

**PART 6: Planning Applications for Decision**

**Item 6.3**

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 17/05046/FUL & 17/05035/FUL  
 Locations: 17/05046/FUL  
 Land Adjacent to East Croydon Station and Land at Cherry Orchard Road, Cherry Orchard Gardens, Billington Hill, Croydon.  
 17/05035/FUL  
 Eastern End of Existing Pedestrian Footbridge at East Croydon Station, Croydon  
 Ward: Addiscombe  
 Descriptions: 17/05046/FUL  
 Erection of two 25 storey towers (plus plant) and a single building ranging from 5 to 9 storeys (plus plant) to provide a total of 445 residential units, with flexible commercial, retail and community floorspace (A1/A2/A3/A4/B1a/D1/D2) at ground and first floor level of the two towers and associated amenity, play space, hard and soft landscaping, public realm, cycle parking and car parking with associated vehicle accesses  
 17/05035/FUL  
 Installation of a bridge link from the existing pedestrian footbridge across East Croydon Station to the proposed Morello II development site on land adjoining East Croydon Station, Cherry Orchard Road, Croydon.  
 Drawing Nos: 17/05046/FUL  
 PSW0199, PSW0200 Rev 00, PSW0201 Rev 00, PSW0300 Rev 00, PSW0301 Rev 00, PSW0302 Rev 00, PSW0303 Rev 00, PSW0304 Rev 00, PSW0305 Rev 00, PSW0306 Rev 00, PSW0310 Rev 00, PA2000 Rev02, PA2001 Rev 01, PA2002 Rev 01, PA2002A Rev 00, PA2002B Rev 00, PA2003 Rev 01, PA2004 Rev 00, PA2005 Rev 01, PA2006 Rev 01, PA2007 Rev 01, PA2008 Rev 01, PA2009 Rev 01, PA2010 Rev 01, PA2200 Rev 00, PA2201 Rev 00, PA2202 Rev 00, PA2203 Rev 00, PA2210 Rev 00, PA2211 Rev 00, PA2212 Rev 00, PA2213 Rev 00, PA2214 Rev 00, PA2215 Rev 00, PA2216 Rev 00, PA2217 Rev 00, PA2218 Rev 00, PA2250 Rev 00, PA2251 Rev 00, PB2000 Rev 00, PB2001 Rev 00, PB2002 Rev 00, PB2003 Rev 00, PB2200 Rev 00, PB2201 Rev 00, PB2202 Rev 00, PB2210 Rev 00, PB2211 Rev 00, PB2212 Rev 00, PB2213 Rev 00, PB2250 Rev 00, 70030217-SK-15\_D, 70030217-SK-18\_E, 70030217-SK-2\_M, 70030217-SK-31\_B, 70030217-SK-32\_E, 1701\_P\_001 Rev B, 1701\_P\_101 Rev B, 1701\_P\_102 Rev B, 1701\_P\_151 Rev A and 1701\_P\_152 Rev A  
 17/05035/FUL  
 XX01 Rev 00 and 161144-CON-X-XX-DR-S-4900 Rev P2  
 Applicant: Menta Redrow (II) Ltd.  
 Agent: GLHearn  
 Case Officer: Mr White

Ref	1 bed	2 bed	3 bed
17/05046/FUL			
<b>Market Flats</b>	154	176	8
<b>Affordable Rented</b>	12	6	1
<b>Shared ownership</b>	44	37	7
<b>Totals</b>	210	219	16

Type of floorspace	Amount proposed
A1/A2/A3/A4/B1a/D1/D2	2,078.6 Sq m

Number of car parking spaces	Number of cycle parking spaces
30 (blue badge)	779

- 1.1 Application 17/05046/FUL is being reported to Planning Committee because the Ward Councillors (Cllrs Sean Fitzsimons and Cllr Patricia Hay-Justice) made representations in accordance with the Committee Consideration Criteria and requested committee consideration, objections above the threshold in the Committee Consideration Criteria have been received and the application has been referred by the Chair of the Planning Committee.
- 1.2 Application 17/05035/FUL is being reported to Planning Committee because the Ward Councillor (Cllr Sean Fitzsimons) made representations in accordance with the Committee Consideration Criteria and requested committee consideration, objections above the threshold in the Committee Consideration Criteria have been received and the application has been referred by the Chair of the Planning Committee.

## 2 RECOMMENDATION

### 17/05046/FUL Planning Application

- 2.1 That the Planning Committee resolve to GRANT planning permission subject to:
- A. Any direction by the London Mayor pursuant to the Mayor of London Order
  - B. The prior completion of a legal agreement to secure the following planning obligations:
    - a) Affordable Housing delivery and review mechanisms to deliver 107 units in the Cherry Orchard Garden site - 24% of the development split between 18% affordable rent and 82% shared ownership
    - b) Overbridge link infrastructure delivery
    - c) Public realm – access and maintenance
    - d) Enter into relevant Highway agreements
    - e) Car Clubs (including 3 years free membership)
    - f) Restriction of Parking Permits
    - g) Local Employment and Training Strategy
    - h) Local Employment and Training Contributions – Construction £70,345 / Operation £44,699
    - i) Air Quality Contributions - £44,900
    - j) Contribution of £90,000 towards sustainable transport

- k) Carbon Off-set Contributions - £523,890
- l) Investigate connection to District Energy Scheme if prior to implementation the Council commences the process to establish a District Energy Scheme
- m) Television Mitigation
- n) Retention of Scheme Architects
- o) Relevant monitoring fees
- p) Any other planning obligation(s) considered necessary by the Director of Planning and Strategic Transport

2.2 That the Director of Planning and Strategic Transport has delegated authority to negotiate the legal agreement indicated above.

2.3 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

- 1) Obscure glazing to Cherry Orchard Gardens site
- 2) Active uses retained to ground and first floor
- 3) Lift operation strategy and channel in stairs for bicycles
- 4) Materials/Details
- 5) Public area, stairs and an operational lift linking Cherry Orchard Road to the Overbridge level shall be provided prior to occupation
- 6) Play space details
- 7) Delivery and Servicing Plan
- 8) Travel Plan
- 9) Car parking management plan
- 10) Cycle parking
- 11) Petrol and oil interceptors
- 12) Details of Electric Vehicle Charging points
- 13) Retention of accesses/car and cycle parking/refuse storage/communal areas.
- 14) Carbon emission
- 15) BREEAM Excellent
- 16) District Heating
- 17) Water consumption limit
- 18) Accessible/adaptable and wheelchair user dwellings
- 19) Wind mitigation measures secured
- 20) Tree protection plan
- 21) Landscaping
- 22) Maintaining public use areas
- 23) Maintenance of building and landscaping
- 24) Free standing structures and telecommunication equipment
- 25) Glare study
- 26) Compliance with the measures identified in the air report.
- 27) Compliance with the measures identified in the noise report.
- 28) Window ventilation systems and sound insulation
- 29) Machinery noise restricted.
- 30) Lighting scheme
- 31) Details regarding possible future extraction/ventilation systems in relation to the A3 and A4 land uses.
- 32) Construction Logistics / Environment Management Plan.
- 33) Surface urban drainage system

- 34) Remediation strategy
- 35) Restriction on drainage into ground
- 36) Restriction on piling
- 37) Piling Method Statement
- 38) Impact Studies
- 39) Secure by design and CCTV measures.
- 40) Public Art
- 41) In accordance with drawings
- 42) Commencement time limit
- 43) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport, and

### **Informatives**

- 1) CIL
- 2) Site notice removal
- 3) Subject to Section 106 agreement
- 4) Croydon code of Construction
- 5) Information from Thames Water
- 6) Safe operation of the railway and the protection of Network Rail's adjoining land
- 7) Fire statement
- 8) Any other informative(s) considered necessary by the Director of Planning

2.4 That the Planning Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

2.5 That, if by 19 July 2018 the legal agreement has not been completed, the Director of Planning and Strategic Transport has delegated authority to refuse planning permission.

### 17/05035/FUL Planning Application

2.6 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

- 1) Full details of materials, lighting, signage and connection.
- 2) In accordance with drawings.
- 3) Commencement time limit.
- 4) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport, and

### **Informatives**

- 1) Site notice removal
- 2) Croydon Code of Construction
- 3) Safe operation of the railway and the protection of Network Rail's adjoining land
- 4) Any other informative(s) considered necessary by the Director of Planning

### 3 BACKGROUND AND INTRODUCTION

- 3.1 As Members may recall, on 21 July 2011, the Planning Committee resolved to approve planning permission for the redevelopment of the application site involving the following development (LBC Ref 11/00981/P);

*Demolition of existing buildings; redevelopment to provide a mixed use development of 4 new buildings comprising offices (Class B1a) hotel and serviced apartments (Class C1), 424 flats and 225 habitable rooms of residential accommodation, retail (Classes A1-A4) and community facilities (Class D1). Provision of network rail service building, public realm Highway works, formation of vehicular accesses and new car and cycle parking.*

- 3.2 A delegated decision was taken on the 14 July 2014 to approve a variation of this permission. This effectively resulted in the scheme not providing the basement and ground floor as approved by omitting three floors of basement (leaving one basement level remaining) and taking access from the adjacent basement (which was separately approved under application 13/04413/P – and had a condition that restricted use of the spaces solely for residents of the development site to the south approved under 11/00981/P).

- 3.3 A lawful development certificate concluded that this variation, 13/04413/P, had been lawfully commenced within 3 years of the granting of permission. Officers are therefore satisfied that the previous planning permission remains extant and therefore represents a material planning consideration. That said, the 2014 determination predated the adoption of the Croydon Local Plan 2018. The weight to be afforded to this previous planning permission is also informed by the prospects of any progress being made in building out the scheme. Whilst a material start on site has occurred, no further works are currently taking place, but that is not to say that works could start in the future, presumably a decision would be made after the outcome of this current application for planning permission. Nonetheless, the commencement of the extant scheme is important when considering the current scheme as it is a genuine alternative development option for the developer on this site, accordingly below is a table showing some key points from the ‘extant’ and ‘proposed’ scheme to enable members the opportunity to broadly compare.

- 3.4 The current application seeks to build a smaller scale development than the commenced scheme and is still transport infrastructure led/facing, but to a lesser degree. Officers understand that this is mainly due to the uncertainty of future East Croydon railway station development.

