mainly oriented towards the west side, with some to the north and south, which relates well to the proposed public pedestrian route. The main entry of the Phase 2 tower is proposed to

the west and Officers consider this positively responds and relates to the proposed landscaping and one of two children's playspaces to the east of the Phase 2 tower.

- 9.78 In respect of the other three frontages, Officers have assessed that 50% of the Phase 2 ground floor frontage (or approximately 46m of overall ground level frontage) and 50% of the Phase 1 south facing ground level frontage will be inactive. A significant proportion of the ground floor frontage of Phase 1 (part-south elevation) and frontages of Phase 2 (part-north, east and part-south elevation) are proposed as servicing, loading bays, tank rooms, bin storage, cycle storage and other services.
- 9.79 In respect of Phase 1, approximately 20m of frontage is comprised of substation/switchroom, tank room and lift shaft wall. In respect of Phase 2, the ground floor frontage includes approximately 13m of the northern elevation dedicated to a transformer room and gas meter room, the full extent of the 22.6m eastern elevation comprising transformer room, vent shafts, loading bay, and approximately 10m of the southern elevation comprising fire egress and vent shafts.
- 9.80 The location and footprint of the ground level bin storage area is significant, extending approximately 32m (24.5m of which is bin storage) along the eastern frontage of the site.
- 9.81 Officers highlight that the second of the two proposed children's playspace areas is located in relative proximity (8.5m) to the large ground level refuse store, comprising approximately 48 x bins.
- 9.82 GLA Officers have stated that the location of the bin store is considered to result in a poor quality relationship with the site to the east, and limits a positive relationship with that site. Officers have assessed that this would have a prejudicial impact on the aims of the OAPF to promote comprehensive redevelopment within the Opportunity Area, local character and placemaking in addition to compromising the amenity of one of two dedicated children playspaces. The east side of the ground floor, as well as parts of the north and south, are inactive, with the route on the east side comprising a delivery bay and refuse storage area. This results in a poor quality relationship with the site to the east, and limits a more positive relationship with that site.
- 9.83 The PRP have commented that they do not consider the proposed public realm to be exemplary. The PRP and GLA both agree that the activation of the eastern frontage of the proposed Phase 1 tower positively enhances the eastern landscape space and also acknowledge that it would be unreasonable for all sides of the site to become active but consider that the relationship between the bin and cycle stores and the public realm is poorly designed.
- 9.84 The PRP also considered that the current level of detail and consideration of these matters was unacceptable for a full planning application of this scale, particularly in terms of considering whether the scheme could be considered exemplar.
- 9.85 Officers consider that the incomprehensive design approach together with the layout of the existing and proposed building forms has resulted in a series of self-imposed constraints which would have a detrimental impact on place making and local character as required by adopted Planning Policy. The amenity of the southern child play space is compromised by its proximity to the bin storage area.
- 9.86 The layout, siting, landscaping, relationship with the existing Canterbury House Phase 1 block (including interface with existing ground level residential units), proposed 11-storey screen, servicing, refuse design, loading bay, relationship to adjoining sites and vehicular access would not accord with London Plan Policies 7.4, 7.7 and 7.6, CLP1

Policies SP1.2, SP4.1 and SP4.2 CRUDP Policies UD2, UD3, and UD14 and CLP2 Policy DM11.

- 9.87 **Massing and Height** – The application site is located within Croydon Opportunity Area and specifically within the ‘New Town and East Croydon area which is defined as a Mixed-use area - commercial (office / hotel) and residential’ within the Croydon OAPF. There are already approximately 48 tall buildings in the COA and the OAPF and adopted policies acknowledge and support that tall buildings and large buildings will continue to have an important role to play in the development of the COA.
- 9.88 Croydon Local Plan Strategic Policy SP4.5 encourages the provision of taller buildings within COA and the OAPF encourages the tallest of buildings to locate in the “New Town” area of the Opportunity Area (within which the application site falls).
- 9.89 There is clear policy support for the principle of a tall building, subject to meeting the policy tests, at this location. Officers and the PRP have accepted that a building of some height is acceptable at this location in principle given that the building is located within a ‘tall building’ zone as designed with the OAPF.
- 9.90 However, Officers and the PRP have significant concerns in respect of the absence of visual assessment in respect of the area between Phase 1 and Phase 2, including the proposed 11 storey screen. There are limited views in proximity of the building submitted in support of the application and there are no near views which show both the full height of Phase 1 and Phase 2 and 1-5 Lansdowne Road to demonstrate that potential coalescence has been considered.
- 9.91 Officers and PRP have raised questions in respect of the absence and deficiencies in respect of the consideration of the 1-5 Lansdowne Road scheme and at the time of writing there has been no response providing additional visual information to allow officers to adequately assess the visual impact of the scheme within its immediate context.
- 9.92 For the reasons assessed above and below in respect of harm, negative impact on the amenity of surrounding uses Officers consider that the scheme does not meet the policy requirements of London Plan Policy 7.7 which requires that tall buildings should not unacceptably harm an area. The proposed Phase 2 tower is considered to be contrary to the requirement set out at the supporting text of London Plan Policy 7.7 which states that tall and large buildings should not have a negative impact on the amenity of surrounding uses.
- 9.93 The undermined Affordable Housing offer, substantially compromised amenity of the proposed housing and ground level public spaces areas are assessed by Officers as resulting in a scheme which does not accord with London Plan Policy 7.7(i) which requires that tall buildings make a significant contribution to local regeneration.
- 9.94 **Heritage** – Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on Local Planning Authorities, as decision maker, to have special regard, equivalent to considerable importance and weight, to the desirability of preserving a listed building and its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means causing no harm to the interest in the building. Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.95 Paragraph 134 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage, this harm should be weighed against public benefits of the proposal.

- 9.96 The Applicant has submitted an Environmental Statement which includes a thorough Townscape, Visual & Built Heritage Assessment.
- 9.97 The surrounding areas includes the Grade II listed Electric House located approximately 315m to the south of the site, the Grade I listed Parish Church of St Michael and All Angels approximately 240m to the north-west of the site and Grade I listed Hospital of the Holy Trinity (Whitgift Hospital Almshouses) located approximately 440m to the south-west of the site within the Central Croydon Conservation Area. The site does not lie within a conservation area, however the Wellesley Road North Conservation Area is located approximately 350m to the north of the site, with the Central Croydon Conservation Area situated within 300m to the west of the site.
- 9.98 Historic England have stated that the height of the scheme means the proposals will be visible within the setting of designated heritage assets and to some extent from within the boundary of the Central Croydon Conservation Area. They have stated that the supporting TVBHIA identified a small section of the proposed tower that would be perceived between the central gable and northern chimney stack of the Almshouses when viewed from the junction of the High Street and Church Street (view 5). It also identified that the proposed development would be visible in views of St Michael and All Angels church from the west Croydon bus station (view 6), albeit set away from the church behind Lunar House.
- 9.99 In respect of the impact of the proposed Phase 2 tower on the Whitgift Hospital Almshouses the submitted TVBHIA assesses that there will be a minor, adverse impact as a result of the proposed development. Subject to confirmation in respect of the accuracy of the TVBHIA views, a small section of the proposed Phase 2 tower would be visible in views of the grade I listed Almshouses, with a small section of the proposed tower perceived between the central gable and northern chimney stack. Officers note however that this is prior to taking into account the cumulative scenario, depending on the accuracy of the submitted views and as the silhouette of this building is significant, it would be most appropriate to avoid further erosion of this skyline.
- 9.100 Officers consider that the impact on St Michael and All Angels Church (grade I) requires further investigation in order to demonstrate the acceptability of a tall building in this location. In particular, a core public benefit of the consented scheme for St Michael's Square enabled the creation of a new square and new views towards the church. Views from this proposed square should be modelled to ensure that the development do not harm the newly created views.
- 9.101 Given the statutory importance of the tests set by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on Local Planning Authorities, as decision maker, the sensitivity of the views (in respect of the Almshouses in particular) and the inadequacy of the information submitted Officers consider that at this time they can only come to a conclusion that in the absence of the required information that the Local Planning Authority is unable to fully assess the impact of the development and as such the proposal would be contrary to Paragraph 134 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act.
- 9.102 The proposal rises above the roofline of Corinthian House, eroding its presence in the streetscene. It is acknowledged that new development beside Caithness Walk will reduce views of the building. Near views of Corinthian House indicating the level of visibility of the proposed development are required in order to fully determine the impact.
- 9.103 In respect of the balanced consideration required of Paragraph 134 of the NPPF, specifically in respect of the scale of benefits arising from the proposal Officers

consider that for the reasons assessed in this report that the scale of benefits that arise from the scheme may not be sufficient in this instance to outweigh the less than substantial harm to the significance of designated heritage assets. In the absence of the requested views officers are not able to conclude their assessment in respect of overall townscape and heritage impact and confirm the degree of harm in order to balance this in respect of overall public benefits. Notwithstanding this, Officers consider that the degree of harm that would arise from the proposed development would not outweigh the potential less than substantial harm identified within the assessment made by Historic England and Officers.

9.104 **Appearance including façade design** – The architectural concept of horizontal fenestration with curved corner details and curved spandrel panels is considered a positive elevation treatment where it comprises details and materials complimentary of the modern local architectural character typical of central Croydon in accordance with part of London Plan Policy 7.6(c) (Architecture). The credibility of the design however is undermined by a lack of detail on materials including the proposed glazed ‘curtain’ panels. Officers acknowledge and consider that these matters could be conditioned.

5. Quality of Living Environment Provided for Future Residents

9.105 **Micro-flat concept / Housing Product:** The Applicant has submitted a report titled ‘Micro Units: part of the solution to the housing crisis which has been prepared by Icen Projects Limited on behalf of Croydon Investments Ltd and dated September 2017’. The report is submitted in support of the ‘Micro Living’ concept which is proposed by the Applicant, including what it suggests are ‘precedents’ for this form of living. The report includes a desktop of analysis of demographic trends that the authors of the report state support the typology and location for the proposed micro-units.

9.106 The report includes demographic analysis which indicated that there is likely to be a growing demand for one and two bedroom dwellings in LB Croydon in the medium to longer term and concludes that LB Croydon is a highly sustainable and suitable location for the delivery of micro-flats and present this as a long term policy solution for those hoping to get on the housing ladder.

9.107 As set out above Officers do not dispute that there is growing demand for one and two-bedroom units within urban locations and highlight that in respect of Build to Rent that local policies, draft London Plan policies and the Mayor of London’s SPG on Housing Viability already acknowledges this. However, it is important to note that the SPG specifically requires that Build to Rent housing product meet the Mayors space standards.

9.108 The acceptance of one and two-bed units for Build to Rent in respect of mix does not therefore mean acceptance of spatially constrained design of those units, the majority of which are significantly below the space standards.

9.109 There appears to be a difference in approach within the submitted Micro Living report against other supporting documentation including the submitted Design and Access Statement and particularly the Planning Statement. The Micro Living report suggests that the housing product proposed within the Application scheme presents a non-traditional form of housing for a ‘compact not compressed’ way of living which allows an improved lifestyle compared with that of people living in traditional housing (paragraph 1.3). The submitted Planning Statement however suggests the proposals address the specific domestic functions of traditional living and should be treated as traditional housing (paragraph 7.70).

- 9.110 The Micro Living report contends that the spatial and functional needs of occupiers of Build to Rent schemes are substantially different so as to justify significantly smaller flats, including a lesser need for storage space. This is due to a number of two main factors according to the report, that 'Millennials typically value convenience and experience over material goods – 'stuff' is out' and that the prospective occupiers, primarily younger occupiers will 'spend their disposable income on experiences, entertainment and eating out more than ever before' and therefore spending more time out of their homes. The Applicant proposes communal space provision, assessed below, as amenity area within the scheme, but outside the home to address the amenity needs of the residents.
- 9.111 The report concludes that Micro Flats will 'encourage people to live a more minimalist lifestyle'.
- 9.112 The Micro Units report cites a report from the USA which states that residents are now willing to accept much smaller apartment footprints as a result of an extensive offering of amenity within the wider block (paragraph 4.14). However, the report does not give consideration in respect of whether a change in habits may be a result of already constrained living arrangements which may create a need for people to spend less times in their homes.
- 9.113 Officers consider that by suggesting that homes designed for people to spend time away from them does not address the requirements of London Plan Policy 3.5 (Quality and design of housing developments) which requires that the design of all new dwellings should also take account of factors relating to the 'home as a place of retreat'.
- 9.114 While innovation is encouraged and Croydon Council has demonstrated its willingness to support innovative high quality alternative housing models, including a recently considered Pocket Housing scheme, Officers consider that the Applicant has not demonstrated an overriding need, justification or genuine innovation of approach for the provision of such a large proportion of very small units which are assessed as experiencing compromised amenity.
- 9.115 Officers are also concerned that in considering housing needs to justify the proposal that the Micro Units report has not included any consideration of inclusive access needs and the spatial requirements of disabled people as required by London Plan Policy 3.5.B. As explained in this report the submitted plans do not currently include any adaptable or adapted units which Officers and the GLA in their Stage 1 response have highlighted as unacceptable.
- 9.116 **Residential Space Standards** – The pertinence of the space standard in the assessment of the proposed dwellings are considered by Officers to apply in three main ways.
- 9.117 Firstly the DCLG's Technical Housing Standards – Nationally Described Space Standard (NDSS), providing minimum floor area specifications for all new dwellings, is referenced in the supporting text of London Plan at Policy 3.5 which states that all new residential units should provide the highest quality internal environments for their future residents and should have minimum floor areas in accordance with the Government's technical housing standards set out in Table 3.3. Policy 3.5C states that 'The Mayor will, and boroughs should, seek to ensure that new developments reflect (the minimum space) standards'. Notably, London Plan 3.5 policy allows at part D that 'development proposals which compromise the delivery of elements of this policy may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan'. The Mayor's London Housing SPG provides guidance on the application of London Plan policies including Policy 3.5.

9.118 Secondly, adopted CLP 1 SP2.6 and emerging local plan policy CLP 1.1 SP2.8 requires that all new homes achieve the minimum standards set out in the Mayor of London's Housing SPG and National Technical Standards (2015) or equivalent.

9.119 As explained above the Mayor's Homes for Londoners – Affordable Housing and Viability SPG is clear that in respect of Build to Rent units that 'All schemes are expected to meet the minimum space standards' (Paragraph 4.3). The Applicant has stated that this is 'inconsistent with London Plan Policy 3.5D' and therefore consider that Policy 3.5D outweighs the requirements of the SPG. Officers do not agree with this interpretation as the guidance is very recent and is specifically clear that in the case of Build to Rent units there is a need to comply with the space standards. As the SPG provides guidance on the application of London Plan policy it is appropriate to give this relevant weight in the consideration of the application.

9.120 In any case the proposed dwellings are assessed as being far from demonstrating exemplary design.

9.121 The proposed areas of each unit type within the scheme is set out below.

One-Bedroom Units						
Unit Type	No. of each type	Size	% below NDSS 1-bed/ 1- person threshold 39sqm	% below NDSS 1-bed/ 2-person threshold 50sqm	% of Type within scheme	Location
AT1 1bed	116	34.7sqm	11% below	30% below	39.18%	Corner 4 per floor at Levels 2-30
AT2 1 bed	116	31.4sqm	20% below	37% below	39.18%	East and West 4 per floor at Levels 2-30

Two-Bedroom Units						
Unit Type	No. of each type	Size	% below 2-bed / 3-person threshold 61sqm	% below 2-bed / 4-person threshold 70sqm	% of Type within scheme	Location

AT3	60	60sqm	2% below minimum	14% below	20.27%	North and South 2 per floor at Levels 2-31
AT4	2	68sqm	Complies	3% below	0.675%	West 2 per floor at Level 31
AT5	2	69sqm	Complies	1% below	0.675%	East 2 per floor at Level 31

9.122 One-bed units: In respect of one-bed units the NDSS and London Plan standards set the minimum space standard at between 37/39sqm for a 1bed/1person unit and 50sqm for a 1bed/2person unit. The NDSS explains that where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm. Unit Types AT1 (39% of proposed units) and AT2 (39% of proposed units) are proposed as one-bed units.

9.123 None of the one-bed units (78% of proposed units) achieves the minimum space standard and the degree of deficiency is substantial, particularly when considered in the context of other deficiencies, including lack of private amenity space, constrained layout, very poor outlook for north-facing Canterbury House units and compromised environmental quality of a number of units, contrary to London Plan Policy 3.5.