Theme	Extant	Proposed
Housing Delivery	424 units and 225 'habitable rooms'	445 residential units
Housing Mix	10% Studio 52.5% 1 Bed 33.5% 2 Bed 4% 3 Bed	0% Studio 47% 1 Bed 49% 2 Bed 4% 3 Bed
Affordable Housing	10% of total  approx. 40 units  120 Habitable Rooms,	24% of total  107 units  273 habitable rooms

	of which 60 Habitable Rooms of Shared Ownership  60 Habitable Rooms of Affordable Rent  Single Review Mechanism	of which 227 Habitable Rooms of Shared Ownership  46 Habitable Rooms of Affordable Rent  Early and Late Stage Review Mechanisms
Height and Massing - COR	54 storeys	25 storeys
Height and Massing - COG	4- 10 storeys  Existing Trees removed  Raised podium to rear  Continued development along ground floor adjacent to both Cherry Orchard Road and Oval Road.	5-9 storeys  Majority of existing Trees retained  Raised podium to rear Removed.  Reduced development along ground floor adjacent to Cherry Orchard Road and Oval Road.

## 4 PROPOSAL AND LOCATION DETAILS

### Proposal

#### 4.1 17/05046/FUL Planning Application

##### Morello II site

- Two 25 storey towers,
  - 2,078.6sqm of flexible mixed use floorspace (Use Classes A1/A2/A3/A4/B1a/D1/D2) over ground and first floor (with high ceiling levels), amenity entrances, front doors and servicing.
  - 23 storeys above comprising 168 and 170 residential units in the North and South towers respectively.
  - 10% of units accessible.
- Provision of land as an outdoor public amenity area, and steps, between the towers providing a route through to the Overbridge extension application 17/05035/FUL.
- An extended 'family garden' that formed part of the Galaxy House (Morello 1) development to the north.
- There would be a ground level 'link' between the towers for servicing requirements. This would effectively be screened by the linking steps.
- Underground parking and servicing to be provided via the link basement approval 13/04413/P (already constructed).

##### Cherry Orchard Gardens site

- One residential block over 5 - 9 storeys comprising 107 residential units. This is a stepped block comprising a hinged crescent form following Cherry Orchard Road to the north and curving back towards Oval Road around the existing trees at the corner of the site.
- 10% of units accessible.
- Retention of a number of mature trees to the front.
- Public and private outdoor spaces to the front.
- Parking and some green space to the rear.

#### Highway works

- New access to Cherry Orchard Gardens site from Oval Road,
- Relocation of signalised pedestrian crossing.
- Provision of on-street car club bays
- Provision of entry treatment on Billinton Road
- Amendments to waiting restrictions, taxi rank, Pay & Display bays and disabled parking bays.

#### 4.2 17/05035/FUL Planning Application

- Link structure connecting the eastern end of the existing railway station Overbridge to the 'Morello II' development that is being proposed on land adjoining the station at Cherry Orchard Road under reference (17/05046/FUL).
- Side screen and Overbridge deck are to match the bridge to Network Rail requirements.

### **Site and Surroundings**

#### 17/05046/FUL Planning Application

- 4.3 The application site would comprise 2 irregular shaped areas of land on opposing sides of Cherry Orchard Road.
- 4.4 The area located on the western side of Cherry Orchard Road, and referred to as Morello 2 (0.363 hectares), consists of a cleared site that was formally occupied by a 7 storey 1970's long term vacant office building (Amy Johnson House) and a temporary marketing suite for the Galaxy House (Morello 1) development.
- 4.5 To the south of this is the 2 storey Porter and Sorter Public House (not included within the application site) and Billinton Hill. Beyond this is a 6/7 storey 1960's Royal Mail sorting office, Addiscombe Road (NLA Tower roundabout), a 24 storey office building and a bus station. Billinton Hill provides access to the Royal Mail, a taxi rank and a drop off point to East Croydon Railway Station. East Croydon Railway Station is a large single storey modern glass and steel structure located to the southwest of the application site on the opposite side of Billinton Hill. In front of it is a tramstop. To the west the site is Network Rail land, including an Overbridge link that has been recently constructed, with one end closed off and facing the application site.
- 4.6 Further to the west of the station and Network Rail land is The Ruskin Square site where development is being commenced. One residential and office block closest to the railway line have already been constructed. To the northwest on the opposite side of the of the railway land are commercial and residential uses in Lansdowne Road. To the north are a private car park and a modern office building.

- 4.7 To the North of this part of the site and opposite the second application area is the Galaxy House site (now known as Morello 1) which is nearing completion of a residential development by the applicant.
- 4.8 To the north east on the opposite side of Cherry Orchard Road is the second part of the application site, referred to as Cherry Orchard Gardens, and to the east are three 1960's office buildings. Beyond these are residential areas characterised by two storey late Victorian terraced houses.
- 4.9 The second part of the application site located on the eastern side of Cherry Orchard Road (0.327 hectares) is a roughly triangular shaped area of land. It has a second frontage onto Oval Road. The site has been cleared but was formally occupied by three 4 storey Edwardian residential buildings. To the northeast of this area there are a variety of buildings used for food processing. To the south and east are mainly 2 storey Victorian terraced houses beyond which is Oval Primary School. On the corner of Oval Road and Cherry Orchard Road is a small area of public space containing mature trees.
- 4.10 The area to the east of the application site is a controlled parking zone. The public highway within the vicinity of the application is subject to single and double yellow line parking restrictions. There are taxi bays in Cherry Orchard Road which is a London Distributor Road.

#### 4.11 Designations

##### *Morello 2*

Within the Opportunity Area (Central Croydon is designated as an Opportunity Area in the London Plan)

Within the Croydon Metropolitan Centre

Within the area covered by the East Croydon Masterplan 2011.

##### *Cherry Orchard Gardens*

Within the Opportunity Area (Central Croydon is designated as an Opportunity Area in the London Plan)

Within the area covered by the East Croydon Masterplan 2011.

##### 17/05035/FUL Planning Application

- 4.12 The Site of the proposed link structure constitutes space above an existing Network Rail service yard located at the eastern end of the existing Overbridge which extends across East Croydon Station from Caithness Walk. The Overbridge was constructed in 2014 to provide additional entrances to the station and allow for an east-west public crossing of the railway for non-rail users. The Overbridge includes step free access to, and between, all platforms via lifts in the centre of the bridge.
- 4.13 The existing Overbridge structure was future-proofed with the intention of it being able to connect with development at Cherry Orchard Road. The steel has been pre-drilled and the end kiosk was built with the intention of acting as an information point and base for the gate-line staff on the bridge. The Overbridge opened in 2014 on the paid railway side only. Currently therefore, the existing Overbridge comes to an end within Network



Rail's landholding, without providing access or egress to the area to the east of the station.

#### 4.14 Designations

Within the Opportunity Area (Central Croydon is designated as an Opportunity Area in the London Plan)

Within the Croydon Metropolitan Centre

Within the area covered by the East Croydon Masterplan 2011.

#### **Planning History**

##### 17/05046/FUL Planning Application

#### 4.15 The following planning decisions are relevant to the applications:

##### Morello Site

10/03466/DT – Request for screening and scoping opinion for the erection of a mixed use development comprising residential, hotel, office, retail, community uses and associated car parking.

**Environmental Impact Assessment required and scoping approved. November 2010.**

11/00981/P - Demolition of existing buildings; redevelopment to provide a mixed use development of 4 new buildings comprising offices (Class B1a) hotel and serviced apartments (Class C1), 424 flats and 225 habitable rooms of residential accommodation, retail (Classes A1-A4) and community facilities (Class D1). Provision of network rail service building, public realm Highway works, formation of vehicular accesses and new car and cycle parking.

**Permission Granted November 2011.**

13/04410/P - Demolition of existing buildings; redevelopment to provide a mixed use development of 4 new buildings comprising offices (Class B1a) hotel and serviced apartments (Class C1), 424 flats and 225 habitable rooms of residential accommodation, retail (Classes A1-A4) and community facilities (Class D1). Provision of network rail service building, public realm Highway works, formation of vehicular accesses and new car and cycle parking. (without compliance with condition 31 - to allow amendments to approved ground floor and basement access - attached to planning permission 11/00981/P).

**Permission Granted July 2014. Implemented.** (There has been a technical commencement on site and therefore the application remains extant).

This application was made under s73 of the Town and Country Planning Act 1990 to vary condition 31 of approved application 11/00981/P. The application was to not provide the basement and ground floor, as approved under ref 11/00981/P, by omitting three floors of basement and taking access from the adjacent basement considered under application reference 13/04413/P (see below). The proposal resulted in a reduction of 65 parking bays, resulting in 100 bays (3 blue badge) within the Plot A/B site, as opposed to the consented 165. However, when the Morello

Development has access to parking in the Morello Link Basement (13/04413/P) it will have access to a total of 150 spaces, a reduction of 15 over that originally approved. The application was supported by a viability assessment which set out what impact the alternative basement arrangement would have on scheme viability.

14/00696/DT - Non material amendment to reword conditions to allow commencement prior to discharging some conditions.

**Approved 20 March 2014**

14/00479/RES - Discharge of condition 12 (abstraction source protection).

**Approved - part discharged March 2014**

14/03657/LE - Lawful commencement of development approved under application reference 13/04410/P for the demolition of existing buildings; redevelopment to provide a mixed use development of 4 new buildings comprising offices (Class B1a) hotel and serviced apartments (Class C1), 424 flats and 225 habitable rooms of residential accommodation, retail (Classes A1-A4) and community facilities (Class D1). Provision of network rail service building, public realm Highway works, formation of vehicular accesses and new car and cycle parking. (without compliance with condition 31 - to allow amendments to approved ground floor and basement access - attached to planning permission 11/00981/P).

**Certificate of Lawfulness Granted in September 2014.**

16/04233/FUL – Temporary planning permission granted for the erection of a single storey pavilion for temporary use as a sales and marketing suite with associated parking, landscaping for a temporary period – **Planning permission granted 22/12/16**

4.16 The following planning decisions on nearby sites are relevant to the application:

Galaxy House site (Morello 1)

13/01399/DT Application for an environmental screening opinion for the redevelopment of the site for approximately 290 flats in four buildings.

**EIA not required.**

13/02294/P - Demolition of existing building and erection of two buildings of 4 - 19 stories to provide 290 flats and basement parking.

**Permission Granted. October 2013. Not implemented.**

14/03092/P Erection of two buildings ranging from 9 to 19 storeys comprising 290 flats (1-3 bedroom); formation of access from Cherry Orchard Road and provision of associated parking and landscaping (without compliance with conditions 3 - details of rear elevation materials & 29 - development to be in accordance with approved drawings- attached to planning permission 13/02294/P also the provision of additional 7 flats).

**Permission Granted July 2014. Under construction.**

13/04413/P - Construction of link basement. The basement would provide 50 parking spaces (2 blue badge) and servicing facilities. The proposal would link the consented Galaxy House (Morello 1) basement to the Morello site,

allowing access to the basement level to be taken. The parking proposed is solely for residents of the Morello scheme.