9.124 Two-bed units: In respect of two-bed units the NDSS and London Plan standards set the minimum space standard at 61sqm for a 2bed/3person unit and 70sqm for a 2bed/4person unit. Unit Types AT3 (20.2% of proposed units), and AT4 and AT5 are proposed as two-bed units.

9.125 In total: 78% of the proposed units (232 no. units) are very substantially below London Plan space standards, even if assessed against the lowest possible threshold of 39sqm for a one person unit.

9.126 The GLA have responded that the 'total disregard for London Plan space standards, particularly at this scale, is unacceptable' and clarified their consideration that the minimum space standards apply to all tenures.

9.127 The GLA and PRP have raised significant concerns in respect of residential quality, with the GLA highlighting that the small size of the one-bed units is especially concerning, particularly the corner units, which suffer from inefficient corridor space that reduces usable living space.

9.128 The Council's PRP has recommended that the Applicant should 'Further interrogate the size of the units and explore all opportunities to increase these as the current sizes are below space standards. The design of the units themselves and the scheme as a whole fail to demonstrate exemplar qualities that could be considered to offset the failure to meet space standards'.

- 9.129 The panel remained firmly unconvinced about the size of the units being acceptable and note there was no demonstration of any mitigating factors within the proposal that could be considered to offset this failure. The panel advised that the sizes of the units needs to be revisited.
- 9.130 When considered in the context of other deficiencies including lack of private amenity space, northerly single-aspect for half of the two-bed unit types and compromised outlook and environmental quality for lower level north-facing two-bed units in particular Officers have assessed that the space deficiency would cumulatively result in significantly detrimental amenity which is not justified, does not represent exemplary design and which would be contrary to London Plan Policy 3.5, CLP 1 SP2.6, CLP 1.1 SP2.8 and the Mayor's Homes for Londoners – Affordable Housing and Viability SPG specifically in respect of Build to Rent units.
- 9.131 **Design Principles / Addressing Domestic Functions/ Improving Health** – In its review of the scheme the PRP commented that there were a number of key aspects where the layout could not be considered exemplary and that this was particularly highlighted in respect of compromised kitchens, living rooms and questions in respect of adequate storage.
- 9.132 Officers acknowledge that aside from minimum bedroom sizes/dimensions of the NDSS that there is no prescription in respect of the layout of dwellings, this is also acknowledged at London Plan policy and guidance level. However, an examination of how units respond to the requirement that homes address basic domestic functions in order to become a 'comfortable place of retreat' is considered reasonable and in accordance with London Plan Policy 3.5 (Quality and design of housing) and draft Policy D4 (Housing quality and standards).
- 9.133 The PRP stated that there was a need to show an understanding of specific domestic not adequately demonstrated.
- 9.134 The Panel considered that living rooms were ungenerous and advised that more space should be given over to living rooms, that there was insufficient demonstration that storage needs of occupiers had been adequately addressed and particularly highlighted that the proposed kitchens are cramped and the Applicant has not been able to demonstrate how the space would function to allow residents to prepare a meal.
- 9.135 Kitchen locations within AT2 units in particular are located at the main entry into the unit and designed in a way that presents a challenge entering the unit while another occupant is preparing a meal at the kitchen worktop. This is both a function of the compromised small kitchen area and location.
- 9.136 Based on the constrained space Officers consider that there is only potential space for worktop widths (including hob and sink) of only between 1.8-1.9m with only approximately 0.5m of clear worktop space available to occupants within these two unit types. It is also unclear how these kitchens would accommodate the appliances reasonably expected, including a fridge which is not shown on the submitted layouts. In respect of kitchens the PRP stated that it 'had concerns that units fail to provide kitchens big enough, or sufficiently well designed, to cook a healthy meal in or living rooms to relax in'.
- 9.137 The PRP considered the Applicant's justification that people will 'live in the city' and therefore eat out and find places elsewhere to socialise and spend time was not adequate justification for designing inadequately sized spaces. It was noted that the affordability of the units would be eroded if savings on rent were offset by a need to eat out and use facilities elsewhere. Further, this was considered to rely on infrastructure elsewhere, which is neither resilient nor sustainable.

- 9.138 The supporting text of London Plan Policy 3.2 highlights that housing has a major impact on the health of residents, and the policies in the London Plan are intended to enable Londoners to live in well designed, high quality homes, appropriately sized and energy efficient, warm and dry, safe, providing good access to high quality social infrastructure, green spaces, and limiting disturbance from noise, or exposure to poor air quality.
- 9.139 The design principles that underpin the residential designs, including the concept that less space is required as people will eat out, are considered to be contrary to policies protecting residential amenity, including the requirements of London Plan Policy 3.2(d) (Improving Health and Addressing Health Inequalities) and London Best Practice Guidance (BPG) on Health Issues in Planning which requires that new developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.
- 9.140 Dwellings designed with an assumption that occupants will/should spend time outside eating out are not considered to accord with requirement of adopted London Plan Policy 3.2(d) (Improving Health and Addressing Health Inequalities) which requires that new developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.
- 9.141 The units and the design principle underpinning the compromised sizes would undermine the requirements of London Plan Policy 3.2 and further do not exhibit exemplary design which in combination with other amenity issues identified, are not considered to represent good or sustainable design contrary to London Plan Policy 3.2, 3.4 and 3.5 and draft Policy D4 (Housing quality and standards).
- 9.142 **Aspect and Outlook** – The London Housing SPG provides details in relation to housing standards, including in relation to the provision of dual aspect units. BRE guidance, further considered below, also provides a relevant consideration in respect of assessing the outlook of northerly facing units, specifically as they would not have access to sunlight.
- 9.143 The Mayor's Housing SPG standards state that developments should avoid single aspect units which are north facing. The supporting text of Draft London Plan Policy D4 reiterates the same standards that single aspect dwellings that are north facing should be avoided. The SPG and draft London Plan Policy D4 supporting text (Paragraph 3.4.5) notes that where dwellings are proposed as single aspect it should be demonstrated that all habitable rooms and the kitchen are provided with adequate passive ventilation, privacy and daylight and that the orientation enhances amenity, including views.
- 9.144 Officers acknowledge that some single aspect and potentially even north facing units may occur in high density urban contexts, however a high proportion of single aspect units, some of which are north-facing with a very poor outlook, supports a view that units exhibit less than exemplary design quality and in the case of lower level north/Phase1-facing units do not meet NPPF requirements for good design.
- 9.145 Despite proposing a relatively compact and square footprint the proportion of single aspect units is high. This is in part a function of the significant proportion of very small units proposed.
- 9.146 As highlighted above the worst amenity conditions are experienced by those at lower levels which the submitted documents indicate are offered at DMR (LLR).
- 9.147 From Levels 2-10, of the 90 x units proposed, 81 x units (89%) are single aspect. These floors differ from those above, with a higher proportion of single aspect units,

due to the frosted glass panels proposed at the north-east and north-west corners of the building which are proposed to avoid inter-visibility/privacy issues between the proposed tower and Phase 1 building.

- 9.148 A further 200 x units are proposed from Levels 11-30 with identical floorplates of 10 x units per floor comprising 120 (or 60%) of the units proposed as single aspect, including all of the proposed 2-bed units. The top residential floor, Level 31, proposes 6 x units of which 4 are dual aspect.
- 9.149 Overall 203 x units or 68.6% are single aspect and 93.9% of all of the proposed two bed units are single aspect, with half of these proposed as north-facing which limits light penetration and cross-ventilation.
- 9.150 Daylight and sunlight matters are considered in further detail below and while these north-facing units would clearly not benefit from any sunlight, the reduced amenity that results from north-facing units is exacerbated at lower levels (Levels 2 – 7) where north-facing 2-bed units receive negligible levels of daylight (with living rooms achieving daylight levels substantially below ADF targets) which would result in detrimental impact on amenity for future occupiers.
- 9.151 Officers consider that proposed single aspect units, particularly lower level north facing Type AT1 one-bed units which are characterised by kitchens without windows and proposed north facing lower level 2-bed units exhibit particularly compromised amenity which does not accord with the SPG standards, adopted London Plan policy or draft London Plan Policy. This assessment is supported by the views of the PRP who repeatedly commented on the inadequate design and size of proposed kitchens, specifically in respect of their need to meet functional requirements.
- 9.152 **Amenity of Affordable Housing:** London Plan Policy 3.5 requires that housing development should not differentiate between housing tenures. The proposed Discount Market Rates (DMR) at London Living Rent units are proposed in the lower half of the building, specifically the one-bedroom units from half of floor 16 down to floor 2 and all two-bedroom units from floor 18 down to floor 2.
- 9.153 The lower half of the building which comprises the DMR units experience disproportionately high amenity impacts by virtue of a combination of factors including disproportionate single aspect units at levels 2-10 with 81 out of 90 units (89%) proposed as single aspect.
- 9.154 The proposed privacy screen does not impact the outlook of units proposed for market rent, only those units offered at DMR. These units include all those proposed Phase 2 units with an outlook towards the proposed frosted screen 4.5m away from habitable room windows (living rooms and bedrooms) and 9m to the south of the existing Phase 1, lower level units that do not receive any sunlight (including north-facing single aspect), and all the north-facing lower level units that receive negligible levels of daylight.
- 9.155 **Private Amenity Space** – The Mayor’s Housing SPG standard 4.10.1 states that 5sqm of private amenity space should be provided for each one bedroom unit, with a further 1sqm provided for each additional occupant. Standard 4.10.3 states that the minimum length and depth of areas of private amenity space should be 1.5m. Draft London Plan Policy D4 reiterates the same standards. Draft Policy DM11 of Croydon’s Local Plan: Detailed Policies and Proposals (Main Modifications) confirms support for new development which includes private amenity space that is of high quality design that enhances and respects the local character of the surrounding area.

- 9.156 Officers acknowledge that there may be occasions, such as in the case of very tall buildings, where alternative design solutions, such as winter gardens or increased internal floor area, may be considered to provide amenity benefits that can be balanced against a reduction in private external amenity space.
- 9.157 As proposed units are already substantially below minimum space standards, compromising amenity, the absence of any private amenity space, would further exacerbate the reduced amenity which would be experienced by occupiers of the proposed development due to the reasons set out above and below.
- 9.158 On this basis Officers do not accept the degree of non-compliance proposed against Mayor's Housing SPG standard 4.10.1 and consider that this aspect of the proposals would not accord with adopted London Plan Policies 3.4 and 3.5 and Croydon Local plan draft Policy DM11.
- 9.159 **Inclusivity** – Policy 3.8 (of the London Plan requires that 90% of new housing meet building regulation requirement M4(2) 'Accessible and Adaptable Dwellings' and that 10% should meet building regulation requirement M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 9.160 As set out above the application is supported by a Micro Unit Report and Planning Statement. The Micro Unit Report provides extensive demographic analysis but does not include consideration of the needs of disabled occupants, specifically it does not make any substantive reference in respect of inclusive access considerations including the needs of wheelchair users. The Planning Statement includes reference to inclusive access policies but does not provide consideration of how inclusivity will be ensured.
- 9.161 The submitted Design and Access Statement indicates how two-bed units could indicatively be adapted to meet building regulation requirement M4(2) 'Accessible and Adaptable Dwellings' and building regulation requirement M4(3) 'wheelchair user dwellings'.
- 9.162 GLA Officers have commented in respect of the indicative plans that the proposals do not meet the requirement to be 'easily adaptable' to meet M4(3) and this also suggest that M4(2) requirements would not be met. They have noted that this is symptomatic of the small size of the units.
- 9.163 Officers have assessed that due to the minimal spaces within the units the Design and Access Statement shows that one-bed wheelchair units (M4(3)) can only be achieved by converting two-bed units into one-bed units. This would further increase the proportion of one-bed units to the further detriment of policies in respect of housing need and mixed and balanced communities.
- 9.164 The applicant has not demonstrated how two-bed units could be adapted to remain as two-bed units and comply with building regulation requirement M4(3) 'wheelchair user dwellings'.
- 9.165 The Design and Access Statement shows that one-bedroom units can only be made accessible by creating a bedroom that would not have access to direct daylight.
- 9.166 Officers consider that the proposal fails to meet inclusive design principles by being irresponsive and inflexible and does not accord with adopted policy and Housing SPG requirements in respect of inclusive design and access.
- 9.167 **The Mayor's Housing SPG** – A summary assessment of the proposal against key Housing SPG standards is set out below:
- **Standard 12** – (8 units on each floor) – **Does not meet** the standard

- **Standard 15** – (dwellings entered at the 7th floor and above should be served by at least 2 lifts) – **meets** the standard
- **Standard 24** – *All new dwellings should meet the nationally described space standard (DCLG Technical Housing Standards)* – **Does not meet** the standard
- **Standard 26** – A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant – **Does not meet** the standard
- **Standard 27** – The minimum depth and width for all balconies and other private external spaces should be 1500mm. – **Does not meet** the standard
- **Standard 28** – Design proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces. – Phase 2 meets the standard, Phase 1 **Does not meet** the standard
- **Standard 29** – Developments should minimise the number of single aspect dwellings. The design of single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation privacy and daylight and the orientation enhances amenity, including views – **Does not meet** the standard, particularly in respect of units with outlooks to the frosted glass screen.
- **Standard 31** – A minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is encouraged – Phase 2 **meets** the standard
- **Standard 32** - All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight – **Does not meet** the standard

9.168 **Child Play Space Provision and Quality** – Playspace is proposed in the form of two dedicated areas; a grass hill playspace of 160sqm to the west of the proposed Phase 1 tower and 65sqm to the south of the proposed Phase 1 tower.

9.169 Based on the current unit breakdown, the child yield is expected to be 9 children. Officers highlight that the low child yield is a function of the very high proportion of one-bed units which are assessed above as not addressing local or strategic housing needs by virtue of their mix, size and poor design.

9.170 The Housing SPG supports Policy 3.6 in stating that for developments with an estimated occupancy of ten children or more, development proposals should make appropriate play provision, in accordance with the Providing for Children and Young People’s Informal Recreation SPG

9.171 As the child yield is below 10, for the reasons set out above, the scheme as submitted does not have a requirement to provide child play space. The areas proposed are therefore in excess of the numerical requirement and the provision of playspace areas in principle is a positive benefit of the scheme.

9.172 In respect of the quality of the provision as assessed above the smaller of the two playspaces is located in relative proximity to the large ground level refuse store, comprising approximately 48 x bins, and which is proposed to be located 8.5m away from the playspace compromising the amenity of this play space provision.

9.173 The submitted Environmental Statement indicates that the proposed amenity areas including the playspace “*will not be well sunlit*” when judged against the BRE

overshadowing criteria. When taking into account the cumulative impacts of surrounding consented development the play spaces and seating areas to the southwest and south of the site will receive '*virtually no direct sunlight on the 31st March*'. Combined with the risk of some, albeit occasional, windy conditions in these amenity areas, the provision is considered to be of a lower quality therefore diminishing its benefit.

- 9.174 Officers acknowledge that the expectations in respect of sunlight within public spaces, including play spaces, requires a proportional approach balancing the benefit of delivering housing growth. However, as the proposed playspaces receive very low levels of sunlight and one is compromised due to its proximity to a very large bin storage area this reduces their amenity benefit and therefore reduces the degree to which they can be considered to provide a benefit that would outweigh the detrimental impacts of the scheme as assessed above and below in this report.
- 9.175 Communal Amenity Space – The development includes 3 main areas of communal amenity spaces reserved for residents. The spaces proposed comprise at: Ground floor a lobby and hangout room (approximately 65sqm); at 1st Floor a Cinema /Games room (approximately 62sqm); Open plan Multifunction space including workshop space and residents lounge (approximately 175sqm); and Private dining / function space (approximately 100sqm). The floor includes toilets to support the use of the space for communal amenity; and at 32nd Floor - two external terraces totalling 264sqm of amenity space and internal amenity space of 245sqm including residents day room.
- 9.176 The principle of communal amenity space is supported by policy and particularly guidance in respect of private rented schemes. Officers consider that although communal space provides communal benefit, policy and Housing SPG standards are clear that private amenity space provides amenity benefits for individual units and occupants which enhance and support the requirements that homes as a 'place of retreat' (Policy 3.5).
- 9.177 In receiving the scheme, the PRP commented that the provision of communal amenity space the panel notes that the communal spaces (area and locations) was unconvincing. The panel highlighted concerns that the failure to provide well-designed and generous shared spaces risk cramped conditions contributing to potential health problems amongst the occupants.
- 9.178 Officers do not consider that the full-scale absence of any private amenity provision within a scheme of this scale and density can be compensated by the provision of communal space. Although some omissions could be balanced against other benefits, in this case given the significant liveability concerns in respect of the scheme the provision of communal amenity space is not so beneficial as to outweigh the harm to amenity, liveability and deficiency against the tests of exemplary design that are caused by the wholesale absence of any private amenity spaces throughout the scheme.
- 9.179 The lack of generosity in respect of the communal amenity space is considered to further erode the benefit of this space.