**Permission Granted. July 2014. Implemented.**

#### East Croydon Railway Station

10/03845/P Erection of a pedestrian bridge over the railway immediately to the west of the application site. The bridge is designed to function both as a pedestrian link between east Croydon and central Croydon and as a direct access to the platforms at East Croydon Railway Station.

**Permission Granted in March 2011. Implemented.**

#### Royal Mail Delivery Office, 1-5 Addiscombe Road

13/03126/P Demolition of existing buildings; erection of three buildings ranging from 8 to 21 storeys to provide a total of 201 flats up to 1760 M2 of retail floor area (use classes A1-A5) at ground floor level; formation of vehicular access, landscaping, works to public realm and associated works

**Permission Granted 19 December 2013.** There has been a technical commencement on site.

#### 17/05035/FUL Planning Application

- 4.17 The planning application, 13/04410/P referenced above is relevant as it included the provision of Network Rail service building and the public links through to the Overbridge.

#### **Pre-application - 16/05511/PRE**

#### Croydon's Place Review Panel

- 4.18 The pre-application scheme, albeit a much earlier version, has gone through this process with a Place Review occurring 24 January 2016. The main points are summarised as follows;

- It was accepted that a significant quantum and scale of development would be acceptable for both the part of the site located to the west of Cherry Orchard Road and the part of the site located to the east of Cherry Orchard Road (as per the adopted East Croydon Masterplan and as has been permitted in a consented scheme for the site).
- It was considered that the scale and bulk of some elements of the scheme as currently proposed – particularly the bulk and height of the element on the east of Cherry Orchard Road and the bulk (not necessarily the height) of the proposed towers - was too large and could have a negative and unduly imposing visual impact.
- The panel were clear that this scheme must deliver the critical link to the station bridge and were surprised that this did not form part of the scheme presented.
- The panel stated that further work was required to provide high quality, well defined public realm lined with active uses, high quality residential amenity space and a high standard of residential accommodation.
- Encouraged the retention of mature trees on the Cherry Orchard Gardens site.

NB. The scheme was at an early stage of design development and had yet to develop a strong design narrative. Several sketch drawings had been included in the presentation which were not particularly clear, meaning it was sometimes difficult for the panel to ascertain exactly what was being proposed and there was some inconsistency between the drawings.

### Developer Presentation

4.19 The first presentation to Planning Committee was on the 6 April 2017. The main issues raised at this meeting by members of the Planning Committee were as follows:

- Reduction of scale was welcomed
- Regret over loss of employment use
- Well thought out residential scheme would be welcome
- Strong desire to see the plane trees retained
- Nature of the green spaces - high quality is important
- Affordable housing is a very important element - belief in viability to develop good % of affordable housing with mixture of tenures - need to reconsider suggested abnormal costs affecting viability
- Mix of units important - need more larger units - should achieve 10%
- Bridge link - must be delivered by developer on this site - early on in the phasing
- Use of podium - provision of community space really accessible - for new and existing residents
- Careful consideration around retail provision
- Getting public spaces right - size of piazza, width of stairs
- Appearance of landmark tall buildings - gateway into station - non-Stalinist appearance
- Brick facing materials, reflecting the area
- Importance of maintaining provision for taxis
- Cycling - encouraging more in the area - support in wider area
- Cycle hub could be provided by one of community spaces

Councillors Sean Fitzsimons and Patricia Hay-Justice spoke as ward Members for Addiscombe and raised the following points:

- A 24 storey building is much more sympathetic to the area than the previous proposals for a higher tower
- The residents want to see the bridge link before the rest of the development comes forward
- Retention of the plane trees is the second most important issue to residents - they need to be incorporated in the design
- Opportunity to explore a cycle path down George Street
- 40 flats were there before - this is just a starting point for a new development
- Brick-faced buildings to reflect the character of the area
- Need for more family homes - there is a school next door
- Disappointment at loss of employment usage

4.20 The second presentation to Planning Committee was on the 6 July 2017. The main issues raised at this meeting by members of the Planning Committee were as follows:

- Echoed serious concern raised by GLA in their response that the current affordable housing element was unacceptable. Review mechanisms would be required.
- Affordable housing to come forward with rest of development and not to be left to the end. Could it be part of the towers peppercotted?
- The provision and delivery of the bridge link was an absolute requirement and needed to be linked to occupancy of development. Concern raised that applicant proposed to treat as a separate application, if two applications were to come forward they needed to come hand in hand and be determined at the same time. The bridge link was an integral part of the public realm and needed to be a robust design, despite its possible temporary state before station upgrade works.
- Single core arrangement questioned and whether this would allow for different tenures.
- Provision of social rented accommodation should be investigated.
- Appearance of the development was generally accepted favourably, although concern about canyon effect with Cherry Orchard Gardens.
- Mix of units - concern about low level of family units - clarity about which units were 2-bed 4 person units
- Parking critical - do not want over provision - 2 car club spaces would be welcomed
- Active and positive frontages required at ground level and towers side
- Pocket park around tree rather than private fenced off space
- Concern over single aspect units - particularly Cherry Orchards part of site
- Support for retention of most of trees

Cllr Sean Fitzsimons, ward Member for Addiscombe, made the following comments:

- Lot of effort to make scheme worse.
- Welcome retention of trees.
- Public open land for over 100 years and residents want to protect it.
- History of applicant not wanting affordable housing on their site.
- Do not need separate cores in developments any more. Every landing can have firewalls.
- Architecturally very nice but no active frontage - needs more life.
- There were 40 flats there. 100 flats in development.
- Do not need car parking spaces - could be used for community amenity space.
- Do not need a fancy staircase.

## **5 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

### 17/05046/FUL Planning Application

- 5.1 There is no objection in principle to the proposal. The proposed development will bring forwards the regeneration of a vacant (derelict) site and is aligned with the desire for growth within the Croydon Opportunity Area. A residential-led mixed use development is appropriate given the significant housing demand within the Borough. There is also an implemented planning permission already granted for a mixed use development. The scheme also allows for the connection and route through the existing station Overbridge development, which is a strategic Council priority and a substantial positive to the scheme.
- 5.2 The proposed building arrangement within the site is considered to be an acceptable and in line with the East Croydon masterplan guidance. It will result in a distinctive

landmark development within this prominent location, which is supported. The height and massing of the two towers of the building has been assessed in relation to its impact from a wide range of viewpoints and has been found to be satisfactory. There is no objection to a tall building in this location, which has a very high public transport accessibility level. The lower level block of flats within the Cherry Orchard Gardens part of the development is also of an appropriate, layout, height and massing. It has also been designed to retain large mature trees on the corner of Cheery Orchard Road and Oval Road, which is supported. Landscaping across the sites will be of a high quality.

- 5.3 The appearance and detailed façade treatment of the buildings is considered to be high quality, displaying an appropriate response to the surrounding characters.
- 5.4 There are some neighbouring buildings that are impacted in relation to outlook, privacy, sunlight and daylight levels. However, these impacts would not be to such an extent to cause an unacceptable degree of harm to existing occupiers. The development would also not adversely impact on the future occupiers of the residential units already approved by the Council on the neighbouring Ruskin Square and the Post Office sites to warrant a refusal reason.
- 5.5 The proposed housing density would be above that outlined as normally acceptable in the London Plan. However, it is noted that the density matrix should not be applied with rigidity. Given the context of this site, the higher density is appropriate.
- 5.6 The proposed unit mix includes 16 x 3 bed flats (4%) and does not meet the Council's aspiration within this area for 10% of units to have three or more bedrooms. This weighs against the scheme, however, given the planning history and the urban context in which the site is set, no objection is made. It is also recognised, that the scheme would deliver a good proportion of larger two bedroom units (suitable for families).
- 5.7 The proposal would provide 107 affordable units (which is 24% of units by habitable room), with 19 and 88 units affordable rent and shared ownership respectively (18% and 82% by habitable room). This offer has been subject to extensive viability testing and is considered to be the maximum reasonable level of affordable housing, which still allows the scheme to be financial viable and deliverable. This is less than the Council's policy aim, which is for 50% of units to be affordable. The applicant has agreed to undertake early and late stage affordable housing review being included in the legal agreement (so that increased levels of affordable housing could be secured if the development economics of the scheme improve). Given this, the constraints of the site and public benefits, the proposed tenure split is considered acceptable.
- 5.8 The proposed development would meet all relevant residential space standards and the provision for private and communal amenity space and play space proposed is considered to be acceptable. Adequate levels of daylight would also be provided within the flats for future residents. There would be no unacceptable overlooking between flats within the development site.
- 5.9 With suitable conditions (which are recommended) to secure mitigation, the development is considered acceptable with regards to its environmental impacts, specifically in relation to internal noise conditions, air quality impacts, land contamination, flood risk, electronic interference, aviation and wind.

- 5.10 The highways impacts of the development would be acceptable. 30 disabled parking spaces would be provided across the two sites to serve wheelchair users who may occupy the development and 779 cycle parking spaces in accordance with the London Plan's cycle standards. The Council's Highways advisor have raised no objection to the proposals.
- 5.11 The building would have a sustainable construction, meeting all of the relevant sustainability standards.
- 5.12 The proposed public realm, steps and lift would provide access between the highway and Network Rail land, to connect to the 17/05035/FUL application, which would be a significant improvement over the current situation. This would allow for a route from Cherry Orchard Road directly into the station and a public route to Caithness Walk. Both the station and public side of the Overbridge would also be fully accessible for wheelchair users. The proposal is therefore of an inclusive design which would provide ease of access for all users.

#### 17/05035/FUL Planning Application

- 5.13 The proposed Overbridge link would provide access between the existing Overbridge and the proposed Morello 2 development 17/05046/FUL. The link would be in accordance with the aims of the Masterplan allowing completion of a new access point for National Rail customers and a shorter east to west crossing point for members of the public. These interventions would improve and facilitate the use of sustainable transport forms within the Borough and would relieve congestion at the existing station building.

## **6 CONSULTATION RESPONSE**

#### 17/05046/FUL Planning Application

- 6.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

#### **GLA (Statutory Consultee)**

Land use principle: high density residential-led development is supported. Recognise that there is some uncertainty over Network Rail's long-term plans for the station. However, the applicant must ensure that the bridge link is delivered in tandem with this development and the two planning applications should be linked accordingly through the S106 agreement.

#### Housing

*Affordable housing:* 15%, comprising all shared ownership units, is wholly unacceptable. GLA officers will robustly scrutinise the applicant's viability assessment and the use of grant should also be explored and modelled to increase the offer. Early implementation and late stage review mechanisms must be secured.