Privacy and Outlook for future residents

- 9.180 The frosted screen is proposed as mitigation to prevent privacy impacts between habitable room windows in the southern elevation of the existing Phase 1 block and northern habitable room windows in the proposed Phase 2.
- 9.181 Officers assess that the frosted glass screen together with the frosted glazing proposed to northern corner units would prevent privacy impacts within units in Phase

2. This however it at the expense of outlook on Phase 2 units (towards the screen and due to the diminished clear windows proposed to corner living rooms) and profound outlook impact on Phase 1 units.

9.182 The Applicant describes this as only directly affecting 8 x units in the proposed development out of 296 (Phase 2) and 10 in the existing building out of 96 (Phase 1).

9.183 The impact on outlook from Phase 2 units is assessed below but Officers highlight that they assess the impact on outlook to be greater than indicated by the Applicant.

9.184 In respect of Phase 2 Officers highlight that an additional form of mitigation is also shown but not clearly described within the documents in respect of extensive frosted glazing proposed to living room windows for all north facing corner units from floors 2-10. This affects 16 x units (corner) making them single rather than dual aspect.

9.185 Due to the curved window configuration of these living rooms this would require that a substantial proportion of the total area of each living room window were frosted to prevent intervisibility issues and this is suggested within the documentation (Design and Access Statement, page 58). This would potentially result in the combined deep plan of the living/dining/kitchen of all northern corner units from floors 2-10 benefiting from either a single window approximately 0.8m or potentially a 1.6m wide window for a very deep room type. There is no evidence that this additional frosted glass has been assessed within the submitted 'Internal Daylight & Sunlight Report'.

9.186 Officers have assessed that from Levels 2-10 the outlook for the north facing single aspect units would be profoundly constrained with a minimum distance of 4.5m to the frosted glass screen which would significantly compromise liveability and not constitute exemplary or good design.

Daylight and sunlight conditions for future residents

9.187 The OAPF acknowledges that 'in heavily built-up areas such as the COA, new development will inevitably result in some level of overshadowing and overlooking of neighbouring properties and amenity spaces'. The OAPF notes that the existing pattern of development in the central part of the COA is not conducive to the application of normal planning guidelines for sunlight and daylight and further sets out that as part of new development proposals, there will need to be a flexible approach to the protection of natural light for existing properties.

9.188 The OAPF also highlights that for major developments the pre-application process should include a thorough analysis of existing sunlight and daylight conditions undertaken early in the pre-planning application process to inform proposals.

9.189 Officers consider that the Applicant has not demonstrated thorough analysis of existing sunlight and daylight conditions in line with the guidance in order to achieve a proposed scheme which minimises the impacts identified below.

9.190 **Internal Daylight**

9.191 Officers have queries in respect of the submitted Daylight and Sunlight assessment of the scheme which include the extent to which the 1-5 Lansdowne scheme has been considered in the assessment. Further queries are raised in respect of the extent to which kitchens have been assessed as part of the overall room performance, frosted glazing and the frosted glass privacy screen.

9.192 Notwithstanding the queries above, if the conclusions of the report were accepted then the report shows that the overall proportion of rooms tested within the Phase 2 tower achieve high daylight levels as a proportion of the 296 units, particularly when considered in the context of the application site.

- 9.193 As with the privacy impacts, the reduced impacts within Phase 2 have however been achieved at the expense of the detrimental impacts on daylight and sunlight performance in Phase 1.
- 9.194 Notwithstanding that Officers cannot agree the conclusions of the report at this time, the report indicates that in respect of daylight of the 290 living rooms tested 98% pass the ADF target and of the 348 bedrooms tested that 95% pass the ADF target.
- 9.195 Officers consider that this would represent very good performance in respect of daylight which would be beneficial in respect of amenity. The degree of benefit however is offset by the lesser performance in respect of sunlight levels assessed below and is not considered sufficient to outweigh the detrimental impacts identified above.
- 9.196 As above Officers have assessed that those units impacted by very poor outlook by virtue of the screen also exhibit the worst daylight performance. These units are all indicated as being offered as Discounted Market Rent (at LLR) level and fail at a significantly greater proportion than those retained at Market Rent levels.

Internal Sunlight

- 9.197 The BRE guide contains specific guidance for sunlight to blocks of flats, because it is accepted that some units will unavoidably have a northerly facing prospect. The guidance states that the aim should be for each unit to have a main room which receives a 'reasonable amount' of sunlight.
- 9.198 In total less than half (47%) of the combined living/dining rooms tested (174 out of 296) fully pass the relevant BRE sunlight targets.
- 9.199 The results suggest that overall only approximately 27% of combined living and dining rooms would receive sunlight levels that meet or exceed the relevant targets, acknowledging that north-facing rooms would clearly not receive sunlight.
- 9.200 BRE guidance notes that where north facing rooms have a pleasant outlook then this can be weighed against the lack of sunlight to these rooms. The outlook to the screen is not considered to represent a mitigating beneficial outlook.
- 9.201 The Applicant has explained that the decreased compliance in respect of sunlight performance is a result of the Whitgift Centre scheme and that 'whilst the scheme indicates deviations from the suggested targets, given the effects of the wider site constraints, the results should be considered acceptable and in line with overall intentions of the BRE criteria'.
- 9.202 Although Officers acknowledge the need to be proportionate within the high density context and policy ambitions of the application site the Applicant has suggested that the high environmental performance indicates high quality exemplary design.
- 9.203 Officers consider that on balance the environmental performance is not sufficient to outweigh the other impacts assessed or demonstrate exemplary design.

Summary

- 9.204 Officers have assessed that the cumulative impact of the proposed Phase 2 design including its relationship to adjoining development and screen, unit size, aspect, environmental performance, lack of private amenity space and outlook and consider that it would not result in a high or good quality living environment and does not represent exemplary design. The application is considered to be contrary to part 7 'Requiring good design' of the NPPF; London Plan Policies 3.2, 3.4, 3.5; the Mayor of London's Housing SPG and SPG on Providing for Children and Young People's Informal Recreation and Affordable Housing and Viability SPG, Croydon Opportunity Area Planning Framework, adopted CLP1 Policy SP2.6 and emerging Policies CLP1.1

SP2.7, SP2.8 and CLP2 Draft Policies DM11, DM16 and DM17, draft London Plan Policies D2 and D4.

6. Impact on surrounding development including existing Phase 1

9.205 The site currently accommodates a 12 storey former office building (existing Canterbury House) with a footprint of approximately 626sqm which has recently been converted to residential use, containing 98 flats (55 one-bed units and 43 two-bed units). Generally, units are arranged as 9 units per floor, with each floor comprising 5 x 1-bed units and 4 x 2-bed units. 4x units per floor are generally orientated towards Phase. The Application proposes the removal of two south-facing ground level units resulting in a total of 96 units within Phase 1.

9.206 Officers consider that the main amenity impacts in respect of the Phase 2 building on Phase 1 relate to outlook, environmental impacts including daylight and sunlight, privacy and construction related impacts including those specifically related to the screen.

Phase 1 - Privacy and Outlook for existing residents

9.207 As explained above the Applicant describes the outlook impact as only directly affecting 10 units in the existing building out of 96 (Phase 1).

9.208 Officers consider that firstly the impact on outlook on Phase 1 dwellings is greater as this does not take into account the outlook impact of oblique views from additional affected Phase 1 windows in adjoining units which would have a view of the frosted glass, but also the horizontal structural steel elements required to support the structure and which are proposed to be attached directly to the wall surrounding these windows.

9.209 The screen can therefore be reasonably considered to directly impact 20 units out of 96 which is a substantial proportion of dwellings.

9.210 Officers have assessed that 10 x 2-bed units (all habitable room windows) would have a direct and deficient outlook towards the frosted glass screen 4.5m to the south. The amenity of these rooms is further eroded by the very substantial daylight and sunlight reductions assessed below. It is considered that the experience of living in these rooms would be very substantially compromised with no outlook together with very substantial daylight and sunlight reductions.

9.211 Officers consider that the image shown within the DAS at page 58 (shown as a highly lit room) would not be a reasonable representation of the conditions given the lack of daylight, sunlight or outlook.

9.212 As described above a further 10x 1-bed units (all bedroom windows) would have oblique views of the frosted glass screen approximately 5m away and a direct outlook onto the frosted glass windows of the north facing units in Phase 2 approximately 9m away. Officers also highlight that the structure required to attach the screen to the building will have its own impacts on outlook.

Phase 1 - Privacy

9.213 The Housing SPG Standards state that habitable rooms should be provided with suitable privacy. 18-21m is indicated as a suitable minimum distance between facing habitable rooms, although the standard notes that "*adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.*"

9.214 In respect of the Phase 1 building Officers have assessed that will be detrimental privacy impacts on 4 x existing units at Ground Level in particular. The amenity of the lowest level unit in the south-east corner of Phase 1 will be particular compromised, being surrounding by refuse stores, loading bay and very significantly increased pedestrian and vehicular movement directly outside habitable room windows compared with the current situation. These incidences of reduced privacy would potentially allow pedestrians to walk directly up to the window of habitable rooms and see inside each room. This situation is exacerbated by the fact that glazing for these units is ground to floor which allows direct views into habitable rooms. This is assessed as being contrary to the Housing SPG standards.

Phase 1 - Environmental Impacts

9.215 The LPA's Environmental Consultants together with Council Officers have assessed the environmental information in respect of the impact on Phase 1 as a result of the proposed Phase 2 scheme.

9.216 The submitted Environmental Statement identifies a 'major adverse' effect on Phase 1 (Canterbury House) for daylight and sunlight, whereby 100% of windows (132 windows / 94 rooms in 42 dwellings) on the southern facade of the building are predicted to experience a significant worsening of natural light with all dropping below the BRE guidance values for daylight. The LPA's Environmental Consultant has noted that some flats, mostly those on the lower floors, will have zero direct daylight.

9.217 Officers acknowledge that the most recent approval, as well as the previous, 1-5 Lansdowne Road planning permission contribute to cumulative impacts however Officers have queried this with the Council's Environmental Consultants who have confirmed that it is important to note that it is not the Lansdowne scheme that has an impact on Phase 1 (Canterbury House) but rather the cumulative impact of the Proposed Development and Lansdowne.

9.218 The daylight results showing the impact of Proposed Development alone when compared with those showing the impact of Proposed Development and Lansdowne are broadly similar. This means that the effects are largely attributable to the proposed Phase 2 tower, not the Lansdowne Scheme.

9.219 The submitted Environmental Statement confirms this stating that 'when considering the impacts on the existing residential building (Phase 1) the assessment shows that whilst the cumulative effects of both development is greater than the impact of the Proposed development in isolation, the majority of the impact to windows at the existing residential building is due to the impact of the Proposed Development and not due to the development at 1-5 Lansdowne Road. This is particularly true at the windows in the centre of the southern façade of Canterbury House, from where 1-5 Lansdowne Road is not visible'.

9.220 The LPA's Environmental Consultants have concluded that this is likely to significantly affect the internal amenity for occupiers of these properties.

9.221 In assessing the submitted Environmental Statement the LPA's Environmental Consultants have also highlighted that the proposed Privacy Screen between the existing Canterbury House and the proposed building is a key and unusual feature of the design. However, its related impacts including effects on views, daylight, sunlight, wind, construction noise and other environmental impacts do are not appear to have been assessed at all within the Environmental Statement.

9.222 This is considered by the LPA's Environmental Consultants to be a material omission of the Environmental Statement and by Officers to be a significant deficiency given the scale and impact of the proposed scheme.

9.223 Officers consider that the degree of impact, only brief consideration of sunlight and daylight impacts on the Phase 1 building as a result of the Phase 2 scheme within the Design and Access Statement and lack of detailed information to accurately assess the impacts does not support a conclusion of exemplary design overall or represent sustainable development.

9.224 Officers acknowledge that in an urban environment with the housing growth policy aspirations of the Croydon Opportunity Area a proportionate approach to daylight, sunlight and overshadowing is required and acknowledge that there would be a consented impact on the south-facing units as a result of the 1-5 Lansdowne Road scheme. Notwithstanding this, the impact of the proximity of the proposed Phase 2 tower on the Phase 1 building and detrimental impact on liveability is considered to result in a poor quality living environment which would be contrary to London Plan Policies 3.4, 3.5.

Construction Impacts on Phase 1

9.225 It is understood that the Canterbury House is fully occupied and will remain so throughout the construction works, except for the two flats in the ground floor that will permanently be displaced by the energy centre.

9.226 However, the noise and vibration chapter within the Environmental Statement suggests that other residential floors may need to be vacated due to magnitude of impacts during the construction works creating unacceptable living conditions for existing residents.

9.227 The proposal fails to demonstrate that the development would not create either an acceptable environment during construction of the proposed screen or alternatively explain how residents will be relocated if they are vacated during construction.

Emerald House

9.228 The submitted Environmental Statement indicates that there is a lesser impact in respect of sunlight and daylight on Emerald House in comparison to the impact on Phase 1 (Canterbury House). 6 properties experiencing a moderate and 2 a major adverse effect. However, these impacts appear to be significantly worsened once the committed 1-5 Lansdowne Road scheme is taken into account, with the cumulative impact being 'large' due to all windows assessed receiving <27% VSC and <0.8 times the existing level of daylight (a reduction of between 50% and 75%). Officers have queried this impact, including how the Applicant has designed the scheme to minimise impact. At the time of writing no response has been received. Based on the severity of impact on the existing Phase 1 (Canterbury House) together with impact on the other nearest sensitive receptor Officers consider that the degree of cumulative impact on surrounding properties is sufficiently significant to be assessed as resulting in a sufficiently detrimental impact on amenity contrary to adopted policies and guidance.

Overshadowing

9.229 Notwithstanding the child play space assessment above, in respect of overshadowing impact on surrounding open spaces the submitted Environmental Statement sets out that has determined that there are no specific receptors of concern relating to overshadowing. The area is mainly characterised by large buildings with either car parks or public highways between. Officers consider that the development would not

result in an unacceptable impact in respect of overshadowing on amenity spaces within the wider area.

7. Transportation, Access and Parking

- 9.230 The site is in an area with a Public Transport Accessibility (PTAL) rating of 6b (on a scale of 1a - 6b, where 6b is the most accessible), as indicated on maps produced by TfL. The site is therefore considered to have an excellent level of accessibility to public transport links. The proposal is predominantly car-free with the exception of 10 dedicated disabled bays proposed to the north of the existing Phase 1 block. These spaces form the total extent of parking provision for both Phases 1 and 2. In principle therefore the location is suitable for a high density residential development. Contingent on acceptable blue badge, servicing, car club and cycle provision the principle of a predominantly car-free scheme is acceptable at this highly accessible location.
- 9.231 The applicant has submitted a Transport Assessment, a Framework Delivery and Servicing Plan and a Framework Travel Plan.
- 9.232 Council's Transport team have reviewed the application and concluded that they cannot support the proposal in its current form until the issues identified below in respect of: blue badge parking, site access and servicing and car club provision are addressed.
- 9.233 Access and Servicing: The scheme proposes two site accesses with vehicles entering from the eastern most point and exiting the western one. This arrangement will continue for the new development to the rear. Pedestrians would use the same access.
- 9.234 From a highways perspective this is considered acceptable notwithstanding the assessment above in respect of urban design which considers that the shared servicing/vehicular access arrangements compromise the quality and legibility of the proposed north-south pedestrian route from Lansdowne Road to Sydenham Road.
- 9.235 Trip Generation – The Transport Assessment includes information on expected trip generation for the residential units. Two comparable sites have been chosen for the analysis. The data for these sites shows a 15% car mode share. Council's Transport team consider that it would be reasonable to assume that most vehicle trips generated by the development would be taxi and delivery and servicing vehicles. Council's Transport team has concluded that the proposed development is acceptable in terms of its impact trip generation.
- 9.236 GLA/TfL have advised that the trip generation should be revised using Census data and this request was passed through to the Applicant. At the time of writing no response had been received.
- 9.237 Car and Cycle Parking – The Transport Assessment states there would be 10 disabled parking bays provided at the front of the site.
- 9.238 However, these bays are already used by the occupiers of the existing residential units in the existing Phase 1 (Canterbury House) tower. The current layout provides 4 disabled parking bays plus 3 other parking bays. The layout on drawing 17-034-113 Rev E shows the 10 bays as proposed.
- 9.239 The Design and Access Statement states 4 of the proposed 10 disabled bays are for the existing Phase 1 (Canterbury House) residents meaning that only 6 disabled parking spaces are available for the 296 residential units of the proposed Phase 2 tower.