*Housing mix:* responds positively by providing a range of unit types appropriate to this highly accessible location.

*Play Space:* scheme makes provision for all age groups on site and provides almost double the minimum requirements.

Urban design:

*Density:* principle of high density could be considered acceptable subject to other requirements being satisfactory.

*Layout and public realm:* station arrival space and steps are retained in broadly the same location (compared to implemented scheme), in between towers, although narrower. Concerns that width of this space does not meet the aspirations of the East Croydon Masterplan and concerns compounded by the relationship of the first floor commercial uses with potential future development on the adjacent Network Rail land. The layout of the COG site has been amended since the previous consent and now retains mature trees on the corner with Oval Road, with an L-shaped block behind.

*Height, scale and massing:* The principle of a less striking and lower rise design (compared to the implemented scheme) is broadly supported and would result in a reduced visual impact.

*Housing quality:* residential quality of two towers supported, subject to a noise insulation scheme being secured.

Concern regarding layout of the COG block, which has a single core serving up to 14 units with a high proportion of single aspect flats.

*Architectural quality:* approach is broadly supported.

*Inclusive design:* units meet building control standards. Two lifts should be secured between street and station level.

*Climate change:* further information regarding energy efficiency, district heating and the site-wide network is required.

*Transport:* minimum contribution of £90,000 towards bus and tram improvements must be secured through the S106 agreement, along with car club membership. The applicant must demonstrate that the residential cycle parking provision meets standard and is usable, and provide further details on alterations to the taxi rank. A car lite approach is supported and Council encourage to extend CPZ. A car parking management plan, travel plan, delivery and servicing plan and construction logistics plan should be secured by the Council by condition.

#### Suggested Conditions

Details of play space design, noise insulation scheme, compliance with Building Regulations M4 (2) and M4 (3), travel plan, delivery and servicing plan, construction logistics plan and car parking management plan.

#### Suggested S.106 requirements:

Bridge link delivered in tandem with this development and two planning applications should be linked accordingly, review mechanisms (should 35% affordable housing not be met), management and maintenance arrangements for the public realm, carbon offset contributions, minimum contribution of £90,000 towards bus and tram improvements and car clubs along with a minimum of two years free car club membership for all residents.

#### Suggested Informative

Submission of a fire statement, produced by a third party suitable qualified assessor, to be submitted to and agreed with the London Fire Brigade.



### **TFL (Statutory Consultee)**

Car parking provision acceptable.

Recommend active and passive electric vehicle charging points to be incorporated.

New car club spaces are welcomed.

Further information on AM trip generation to finalise contribution.

A contribution towards public transport secured through the s106.

Car club spaces and membership to be included within the s106.

Plans provided identifying the cycle storage and routes.

Further information and discussions held on the taxi rank amendments.

Travel Plan secured through s106.

Construction logistic plan, delivery service plan, Delivery and Servicing Plan Car Parking Management Plan to be secured by condition.

### **Network Rail (Statutory Consultee)**

6.3 Require a condition to be applied for a Glare Study. To ensure that there will be no adverse impact from glazing glare.

6.4 A number of informative requests have also been made as follows;

The developer must ensure that their proposal, both during construction and after completion of works on site, does not: encroach onto Network Rail land / affect the safety, operation or integrity of the company's railway and its infrastructure / undermine its support zone / damage the company's infrastructure / place additional load on cuttings / adversely affect any railway land or structure / over-sail or encroach upon the air-space of any Network Rail land / cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Additionally further informatives have also been made relating to future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration and vehicle incursion and the need to contact them prior to works commencing would be attached as an informative to any planning permission granted.

### **LLFA (Statutory Consultee)**

6.5 No objection, subject to condition.

### **Environment Agency (Statutory Consultee)**

6.6 No objection, subject to conditions regarding contamination not previously identified along with restrictions on drainage and piling.

### **Historic England – Archaeology (Statutory Consultee)**

6.7 No Archaeological Requirement.

### **Historic England – Listed Buildings (Statutory Consultee)**

6.8 No comments received.

### **Natural England (Consultee)**

6.9 Replied stating that they have no comments.

### **Thames Water (Consultee)**

6.10 Thames Water have not raised any objection to the proposal and have suggested conditions requiring details of any piling and impact studies of the existing water supply infrastructure to be submitted and agreed in consultation with them being attached to any planning permission granted together with informatives relating to and informative relating to developer requirements regarding Groundwater Risk Management Permit and advising of the presence of a main crossing the site which may need to be diverted at the developer's cost.

### **Metropolitan Police Service – Designing Out Crime Officer (Consultee)**

6.11 The Officer raises no objection and requests a 'Secured by Design' condition being attached to any permission granted.

### **Aviation safeguarding organisations – Gatwick Airport, Heathrow Airport, London City, Biggin Hill and NATS Safeguarding (Consultees)**

6.12 All of these organisations have confirmed that they hold no safeguarding objections to the proposal, except Biggin Hill who have not provided comments.

### **Defence Infrastructure Organisation (DIO) (Consultee)**

6.13 The DIO have confirmed that as this application relates to a site outside of Ministry of Defence safeguarding areas, no safeguarding objections are raised to this proposal.

### **LOCAL REPRESENTATION**

6.14 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site, letters to adjoining neighbours and 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: 105    Objecting: 76    Supporting: 29

6.15 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

#### **Objections**

- Over development
- Not in keeping with area
- Lack of community space in Cherry Orchard Gardens
- Pedestrian link needs to be completed
- Needs to be play space in development
- Better than 55 storey tower, but still too tall
- Height and design of the towers
- Shadowing and light impacts
- Wind impacts

- Noise increase
- Increase in traffic – residents should not have parking permits
- Affordable housing is insufficient
- Shared ownership units are not affordable
- Units should not be left unoccupied
- Loss of trees
- Set precedent
- Loss of privacy
- Impact on services and amenities
- Overbearing
- Existing bridge situation should be resolved asap
- Commercial space not needed
- Minimum parking
- No plans to improve public transport
- Lack of timelines for completion
- Parallel cycle track with ramp access is needed
- Impact on view (Officer Comment: Not a material planning consideration)
- Impact on property prices (Officer Comment: Not a material planning consideration)

#### Support

- More life via the retail, community and play space
- More affordable housing
- Improvements to Cherry Orchard Road including a bridge link to East Croydon Station
- Much-needed housing of high quality
- Gives businesses on Cherry Orchard road a higher pedestrian footfall
- Lead to further regeneration in Croydon
- Improvement of the public realm.
- Applicants trustworthy and responsible
- Protection of the trees in Cherry orchard road is paramount
- Good architecture
- Well designed
- Needed to ensure the Addiscombe side of the station does not lose out on future benefits of growth

#### 6.16 Councillor Patricia Hay-Justice (Objects) has made the following representations:

- Proposed height of towers – taller than originally demolished buildings – neighbours will suffer
- Insufficient Affordable housing – should be tested. Figure needs to be revised upwards. Family tenure should be emphasised.
- Inadequate Community space - insufficient ground level community play space a review of the disabled parking spaces could provide more space.
- Streetscape and design – questionable whether this will be exceptional design quality.
- Undesirable micro-climate – impacts have to be mitigated
- The Link Bridge – 17/05035/FUL - The bridge should be built now

#### 6.17 Councillor Sean Fitzsimons (Objects) has made the following representations:

- Boring and turgid design: Rectangular Blocks have little architectural merit and not suitable for a gateway site.
- Lack of affordable rented family housing. There were 48 council flats on the Cherry Orchard Gardens site previously. Not one affordable rented unit provided in new proposals. Failure to deliver the 30% to 50% affordable homes required by the Mayor of London or Croydon Council.
- Financial Viability Assessment not made public. This document should be provided to all councillors and made public before the planning meeting.
- Delivery of Bridge link: It should be a planning condition that the bridge link to Chery Orchard Road is delivered before the rest of the scheme starts. Similar to the link to Lansdowne Road link.
- Lack of ground floor amenity space on Cherry Orchard Gardens. Taken up by parking spaces. Need for a pocket park at rear of Cherry Orchard Gardens.
- Wheel chair parking spaces on Cherry Orchard Gardens should be delivered off site and should be delivered on Oval Road This would allow a pocket park for all residents of Cherry Orchard Road and in particular Oval Road residents to benefit from open space. Car ownership in this is very low and there is a case for no more on-site parking, and we should use Oval Road for disable parking spaces.
- Lack of family sized accommodation. Cherry Orchard Gardens site is suitable for ground and first floor duplexes, which would help deliver family housing and a more active ground floor use.
- Croydon has an over supply of luxury 1-bed and 2-bed flats. Need is for medium and low income housing.
- Lack of community facilities; Previous commitment from developers for community space have been dropped.
- Impact of wind: Mitigation for wind tunnel in winter for pedestrian link between Twin Towers is nonexistent. Trees don't have leaves in winter or even in most of spring. Impact of wind effect on passengers on platforms 5 & 6 inadequate. Lack of mitigation for residents on upper floors. Not acceptable to accept that balconies and terraces are only suitable as viewing platforms.
- Failure to consider how site can improve cycling links between NLA Tower and Cross Road. Pavement is wide enough to take an on street cycle path, which could join up to protected cycle path further up the road near bus stop.
- Pedestrian link between the Twin Towers should be adopted by Croydon Council
- Car club spaces and electric charging points should be provided on street.
- Section 106 and CIL payments should be restricted to Cherry Orchard Road and Area around the Leslie Arms and should not contribute to the Town Centre improvements.
- Failure to deliver an adequate cycle link as part of the bridge link. Lift to platforms must be able to take cycles/wheelchairs to the pedestrian link as well as the train platforms.
- Lack of Cycle Storage: cycle storage should be provided as part of the Bridge link.
- Bridge link Area should be declared public right of way and not subject to rules of landlord.
- Failed to engage community. No public engagement or contact with local councillors after last pre-application presentation.

6.18 Councillor Paul Scott (referral) has made the following representations:

- Potential to meet housing need through the provision of new homes, responding to the governments

- National Planning Policy Framework and the Mayor for London's housing targets
- Massing and design of the proposed building in relation to the character of the area
- Impact on the amenities of neighbouring properties
- Parking provision given the high level of public transport accessibility
- Affordable housing provision with particular regards to the provision of social rented units, the overall
- level of affordable homes in relation to planning policy and the phased delivery of affordable homes on site in relation to the other homes
- Mix of residential units
- Potential harm to trees of high amenity value that form a local landmark
- The provision of the missing link to the East Croydon footbridge

6.19 Sarah Jones MP (objects) has made the following representations:

- Insufficient affordable housing (15%).
- No affordable or social rent
- Financial Viability Assessment should be published

#### 17/05035/FUL Planning Application

6.20 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.21 The following were consulted regarding the application:

#### **Network Rail (Statutory Consultee)**

6.22 Network Rail are happy with the overarching principals of the connection to the bridge infrastructure to facilitate the eastern bridge entrance opening for the benefit of passengers and residents. They do need further discussions regarding the practical implementation at a later date. Additionally, they expect all the works to be funded by other parties as Network Rail are not funded for this and all bridge link related infrastructure to revert to Network Rail ownership once completed to their satisfaction.