- 9.240 This represents 2% provision for the Phase 2 tower in isolation and also represent approximately 2% provision when considering all dwellings cumulatively. Officers consider it appropriate to assess the blue badge of the existing Phase 1 block as well as those of the Phase 2 tower by virtue that Phase 1 is: included within the red-line, currently includes blue badge space provision which is in use and it is reasonable to consider the needs, amenity and inclusive needs of existing residential development.
- 9.241 Council's Transport Section and Officers consider that the provision is inadequate. The GLA has offered a differing assessment but Council Officers note that as a strategic body the GLA's response is unlikely to have appreciated the site specific details that the Applicant seeks to replace existing provision for the Phase 1 building.
- 9.242 Officers assess that the provision of blue badge spaces is deficient, based on an assessment assuming compliant wheelchair provision, and would be contrary to London Plan policy 6.13 which requires appropriate provision for parking for disabled people, recognising the requirement for 10% wheelchair accommodation and the Mayors Housing Supplementary Planning Guidance. This further exacerbates the very poor consideration of inclusive access needs within the scheme as assessed above.
- 9.243 Cycle Parking – There are inconsistencies in respect of cycle parking provision numbers in the submitted material. With spaces ranging between 452 and 434 cycle parking spaces. This has been queried with the Applicant and no response had been received at the time of writing.
- 9.244 Policy 6.9 of the London Plan states that secure, integrated and accessible cycle parking should be provided by new development in line with minimum standards. These are 1 space for each 1 bedroom unit and 2 spaces for 2 bedroom + units. Phase 1 comprises (232 x 1-bedroom; 64 x 2-bedroom) and Phase 2 comprises (54 one-bed units and 42 two-bed units).
- 9.245 Up to 452 cycle parking spaces are proposed: with approximately 300 in the basement, 100 in the compound in the south east of the site and 52 on cycle stands around the site. Under London Plan standards, 360 long term cycle parking spaces and 7 short term spaces should be provided. As commented above the existing bike store for Canterbury House would be demolished.
- 9.246 The GLA/TfL has noted that there is a shortfall against the London Plan standards (draft plan) for residential use and requested that this be remedied. Council's Transport Section has requested that the proposed compound should be secure and be made available to the residents of the existing Canterbury House. The cycle stands for the basement are in the form of semi-vertical cycle racks which Council's Transport Section considers acceptable. Notwithstanding the need for clarification on cycle parking and the assessment in respect of the detrimental impact on public realm as a result of the proposed location of the cycle parking along the eastern boundary as set out above Officers consider that cycle parking is capable of complying with adopted policies.
- 9.247 Travel plan – A framework Travel Plan has been provided. This refers to the role of car club vehicles in meeting access needs but there is no commitment to providing these. The Transport Assessment identifies 5 existing car club spaces within 800m of the site with the nearest one being in Ruskin Square 150m from the site.
- 9.248 Council's Transport Section have assessed that for a development of the scale 4 on-site car club bays would be expected though it is unclear where these might be accommodated. They have also made a recommendation in respect of a Travel Plan Co-ordinator. Council's Transport Section have concluded that the Travel Plan is acceptable in principle subject to addressing the car club provision issue.

- 9.249 Refuse – The Applicant proposes a service bay adjoining the new development on the eastern side of the proposed Phase 2 tower. This is proposed to be used by refuse and other servicing vehicles. Under the refuse arrangements refuse will be stored in the basement and ground floor of the proposed Phase 2 tower. The refuse from the existing Phase 1 (Canterbury House) block will be stored in the same area as the current bike and refuse store for the residential units and the existing bike and refuse store of the Phase 1 block will be demolished as part of this application.
- 9.250 Swept path analyses have been provided for refuse vehicles and 8m and 10m rigid vehicles. Council's Transport team have indicated that the arrangement is not acceptable as the swept path analysis shows a refuse vehicle unable to access the site with the current parking layout at the front. The same situation is shown in the swept path analysis for 8m and 10m rigid vehicles.
- 9.251 The proposals do not currently acceptably demonstrate how refuse arrangements can be accommodated on the site and is deficient in this respect. The Applicant had not responded on this point at the time of writing.
- 9.252 Officers consider that the scope and conclusions of the framework Delivery and Servicing Plan are acceptable and in the instance that the Application were to be approved would recommend conditions requiring the submission of a detailed Travel Plan, Construction Logistics Plan and Delivery and Servicing plan.
- 9.253 Conclusion - Given the scale of the development, it is considered that the deficiencies in respect of blue badge parking and credibility of the refuse arrangements together with the remaining insufficient information are particularly problematic and undermine the credibility of the design of the scheme as submitted. Specifically, the proposals are contrary to the disabled parking requirements of Policy 6.13 of the London Plan and the accompanying Housing SPG.

8. Sustainability

- 9.254 New development should make the fullest contribution to minimising carbon dioxide emissions and should incorporate on site renewable energy generation. Zero carbon is sought for the 2016-2031 period.
- 9.255 The Applicant has submitted a detailed Energy Statement and Sustainability Statement which set out how the proposals have been designed in accordance with the London Plan hierarchy – 'Be Lean, Be Clean, Be Green' to maximise the reduction of carbon dioxide emissions of the development.
- 9.256 The building (envelope and building) results in a 11.4% improvement in the Building Regulations Part L (2013) Target Emission Rate at the Energy Efficiency Stage (Be Lean) of the Energy Hierarchy, based on building design alone.
- 9.257 The applicant proposes a single main energy centre (combined heat and power (CHP) units) as the main heat source supplemented by gas-fired boilers proposed to provide for all the residential units.
- 9.258 The proposed community heating scheme will result in a 32.7% reduction in the Building Regulations Part L1A (2013) Target Emission Rate for the residential dwellings which reduces to 29.2% when the non-dwelling uses of the amenity floor are included.
- 9.259 The GLA has stated in their Stage 1 response that further information is required on overheating, worksheet calculations, the site heat network, and combined heat and

power before the proposals can be considered acceptable and the carbon dioxide savings verified and confirmed that full details have been provided to the Applicant.

- 9.260 At the time of writing no response had been received by Council Officers.
- 9.261 Notwithstanding the above the Applicant acknowledges that the scheme is unable to meet the GLA's London Plan 'zero carbon' requirement for residential developments or 35% reduction in regulated emissions for non-domestic properties. Deficiency against the 35% target is disappointing for a scheme of this scale and prominence in a central Croydon location.
- 9.262 Officers consider that a contribution could be secured through s106 to offset the remaining carbon emissions to meet the zero-carbon target and any remaining regulated CO2 emission reductions would be offset by contribution to the Council's offset fund which has potential to allow the scheme to accord with London Plan Policy 5.2E. However, given the insufficient details at this time as set out above Officers cannot confirm that the proposals are acceptable in respect of adopted London Plan and CLP energy policies.

9. Environmental Statement and other Environmental Impacts

- 9.263 The application is submitted with an Environmental Statement. The submitted statement includes the following:
- ES Non-Technical Summary
 - ES Volume I – Main Chapters 1-16
 - ES Volume II – Townscape, Visual and Built Heritage Impact Assessment
 - ES Volume III – Technical Appendices, including Flood Risk Assessment and Drainage Strategy
- 9.264 The Council has appointed external Environmental Consultants to review the submitted Environmental Statement. Comments were issued to the Applicant as 'initial comments' on the 6th of December 2017 for consideration. The comments were intended to form the basis of discussion with the Applicant. Officers proposed a meeting to discuss the substantial number of matters raised.
- 9.265 Officers wrote to the Applicant on the 14th December 2017 reminding them of their correspondence of the 7th December 2017 and highlighting the very substantial matters raised by its Environmental Consultants and noted that no reply had been received to Officers suggestion that a meeting be held to discuss the draft comments shared with the Applicant team.
- 9.266 Officers spoke with the Applicant team on the 5th January 2018 requesting an update on environmental matters and the Applicant advised that they were being considered.
- 9.267 At the time of writing this report the Applicant has not formally responded to the matters raised on the 6th December 2017.
- 9.268 The Council's Environmental Consultants issued an 'initial report' on the 6th December 2017 in the spirit of cooperation seeking to table matters that might be resolved in a positive and proactive way.
- 9.269 In light of the very substantial matters raised, the Applicant's delay in providing a substantial response despite repeated requests Officers consider it now appropriate to

conclude their recommendation on these matters although regrettably this is without any further formal response from the Applicant.