#### **LOCAL REPRESENTATION**

6.23 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site and letters to adjoining neighbours. 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: 55      Objecting: 36      Supporting: 19

6.24 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

#### **Object**

- No time-scale for the completion of the pedestrian link
- Should not be a grandiose structure.
- Need a lift and some stairs.
- Simpler the link, the more speedily it could be brought into use, as access to a simple link could be more easily separated from the building site.

- Residents have now waited since 2011 for the developer to complete the pedestrian link.
- Residents want this link and they want it now.
- Should fit in with the improvement of the Billington Hill area as a whole. Shame if the horizontal link from the eastern exit from the station to the mouth of the bridge were not made.

#### Support

- Key benefit for local residents
- Urgent and much needed for an East-West link from Cherry Orchard Road.
- Facilitate quicker access to the town centre.
- Lead to reduced surface movement and connect the eastern side of Croydon much more efficiently to railway station.
- Long overdue and even more so now the densification of this side of the borough.
- Necessary and looks ridiculous unfinished.
- Safety issue - East Croydon station requires more exits to allow easy flow of people entering and exiting the station.
- Must be completely swiftly.
- Incredibly important for public access and inclusion of addiscombe side area in the ongoing benefits of Croydon's regeneration.
- Help residents to access platforms of East Croydon station quicker and more easily.

6.25 Councillor Sean Fitzsimons (objecting) has made the following representations:

- Should be delivered before any building works, including putting in foundations or other pre-building works.
- Stairs and footpath should be adopted by Croydon Council once all works are completed
- Cycling storage and access to the bridge is poor/ non-existent. Fails to deliver the permeability for cyclists that is a key part of planning policy for central Croydon.

6.26 Councillor Paul Scott (referral) has made the following representations:

- Refer to the committee for decision given the strategic importance to the town of securing the completion of the East Croydon Station footbridge and new Addiscombe station.

## **7 RELEVANT PLANNING POLICIES AND GUIDANCE**

7.1 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 Consolidated London Plan 2016, the Croydon Local Plan 2018 and the South London Waste Plan 2012.

7.2 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:

- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design.

7.3 The main policy considerations raised by the application that the Committee are required to consider are:

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7.4 Consolidated London Plan 2016 (LP):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 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
- 3.16 Protection and enhancement of social infrastructure
- 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
- 5.13 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
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.21 Trees and Woodland

- 8.2 Planning obligations
- 8.3 Community infrastructure levy

## 7.5 Croydon Local Plan 2018

- SP1.1 Sustainable Development
- SP1.2 Place making
- SP1.3/SP1.4 Growth
- SP2.2 Quantities and locations
- SP2.3-2.6 Affordable Homes
- SP2.7 Mix of Homes by Size
- SP2.8 Quality and standards
- DM1 Housing choice for sustainable communities
- DM1.1 Provision of 3 or more beds
- SP3.6 Town Centres
- SP3.10 Flexible approach to commercial use in CMC
- SP3.14 Employment & Training
- DM4 Development in Croydon Metropolitan Centre
- DM4.2 Ground Floor Change of Use
- DM4.3 Mixed use developments
- DM8 Development in edge of centre and out of centre locations
- SP4.1-4.3 Urban Design and Local Character
- SP4.4 Croydon Opportunity Area
- SP4.5/SP4.6 Tall Buildings
- SP4.7-4.10 Public Realm
- SP4.12-13 Character, Conservation and Heritage
- DM11 Shopfront design and security
- DM13 Refuse and recycling
- DM14 Public art
- DM15 Tall and large buildings
- DM16.1 Promoting healthy communities
- DM18.1 Character, appearance and setting of heritage assets
- DM18.2 Proposals affecting heritage assets
- DM18.5 Locally listed buildings
- DM18.9 Archaeology
- SP6.1 Environment and Climate Change
- SP6.2 Energy and CO2 Reduction
- SP6.3 Sustainable Design and Construction
- SP6.4 Flooding
- DM23 Development and construction
- DM24 Land contamination
- DM25.1 Flooding
- DM25.2 Flood resilience
- DM25.3 Sustainable drainage systems
- SP7.4 Biodiversity
- DM27 Protecting and enhancing our biodiversity
- DM28 Trees
- SP8.3-8.4 Development and Accessibility
- SP8.6 Sustainable Travel Choice – pedestrians
- SP8.7 Sustainable Travel Choice – cycle



- SP8.9 Rail infrastructure provision
- SP8.11 Land used for Public Transport
- SP8.12-SP8.14 Motor Vehicle Transportation
- SP8.15/16-17 Parking
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- DM32 Facilitating rail and tram improvements
- DM38.1 Croydon Opportunity Area – enable development opportunities
- DM38.2 Croydon Opportunity Area – positively transform
- DM38.3 Central Areas
- DM38.7 Site allocations (No.138)

7.6 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. The emerging London Plan has been published for public consultation (1 December 2017 – 2 March 2018). An examination in public is scheduled for Autumn 2018. Given the stage of preparation the policies within the emerging London Plan are given limited weight.

7.7 There is relevant Supplementary Planning Guidance as follows:

- Croydon Opportunity Area Planning Framework (2013): This is a Supplementary Planning Document to the Croydon Local Plan: Strategic Policies (adopted by the Mayor and Croydon)
- London Housing SPG March 2016
- Homes for Londoners: Affordable Housing and Viability SPG (August 2017)
- Play and Informal Recreation SPG
- Croydon Public Realm Design Guide (2012)
- Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017 (June 2017)
- London SPG - Accessible London: Achieving An Inclusive Environment (2014)
- London SPG - Sustainable Design and Construction SPG
- SPD 3 – Designing for Community Safety
- SPG Note 12 – Landscape Design
- SPG Note 17 – Sustainable Surface Water Drainage
- SPG Note 19 – Public Art

7.8 There is a relevant adopted Masterplan which is as follows:

- East Croydon Masterplan

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7.9 See paragraphs 6.1 to 6.2 for the Local Plan and national framework policies.

7.10 The main policy considerations raised by the application that the Committee are required to consider are:

7.11 Consolidated London Plan 2016 (LP):

- Transport Table 6.1 Indicative list of transport schemes. Rail termini enhancement - Passenger congestion relief/ onward movement capacity enhancement works.
- 6.2 Providing public transport capacity
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.5 Public realm
- 7.6 Architecture

#### 7.12 Croydon Local Plan 2018

- SP4.1-4.2 Urban Design and Local Character
- SP8.3 Development and Accessibility
- SP8.6 Sustainable Travel Choice – pedestrians
- SP8.7 Sustainable Travel Choice – cycle
- SP8.9 Rail infrastructure provision
- DM29 Promoting sustainable travel and reducing congestion
- DM32 Facilitating rail and tram improvements
- DM38.1 Croydon Opportunity Area – enable development opportunities
- DM38.2 Croydon Opportunity Area – positively transform

#### 7.13 There is relevant Supplementary Planning Guidance as follows:

- Croydon Opportunity Area Planning Framework (2013): This is a Supplementary Planning Document to the Croydon Local Plan: Strategic Policies (adopted by the Mayor and Croydon)
- Croydon Public Realm Design Guide (2012)
- London SPG - Accessible London: Achieving An Inclusive Environment (2014)

#### 7.14 There is a relevant adopted Masterplans which is as follows:

- East Croydon Masterplan

## 8 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development
2. Townscape
3. Density, Housing Mix and Affordable Housing
4. Impact on adjoining occupiers
5. Quality of living environment provided for future residents
6. Transport
7. The environmental performance of the proposed building
8. Environment

### **Principle of development**

8.2 The site has an implemented consent, 13/04410/P (see above relevant history section), and is an allocated site within the Croydon Local Plan 2018 (Policy DM38.7 / site 138) for a mixed use development of residential (between 220 and 492 homes)

with offices, restaurant/café, hotel and/or community facilities. The principle of the proposed mixed use land use, including residential (across both sites), is therefore acceptable.

- 8.3 The majority of the ground and first floor of the towers would comprise interconnecting, open commercial/office/community (A1/A2/A3/A4/B1a/D1/D2) space, this 'amenity hub' would be available for both occupants and general public. With the exception of the A1 Use Class, the other use would fall within the site allocation description and acceptable land uses.
- 8.4 The site lies outside of the Croydon Metropolitan Centre's Primary Shopping Area and for the purposes of determining applications for retail use, the site is considered "edge of centre" and would need to be assessed through application of a sequential test (to determine whether the retail accommodation can be accompanied in sequentially preferable sites).
- 8.5 Therefore, the application of a sequential test has been necessary which has been required to consider the whole of the Primary Shopping Area of the Croydon Metropolitan Centre. A sequential test has been submitted as part of the application and it identifies the lack of locations where the proposed retail floorspace could fit. Officers are satisfied with this approach and in any case, the activation of ground floor accommodation will help animate the adjacent public realm and will facilitate enhanced ground floor interaction with the proposed development and new link and entrance to the Railway station and beyond. Given that the scheme seeks a mixture of uses it is quite possible that only a limited level of the proposed commercial floorspace will end up being in retail use. Croydon Local Plan 2018 DM4.3 seeks to safeguard against commercial units on the ground floor of mixed use developments, outside of main and secondary retail frontage but within the CMC, to be designed so that it allows for the conversion of the ground floor unit to residential or the same use as the remainder of the building. Given the context and masterplan requirements any use on the ground floor (and first floor in this instance) should be active and not revert to residential if unoccupied. On that basis a relaxation in this policy is supported and a condition recommended that ensures active uses on the lower two floors.

### **Townscape**

- 8.6 The Croydon Local Plan 2018 has a place specific policy DM38, Croydon Opportunity Area, which is relevant to this site. The policies seek to enable development opportunities, including public realm improvements, to be undertaken in a cohesive and coordinated manner complemented by masterplans. Policy DM38.3 (central area) allow for tall buildings subject to detailed assessment of building form, treatment, urban design and height along with an assessment of the impact on views, heritage assets, shading and environmental impacts. Policy DM38.4 (edge area) states a tall building may be acceptable where it can be demonstrated that there will be limited negative impact on sensitive locations and that the form, height, design and treatment of a building are high quality.
- 8.7 The relevant policies and the East Croydon Masterplan seeks to promote the production of a landmark urban quarter, delivery of a world class railway station, an efficient transport interchange and a well-connected and high quality public realm. Given the proximity to the station, nearby towers and the implemented consent there is an expectation for tall buildings to come forward. However, each would be judged

on its own merits and be subject to detailed visual and environmental impact assessment, good design quality and other planning considerations.

- 8.8 The Masterplan has been structured to allow a series of interventions or components to interlock to deliver stepped change. It demonstrates an understanding of the current economic climate where capital is hard to come by. Each component in the Masterplan could be delivered independently, or together. Either way, the components can be assembled and delivered as and when the key players have secured funding and market demand exists to build. The component parts related to the application site are EC9 – Cherry Orchard steps, EC13 Cherry Orchard Road, EC17 Cherry Orchard plot A (north tower COR), EC18 plot B (south tower COR) and EC19 plot D (COG site). The objectives for these are as follows;

#### EC9 – Cherry Orchard steps

- To deliver a direct east-west connection from Wellesley Road to Cherry Orchard road. To frame the view of the new station bridge from the street.
- To create a generous and striking entrance to the Menta Cherry Orchard Road Development.
- To create DDA compliant access from Cherry Orchard Road to the new station bridge.

#### EC17 Cherry Orchard Plot A (north tower)

- Deliver a landmark tall building in this location, fitting the local masterplan context.

#### EC18 Plot B (south tower site)

- Deliver a landmark tall building in this location, fitting the local masterplan context.

#### EC19 Plot D

- Deliver an optimal amount of new housing close to the transport interchange

EC13 Cherry Orchard Road is a further component then extends along a large portion of Cherry Orchard Road. The objectives for this are;

- Transform Cherry Orchard “Road” to a civil “street” that can be enjoyed by pedestrians and cyclists as well as cars
- Introduce greenery through tree planting to give Cherry Orchard Road a distinct character.
- Ensure benefits from regeneration of the East Croydon area extend to the eastern fringe of the masterplan area and reach communities in Addiscombe.
- To relocate Taxi Drop Off and ‘Kiss & Ride’.
- To make room for additional tree planting (subject to utilities and tramway overhead line equipment)

### Connectivity

- 8.9 One of the fundamental objectives for any development of this site is making a connection to the East Croydon station Overbridge (via steps and a lift) in accordance with the adopted East Croydon Masterplan. There is an absolute requirement that the scheme delivers a physical link (steps and lift) (component EC9 of the Masterplan) to connect to the eastern end of the East Croydon railway station Overbridge, to open the 24 hour footbridge and a new gate line to the station.

- 8.10 The 17/05046/FUL application boundary does not include a strip of land owned by Network Rail adjacent to the west of the COR site meaning that the site does not abut the station overbridge. However, the 17/05035/FUL application does include part of this land and would provide the necessary link. The delivery of this important piece of infrastructure is of high importance both to the local area, including the more residential and town centre elements to the east and west of the site respectively and to the railway station itself and given significant weight in the planning balance. The legal agreement will ensure the delivery of this vital piece of infrastructure and secure the East Croydon Masterplan objective. Application 17/05046/FUL includes a staircase, lift and public realm link completing the connection from the highway, between the two towers, to the link bridge.
- 8.11 During the course of the application the applicant and Network Rail have entered into a Basic Services Agreement in relation to extending the bridge (e.g. the subject of the 17/05035/FUL application). Following on from this the first part of this element of the legal agreement requires the design to be secured and the bridge link public realm works, the steps, the lift and construction of the podium levels to be completed prior to occupation of the development.
- 8.12 Within 12 months from the beginning on implementation, known as the 'notice period', either Network Rail or the Council can serve a 'notice' (when the bridge link has planning permission, the design has been completed; the BAPA has been agreed with no further requirements and authority from Network Rail has been obtained to install the Bridge Link in conformity with the BAPA) requiring the applicant to fabricate the link slab, install it and carry out all necessary ancillary works in order to complete the bridge link. In this instance the owner cannot occupy the development until the link slab is fabricated and is required to install the link within 12 months of receiving the notice. In the event that the applicant is not served a notice within the 'notice period' then a contribution is made. In this instance should the costs increase the applicant pays the excess and allows future access rights. Even after the 'notice period' the Council can issue the 'notice' that it includes an offer for the applicant to provide the Bridge Link on behalf of the Council whereby they must complete as soon as possible.
- 8.13 Alterations to the highway result in two vehicular disabled persons spaces being provided in proximity to the new accessible station entrance. Directly in line with the end of the bridge, by the steps, only 1 lift would be provided. This would not meet the Councils ideal expectation of 2 lifts which would allow continual service even if 1 breaks down. However, no objection has been raised by Network Rail, and only 1 lift was provided on the opposing side of the bridge. Moreover, there are a further two lifts (one within each tower) serving the commercial/community space that connect the ground with the first floor and thereby enabling two further access routes from street to overbridge. It is appreciated that these are only usable when the facilities are open and on this basis a condition is proposed to ensure that a robust and effective resilience strategy is in place to ensure breakdowns are kept to a minimum. This would include the installation of two motors to ensure a constant back-up. For those visiting Croydon from the east the proposal would provide much more convenient level access to all platforms at East Croydon (and route into town), which would be a significant improvement over the current situation as the existing access ramps from the main building are of a too steep gradient and are unrelieved. The public side of the bridge would also be fully accessible for wheelchair users. The proposal is therefore of an inclusive design which would provide ease of access for all users. On balance it is considered that the provision of only one lift would be acceptable. The scheme is supported by national, regional and local policies that seek to consider the needs of

people with disabilities, that transport modes should be integrated in a fully inclusive way and that all new transport infrastructure, including stations, must be fully accessible for all.

- 8.14 The new east/west link is not designated as a cycle route in the East Croydon Masterplan, however, cycle gulleys have been included within the design of the step structure to enable bikes to be pushed up and then walked over the bridge.
- 8.15 Network Rail have confirmed that they are happy with the overarching principals of the connection to their bridge infrastructure to facilitate the eastern bridge entrance opening for the benefit of passengers and residents. They have stated that they would need further discussions regarding the practical implementation at a later date, that all the works are to be funded by other parties as they are not funded for this and all bridge link related infrastructure would revert to Network Rail ownership once completed to their satisfaction.
- 8.16 As reported previously to members to facilitate the existing overbridge a single storey structure that housed the back of house retail activities has been demolished and the temporary storage, which comprises a number of temporary storage containers in and around the end of the overbridge was created - preventing a straight forward connection. Network Rail had expected that this would all be re-provided as part of the consented planning application (11/00981/P or 13/04410/P). The current bridge link application, 17/05035/FUL, does not propose a re-provision of the retail operation or services that currently sit around the end of the Overbridge area. As previously reported to members during the pre-application stage there are a number of temporary storage containers in and around the end of the overbridge preventing a straight forward connection.
- 8.17 The re-provision of Network Rails retail storage is not strictly a planning matter, but a practical one and would clearly be part of the Council's regeneration functions to seek to remove impediments to scheme delivery. In this context, an agreement between the Council and Network Rail, dated 3 March 2011 is relevant. It is clear that the agreement intends to secure the delivery of the complete bridge. Within the agreement there is a clause that allows the Council to require Network Rail to enter into negotiations in good faith with Menta/Redrow for the delivery of the bridge. Any potential impediment from the temporary back of house retail units is readily surmountable through rearranged storage. In any event, the wider public interest in securing the full pedestrian crossing must outweigh any issues raised regarding servicing of retail within the railway station.
- 8.18 Nonetheless last year the Council's regeneration team commissioned an independent feasibility study to help enable the delivery of an access to the overbridge at the east of the station. The study looked at the Menta proposals, a bridge link proposal and relocation of the Network Rail facilities. The bridge link proposal, 17/05035/FUL, follows the strategy identified in the study. In terms of relocating the Network Rail facilities 4 options were investigated. The preferred option, being the simplest and most cost effective strategy, would be to reuse the cabins that the storage facilities currently occupy. Their arrangement would be rationalised and access made better and more permanent. Discussions are ongoing regarding the relocation proposals, the practical implication would not be a planning matter, but one for the Council's regeneration team to lead on.
- 8.19 It should also be noted that there is not currently a strong requirement for a level walkway from the end of the overbridge to the top of Billinton Hill (component EC8

Billinton Hill) as this is being held in abeyance on the basis that it could be superseded by the potential for a more comprehensive redevelopment of the station that could effectively provide a similar link to the top of Billinton Hill. Moreover, the application site does not extend to this component which is on Network Rail land.

## Morello II

### Scale Height Massing

- 8.20 The consented scheme and adopted East Croydon Masterplan establish the principle for tall buildings on this site.
- 8.21 The verified and non-verified views demonstrates that the buildings sit comfortably within its context. The vertical division of the towers in to three volumes helps to break up the massing. In addition the upper-floors of the towers step inwards which increased the amount of visible sky between the buildings. The two towers have similar footprints, mirrored, to form similar towers and the design subtly echoes and reinterprets some of the proportions and characteristics of some of Croydon's mid 20<sup>th</sup> Century art deco architecture within the design which is welcomed. The layout is considered the optimum for the towers in massing terms because it allows for the tallest elements of each building to be furthest apart which helps minimise the imposing nature of their joint massing because the space between the tops of the buildings is maximised. (This positioning is also preferable in layout terms as described below.)
- 8.22 The lower plinth elements which help to connect the scheme with the surrounding environment, particularly giving a human scale to the new station entrance.

### Layout

- 8.23 The principle of two blocks with a public space and relationship to the station bridge between them is supported and follows from components EC9, EC17 and EC18 of the Masterplan. The physical connection (lift and steps – component EC9) to the station Overbridge is also included. The two identical layouts for the majority of the tower, mirrored, to form similar and parallel buildings creates a symmetry which in turn creates a strong 'gateway' feature, and this is considered the optimum layout for the towers.
- 8.24 Although not as wide as the space shown within component EC9 of the masterplan, (due the footprint of the southern building not be chamfered) the proposed gap between the towers and the public square would be clearly visible from the end of Cedar and Oval road acting as a signpost to the station entrance. Moreover, the proposed relocation of the pedestrian crossing would align with the east/west link giving further legibility to the area.
- 8.25 The layout of the towers has been designed to be cognisant of the potential future station development to the west. The buildings are set slightly in from the boundary to allow for maintenance and the towers are removed and angled so future development could occur at the railway station without interfering with future occupiers outlook. The commercial space is 10m in height (5m for each level) with the first floor level with the top of the steps. The commercial area of the first floor within each tower has a connection to the level at the top of the steps catering for the movement of people from the station overbridge level. Not all of the commercial level has an active frontage facing the station, although both towers do closest to the steps and Overbridge. However, there is significant active frontage across the whole of the commercial units

on both levels, providing sufficient connection to the immediate locality. Any future station development is unknown at the moment, therefore the current proposal which address the station with part active frontage, whilst also addressing the public space and streets with a full active frontage is acceptable. The towers are positioned so as to provide sufficient footpath space on the surrounding roads.