9.270 Officers have instructed that the conclusions of the review of the Environmental Statement be finalised and issued.

9.271 Officers consider that the time provided to respond has been proportionate and reasonable, particularly in light of the matters of principle including environmental concerns, consistently highlighted to the Applicant since the Council issued its pre-application advice in February 2017.

9.272 **Key Substantive Issues**

- The proposed Privacy Screen between the existing Canterbury House and the proposed building is described by the Applicant as a key 'mitigation feature' of the design. However, its related impacts (e.g. effects on views, daylight, sunlight, wind etc.) have not been assessed within the ES. This is a material omission of the ES.
- Where significant residual effects ('moderate' to 'major adverse') have been identified which do not appear capable of adequate mitigation (e.g. construction noise and vibration), more details are necessary in order to determine whether such effects can be reduced to levels which might be deemed acceptable.
- There are some contradictory statements in the ES over whether or not the existing residents of Canterbury House will remain in place throughout construction works or whether these tenancies will be temporarily vacated. This should be clarified.
- There is no clarify or justification in respect of the basis upon which the 9m separation distance between the new building and Canterbury House been justified, including environmental considerations.
- The authors of the noise chapter should confirm that the assessment of construction noise and vibration has been based on the construction details (including assumed plant) described in Chapter 5 and that this assessment has identified effects which would constitute a 'worst case'.
- A "major adverse" effect on Canterbury House for daylight and sunlight is noted, which is likely to significantly affect the internal amenity for tenants of these properties, especially given the small apartment sizes. Therefore, the Applicant must explain why such major adverse effects are considered to be acceptable, and whether all reasonable mitigation methods/ design iterations been considered to reduce this effect?
- Whilst the impact of the proposed development on Emerald House is slightly less than for Canterbury House, these impacts appear to be significantly worsened once the committed 1-5 Lansdowne Road scheme is taken into account. Again, the Applicant should explain why such adverse effects are considered to be acceptable, and whether all reasonable mitigation methods/ design iterations been considered to reduce this effect?;
- The number of cycle parking spaces is not clear and differs throughout the ES, NTS and Planning Statement; and
- The 'minor adverse' impacts on GP spaces needs further justification, including cumulative effects.
- The Townscape, Visual and Built Heritage Impact Assessment (TVBHIA), forming Volume 2 of the ES, should be supplemented by an additional view and analysis of the impacts on the Grade 1 St Michael and All Angels Church,

accounting for the cumulative effects with the proposed St Michael's Square development (as requested by Historic England). Moreover, further assessment is required of the impacts of Privacy Screen on townscape, including updating all relevant views in which it would be visible.

- The internal daylight and sunlight report (submitted separately to the ES) appears inadequate for the reasons set out in this report.
- Further, a number of less critical observations/ points of clarification have also been identified and responses to these are requested.

9.273 In summary, the Council's Environmental Consultants have advised that there are a number of matters raised which render the submitted Environmental Statement deficient and which contravene the requirements of the EIA Regulations and/ or related case law. A number of omissions and weaknesses in the ES have been identified by Council's Environmental Consultants which necessitate the provision of further information or clarification from the Applicant. The most substantive of these issues, are set out within the attached table and summarised below.

9.274 It is considered that this adds weight to Officers assessment of the scheme's detrimental environmental impacts.

9.275 The Council's Environmental Consultants have advised that the Council should consider formally requesting 'further information' on these matters in accordance with Regulation 22 of the EIA Regulations.

9.276 For the reasons set out below Officers, although acknowledging that a Regulation 22 request would 'stop the clock', consider that the extent of matters that remain unresolved and the limited timeframe left to determine the application means that the assessment should now be concluded and a recommendation reports to Members at the earliest opportunity.

10. Other Matters

9.277 **Inconsistencies in respect of redline boundary:** The redline is shown including public highway on some drawings.

9.278 **Inconsistencies in respect of site area and density:** These matters are not so substantial as to alter Officers assessment but it is noted that there are inconsistencies in respect of site area across the submitted documents, with 0.355ha, 0.385ha and 0.39ha all suggested. The Applicant has also at times appeared to exclude the area taken up by the Phase 1 building. Officers note that the Planning Statement provides a figure of 769 dwellings per hectare and 1,706 habitable rooms per hectare however highlight that this distorts the figure by using Phase 2 proposed dwelling numbers against total site area for Phase 1 plus Phase 2. Council Officers calculations as set out above broadly accord with those of the GLA Officers so it is considered reasonable to proceed based on Officers calculations.

11. Positive and Proactive engagement from the LPA

9.279 Council Officers have worked with the applicant positively and proactively throughout the pre-application and post-submission process.

9.280 Officers have acknowledged the positive elements of the scheme, including the principle of a significant amount of affordable housing (notwithstanding the Council's

position that the offer is undermined for the reasons set out in this report), a tall building element of some height, a public route from Sydenham Road to Lansdowne Road and the architectural features of the Phase 2 tower façade design.

- 9.281 Council Officers have provided consistent advice to the Applicant highlighting their concerns in respect of the scheme's unsatisfactory relationship between Phase 1 and Phase 2, amenity and design. Officers highlighted in particular concerns in respect of detrimental impact on amenity, including outlook, daylight and sunlight, at a very early stage in February 2017.
- 9.282 No formal pre-application discussions were held with the GLA despite the scheme's strategic significance.
- 9.283 The current scheme now significantly exacerbates the amenity issues identified by Council Officers through the inclusion of the 11-storey frosted glass screen.
- 9.284 Officers positively suggested in November 2017 that the Applicant consider a number of possible scenarios, including requesting that they consider a partial amendment to the scheme, specifically in respect of the proposed 11 storey-screen. At the time of writing there has been no formal response from the Applicant team to the Council's positive and proactive suggestion.
- 9.285 On the 20th December 2017 the Applicant agreed to formally extend the time Council has to determine the Application up to 22nd March 2018. Council Officers requested that the Applicant provide a proposed programme as soon as practicable and explanation of how their suggested extension date of 22nd March was arrived at, including their suggested response times on the queries raised on environmental matters. At the time of writing this report no response has been received.
- 9.286 The Applicant explained on the 5th January 2018 that where they could agree alterations to the application that resolve issues identified they hoped to be able to document these through an additional submission to allow Council to determine the proposals in a timely manner.
- 9.287 At the time of writing this report this submission had not been received and Officers now consider that in order to achieve the 22nd March 2018 that it is now required to conclude its assessment, taking into account the need to allow time for the GLA to respond to any draft Decision Notice.
- 9.288 In light of the very substantial matters raised, the approaching deadline of 22nd March 2018 and the lack of a formal response despite repeated requests Officers consider it reasonable to conclude their assessment on these matters as they currently stand and make a recommendation to Members. Officers acknowledged that it is regrettable that this has been without any further formal response from the Applicant.
- 9.289 Officers consider that the time provided to respond has been proportionate and reasonable, particularly in light of the matters of principle including environmental and amenity concerns, consistently highlighted to the Applicant since the Council issued its pre-application advice in February 2017.
- 9.290 A summary of the most recent requests for responses and amendments is set out below.
- **Environmental matters including amenity** – The Council's Environmental Consultants issued an 'initial report' on the 6th December 2017 in the spirit of cooperation seeking to table matters that might be resolved in a positive and proactive way.

- **Croydon Council's Viability Consultant's review** of the submitted Viability Assessment dated 30th November 2017 issued to Savills on the 1st December.
- **Consultation responses** issued to Savills on the 1st December.
- Matters raised within the **GLA letter** dated 12th December 2017 provided under Article 4(2) and attached Stage 1 report forwarded Savills on the 13th December.
- Matters raised within the **PRP Report** of the Place Review dated 23rd November 2017 issued to Savills on the 12th December.

9.291 **Conclusion** – Regrettably Officers are unable to support this application and recommend that planning permission be refused for the reasons set out above.