- 8.26 Given the unknowns in relation to the future station development there is not a major objection to the connecting platform to the overbridge being smaller than that envisaged in component EC9 of the east Croydon masterplan as (along with the steps and lift within the 17/05046/FUL application) it still delivers the main objectives being; deliver a direct east-west connection from Wellesley Road to Cherry Orchard Road, frame the view of the new station bridge from the street, create a generous and striking entrance to the Menta Cherry Orchard Road Development and create a DDA compliant access from Cherry Orchard Road to the new station overbridge.

#### Appearance

- 8.27 The composition of the elevations and their materiality play an essential role in breaking up the massing and providing relief, design interest and contributing positively towards local character. The scheme proposes varying the direction of the bricks, creating small surface steps at the top and bottom of the building, adjusting the mortar colour, and raking some of the bonds, increasing the surface texture of the building increases and, along with the 215mm window returns, establishes a top, middle and base for the building. A simple composition of contrasting brickwork is proposed with a rusticated treatment for the lower commercial floors with full height glazing and double height residential core entrances. The detailing and high quality finish of materials would be secured by condition.

#### Cherry Orchard Gardens

##### Scale Height Massing

- 8.28 Although the site is technically outside the tall building area the proposed height, 5-9 storeys is acceptable in townscape terms, particularly as the implemented scheme extends up to a maximum 10 storeys. The building has been designed in a series of faceted slices, with the highest sections in the middle and the ends stepping down to outsides. The stepping up in massing from the neighbouring lower residential built form works with the nature and character of Cherry Orchard Road, particularly given the mass of the Morello 1 scheme on the other side.

##### Layout

- 8.29 The current proposal has been designed to retain mature trees (3 of the 4 London Plane trees) to the front and now forms an 'L' shape with massing stepping up from the ends of the development to the centre. This layout also provides space for communal and public outdoor spaces fronting Cherry Orchard Road. The building profile is angled which create dual aspect units and well screened balconies. The resultant form is characterful and the pocket green space forms a good opportunity in terms of creating some breathing space and a visual amenity on Cherry Orchard Road. Space is also retained for some additional landscaping and blue badge parking spaces (including a car club space) to the rear of the site.



8.30 There are 5 units on the ground floor that are not dual aspect and are within close proximity to the communal open space, thereby limiting the privacy of their private space. Whilst not ideal the access path to these flats does provide an additional buffer and on balance, also being mindful of the limited number of units affected in relation to the scheme as a whole, this would not warrant a refusal reason. A large street-facing lobby for the residential floors above is welcomed on the Cherry Orchard Road frontage along with a number of individual unit entrances which would create an active and open character at the base of the building.

#### Appearance

8.31 As with the towers the majority of the finish will be a combination of bricks. These will provide texture and colour and complement the rippled frontage creating a building of interest.

#### Heritage

8.32 The sites are not located within or adjacent to any Listed Buildings or Conservation Areas, and will not have a harmful impact on any designated heritage assets, the nearest being the Leslie Arms at the junction of Cherry Orchard road and Lower Addiscombe Road, which is well removed at around 400m.

8.33 The nearest locally listed buildings are Georgian Court, Ark Oval Primary School, the NLA tower and East Croydon Railway Station and there are no adverse impacts on these building or their setting from these views. The NLA tower is slightly obscured from Lansdowne Road (view A3), but is already partly obscured by approved permissions and furthermore, the proposed development is of a significantly reduced height and visual impact compared to the previously consented proposal and as such the proposed scheme is acceptable.

#### Archaeology

8.34 Historic England have confirmed that no further assessment or conditions are necessary and recommend no archaeological requirement.

### **Density, Housing Mix and Affordable Housing**

#### Density

8.35 Policy 3.4 of the London Plan states that in taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2. Based on the public transport accessibility level (PTAL 6b) and the site's central characteristics, the London Plan density matrix suggests a residential density of between 650-1100 habitable rooms per hectare and 140-405 units per hectare for the application site.

8.36 The residential density of the proposal would be 1653 habitable rooms per ha or 644 units per hectare which would exceed the upper limit of the indicative range within the London Plan for a central area. This is also above the extant permission which had a density of 1,484hr/ha. Even so, the development density is well distributed with the COG within the range and the COR, where there is the greater density being located within the Opportunity Area / Croydon Metropolitan Centre, where significant growth is

expected to be accommodated. Moreover, the supporting text of Policy 3.4 of the London Plan confirms that the density matrix should not be applied mechanistically.

Area of Scheme	Hectares	Number of hab rooms	Number of habitable rooms per hectare	Number of dwelling	Number of dwellings per hectare
COR Site	0.363	868	2391	338	931
COG Site	0.327	273	834	107	327
Overall	0.690	1141	1653	445	644

Comparison with commenced scheme

Scheme	Number of habitable rooms per hectare	Number of dwellings per hectare
Commenced consent	1489	616
Proposal	1653	644

- 8.37 The Mayor's Housing SPG, at paragraph 1.3.8, further states that the density ranges should be "used as a guide and not an absolute rule, so as to also take proper account of other objectives". The SPG (1.3.51) does not preclude developments with a density above the suggested ranges, but requires that they tested against factors relating to different aspects of a proposal (design principles; location to social and public transport, high quality design in terms of liveability, contribution to place making, dwelling mix an type, management and design of waste/cycle parking facilities and whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. opportunity areas)
- 8.38 Taking account of the above, the proposed residential development as set out below has been designed to deliver new homes within a building that responds to its local context, taking into account both the physical constraints of the site and its relationship with neighbouring properties and the nearby townscape.
- 8.39 The proposed development exceeds the London density range. However, this is justified by the quality of the accommodation, the design and its response to context, and the rigour the applicant has applied to assessing the acceptability of the scheme within these parameters. It delivers on London Plan policy by optimising additional housing on an underutilised brownfield site in a highly accessible location.
- 8.40 Given the site's excellent PTAL rating, its location close to East Croydon Station as well as bus and tram links and nearby local amenities, it is considered that the density proposed is acceptable.

8.41 Although the density is greater than the commenced scheme this is because the use has changed. The loss of the hotel and office have skewed the numbers, but it is clear that the current scheme is of a much reduced scale overall.

Housing mix

8.42 Croydon Local Plan 2018 policy SP2.7 sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms, but allows for setting preferred mixes on individual sites via table 4.1. Applying table 4.1 to this site (urban setting with a PTAL of 4, 5, 6a or 6b) shows a requirement of 10% 3+ bedroom units unless there is agreement from an affordable housing provider or within the first 3 years of the plan where a viability assessment demonstrates that larger homes would not be viable, an element may be substituted by two bedroomed, four person homes.

8.43 This site is also located within the ‘New Town and East Croydon’ area where a minimum of 10% is sought.

8.44 The submitted document states that both the towers and the Cherry Orchard Garden building would accommodate 46.7%, 45.8% and 4% of 1 bed, 2 bed and 3 bed units respectively. All the 2bed units are for 2bed 3persons, but have a larger floor area than the space standards for 2bed 4person units.

8.45 By way of comparison the housing tenure mix for the residential tower of the implemented scheme includes studios and far fewer 3 beds and is shown as follows;

	Implemented scheme	Proposed scheme
Studio	44 (10%)	0 (0%)
1 bed	222 (52%)	210 (47%)
2 bed	142 (33%)	219 (49%)
3 bed	16 (4%)	16 (4%)
<b>Total</b>	<b>424</b>	<b>445</b>
NB. The tenure in relation to building ‘D’ was reserved until closer to its construction date		

8.46 On the basis that all of 2 bedroom units proposed exceed the size of 2bed 4 person units and that the 10% three-bedroom OAPF requirement for this area can be made up of a mix of 2 bedroom 4 person and three plus bedroom properties for the first three years of the plan, the proposed proportion of family housing is considered acceptable. Moreover, there are no studio units in the proposed scheme, yet the number of 3bed units has been retained in comparison. The proposal would provide an appropriate mix of London Plan compliant units to meet a variety of demands across the Borough in accordance with Policy 3.8 of the London Plan and provided a significantly greater amount of family accommodation than the commenced scheme.

Affordable Housing

*Affordable Housing – Regional Policy Context*

8.47 Policies 3.8 to 3.13 of the London Plan relate to affordable housing. Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least

17,000 more affordable homes per year in London over the term of this Plan. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

8.48 Policy 3.12 of the London Plan further seeks the maximum reasonable amount of affordable housing when negotiating on individual housing schemes but states that the objective is to encourage rather than restrain residential development.

8.49 The London Housing SPG Homes for Londoners Affordable Housing and Viability is relevant. This SPG does not and cannot set a fixed affordable housing requirement. Instead it provides a framework for delivering the maximum reasonable amount of affordable housing in the context of current London Plan Policies. This SPG introduces a 'threshold approach', whereby schemes meeting or exceeding 35 per cent affordable housing can follow a 'Fast Track Route'. This means applicants are not required to submit viability information at the application stage, but are subject to review mechanisms. Schemes that do not meet this threshold are required to follow a 'Viability Tested Route', review mechanisms are also applied.

#### Affordable Housing – Local Policy Context

8.50 Policy SP2.4 of the Croydon Local Plan 2018 seeks to negotiate to achieve up to 50% affordable housing, subject to viability. Seeks a 60:40 ratio between affordable rented homes and intermediate (including starter) homes unless there is agreement that a different tenure split is justified (a minimum of three Registered Providers should be approached before the Council will consider applying this policy). The policy also requires a minimum provision of affordable housing as set out in policy SP2.5.

8.51 Policy 2.5 of the Croydon Local Plan 2018 requires a minimum provision of affordable housing to be provided either:

a) Preferably as a minimum level of 30% affordable housing on the same site as the proposed development or, if 30% on site provision is not viable;

b) If the site is in the Croydon Opportunity Area or a District Centre, as a minimum level of 15% affordable housing on the same site as the proposed development plus the simultaneous delivery of the equivalent of 15% affordable housing on a donor site with a prior planning permission in addition to that site's own requirement. If the site is in the Croydon Opportunity Area, the donor site must be located within either the Croydon Opportunity Area or one of the neighbouring Places of Addiscombe, Broad Green & Selhurst, South Croydon or Waddon. If the site is in a District Centre, the donor site must be located within the same Place as the District Centre; or

c) As a minimum level of 15% affordable housing on the same site as the proposed development, plus a Review Mechanism entered into for the remaining affordable housing (up to the equivalent of 50% overall provision through a commuted sum based on a review of actual sales values and build costs of completed units) provided 30% on-site provision is not viable, construction costs are not in the upper quartile and, in the case of developments in the Croydon Opportunity Area or District Centres, there is no suitable donor site.

- 8.52 The developer is proposing to achieve affordable housing on site through delivering all the units within Cherry Orchard Gardens. This represents a 24% affordable housing provision, with 88 shared ownership units (227 habitable rooms) and 19 affordable rent (46 habitable rooms). A two stage review mechanism will be secured via legal agreement for the remaining affordable housing up to the equivalent of 50% overall provision. The Applicant's viability report has been independently assessed by the Council's viability consultant, in this case the viability assessment review shows that the scheme would achieve less than the current offer and on this basis the developer has taken a commercial decision to provide 24%. The provision of the CLP1 target of 50% affordable housing is clearly not achievable.
- 8.53 The applicant and officers have discussed the proposal with a number of different registered providers all of whom are keen to have further involvement in the scheme should it progress. There are no 'donor sites' available and the applicant has provided evidence which confirms that the costs are not in the Upper Quartile.
- 8.54 The current offer is 24% on site provision, which has increased during the course of the application. This reflects the change in Croydon's planning policy framework as well as the increased quantum of residential development against the extant scheme. It is acknowledged that the affordable housing is below the Council's policy aim, which is for 50% of units to be affordable, however, it exceeds the minimum provision of 15% and complies with the criteria within Policy 2.5 of the Croydon Local Plan 2018 linked to this (para 8.51).
- 8.55 The current scheme secures a significant increase when compared with the 2013 extant permission (LBC Ref 13/04410/P). The extant scheme secured 120 habitable rooms of affordable housing (which are to be located within building 'D' of the permission on the corner of Cherry Orchard Road and Oval road). This equated to a 10% provision (5% affordable rent / 60 hab rooms and 5% shared ownership housing / 60 hab rooms). The review mechanism was also only a one stage review not two as currently proposed.
- 8.56 In addition to complying with the minimum percentage of affordable housing the provision also needs to be weighed against the other benefits of the scheme. These include the completion of the Overbridge link, securing the route required to access this and a significant provision of residential units. The completion of the Overbridge by this proposal, so that it can be fully utilised, will become a key piece of public realm in Croydon's movement network and a catalyst for unifying the relationships of the sites and land separated by the railway and is given significant positive weight in the planning balance. The development will also turn two derelict sites within a highly prominent part of Croydon into a thriving and active area, a real sense of place will be created, particularly through the creation of public square and improvements to the public realm on both sides of the street. The vitality, including the potential for community facilities that will come with it also add to the balance of considering this development.
- 8.57 National Planning Policy Guidance is clear that where local planning authorities are requiring affordable housing obligations they should be flexible in their requirements, particularly where a scheme provides essential site specific items to mitigate the impact of the development, such as the necessary link to the Overbridge in this case. Having regard to comments from the GLA, representations, the independent assessment of viability, the planning history, the extant consent and other material considerations, it

is considered that the proposal (with regards to affordable housing) satisfactorily accords with the objectives of the local, London wide and national policies and provides the maximum reasonable amount of affordable housing.

### **Impact on adjoining occupiers**

- 8.58 One of the core planning principles (paragraph 17) in the NPPF is that decisions should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. London Plan Policy 7.1 states that in their neighbourhoods, people should have a good quality environment. London Plan policy 7.6 criterion d states that buildings should ‘not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings’.
- 8.59 Croydon Local Plan 2018 policies SP4.1 and SP4.2 seek to respect and enhance character to create sustainable communities and enhance social cohesion and well-being. Policy DM10.6 states that the Council will support proposals for development that ensure that; protect neighbouring amenity; do not result in direct overlooking at close range or habitable rooms in main rear or private elevations; do not result in direct overlooking of private outdoor space (with the exception of communal open space) within 10m perpendicular to the rear elevation of a dwelling; provide adequate sunlight and daylight to potential future occupants and do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers

### Outlook and Privacy

- 8.60 COR - The northern tower is separate by 36m (at its nearest point) from the nearest block on the neighbouring Morello 1 site which is a sufficient separation to avoid any loss of privacy or outlook.
- 8.61 There is a 10.5m distance between the southern tower and the neighbouring land to the south. The relationship with land on the Royal Mail site (component EC21 Royal Mail Site) is tight, although it is appreciated that the consented building is set back behind an ancillary car parking area for the Royal Mail (with facing flank windows secondary to the rooms they serve). Nonetheless it is appreciated that the proposed southern tower is in the location as indicated by the East Croydon Masterplan and that there is an implemented permission for a tower in this location, although the implemented permission is for a hotel use and not residential.
- 8.62 The two towers would comprise substantial structures within the immediate locality and would be visible over a wide area. The residential properties in Colson Road and new Ruskin Square residential units are approximately 90 and 55m away respectively. Given this the existing outlook would not be affected to an unacceptable degree.
- 8.63 Due to the heights of the proposed residential tower there would be overlooking into the houses/gardens of properties over a wide area. However, the Council has previously granted planning permission for tall buildings in similar circumstances under the extant approval. In this case, as with the extant approval the slim nature of the buildings, their height and separation from affected properties has been considered to mitigate any unacceptable perception of overlooking directly into residential gardens. In this instance the circumstances are similar and it is considered that the towers would not result in unacceptable overlooking.

- 8.64 COG - The Council has previously granted planning permission for a building on this site under the extant permission. However, the change of layout (to retain trees) would bring the built form closer to the neighbouring houses on Oval Road. Due to the height of the proposed residential block on Cherry Orchard Gardens there would be overlooking into the gardens of adjacent properties and part of the massing would be closer than the implemented consent. However, the nearest part of the proposed scheme would be 23m and 24m from the boundary and building at 51 Oval Road. There are no proposed windows in direct alignment with the buildings on the north side of Oval Road, however, those that are the closest to this relationship are separated by 31m. Although there would be overlooking of the house and garden on the properties on the north side of Oval Road the distances are such that a refusal reason based on overlooking or loss of outlook is not warranted.
- 8.65 A raised decking area that covered the rear of the Cherry Orchard Gardens site and a separate residential block fronting Oval Road (adjacent to No.51), which forms part of the implemented scheme has been removed from the current scheme. In terms of outlook this would improve the relationship with No.51 Oval Road compared to the consented scheme, which is welcomed.
- 8.66 The current proposal drops down in height towards Oval Road finishing at 5 storeys, which reduces the impact on the outlook for the buildings 54-66 Oval Road (which would be opposite the flank wall) as the implemented scheme had a 10 storey height towards the corner of Chery Orchard Road and Oval Road. This element of the proposal is 5 storey with an amenity space on top. This element of the scheme is separated by 19m from the opposing houses which is sufficient to avoid any loss of outlook. There are some flank windows (serving either a corridor or are a secondary room window) however, the separation is sufficient to avoid any harmful loss of privacy.
- 8.67 The building to building distance of 19m between the COG development and the recently developed Morello 1 scheme on the opposing side of the road is sufficient for there to be no significantly harmful loss of privacy or outlook.
- 8.68 Any proposal should not prejudice the neighbouring employment site at 44-60 Cherry Orchard Road (known as the Meatpackers) or the potential for future development as this site is also an allocated site for residential in the forthcoming Local plan. All the flank windows facing this site are secondary room windows or serve a corridor, these could be obscure glazed to avoid any potential conflict.
- 8.69 Simpson and Stephenson House are commercial properties and as such no harmful loss of privacy or outlook is envisaged.
- 8.70 Overall in view of the scale of the development the resulting overlooking and outlook effects are relatively small and not considered to be sufficient to warrant a refusal of planning permission.

#### Daylight/Sunlight

- 8.71 The OAPF (paragraphs 6.21-6.25) states that it is important to ensure that any adverse effects from loss of sunlight and daylight to residential occupiers is minimised. The document goes on to state that: "It is recognised that in heavily built up areas such as the Croydon Opportunity Area, new development will inevitably result in some level of overshadowing and overlooking of neighbouring properties and amenity spaces. It should be noted 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. As such, as part of new development proposals, there will need to be a flexible approach to the protection of natural light for existing properties”.

8.72 The current application is accompanied by a Daylight/Sunlight report which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring properties (where there is a reasonable expectation for daylight and sunlight amenity that could be affected by the development as all other buildings are too remote to be affected or would pass the preliminary 25-degree line test recommended by the BRE Report) based on the approach set out in the Building Research Establishment’s (BRE) ‘Site Layout Planning for Daylight and Sunlight: A Good Practice Guide’. This includes using different techniques to demonstrate the proposed impact of the development on the immediate locality and also considers the effect of the proposed development on nearby approved schemes, namely Royal Mail Delivery Office and Ruskin Square sites.

#### Ark Oval Primary Academy

8.73 Of the 27 windows tested as part of the daylight Vertical Sky Component (VSC) analysis undertaken, all windows would fully comply with the BRE guidelines. Using the Daylight Distribution (DD) test, one ground floor classroom (R4) would experience a marginal breach, 0.01 below the guidance recommendation, given the minimal decrease and that the window serves a classroom not adverse impact is envisaged.

8.74 Of the 5 windows tested as part of the Average Probable Sunlight Hours (APSH) analysis undertaken, all would comply with the BRE guidelines.

#### 51-71 Oval Road

8.75 57 windows tested VSC all windows would fully comply with the BRE guidelines except one ground floor window of 53 Oval Road and the first floor window of 53A Oval Road. These are kitchen windows where the other rooms continue to receive adequate light and the unit as a whole will remain adequately lit.

8.76 In terms of sunlight amenity, all 8 windows tested would meet the BRE Report guidance with the exception of the aforementioned kitchen window to 53A Oval Road. As with daylight above, the affected window is a kitchen, given that the BRE considers kitchens to be less important in terms of sunlight amenity, this is unlikely to adversely affect the occupiers of this property.

#### 54-70 Oval Road

8.77 74 windows have been tested (VSC), 14 of these fail. 7 of these windows are side bay windows (on the front elevation) where the other sections of the bay continue to receive adequate light and the rooms as a whole will remain adequately lit.

8.78 4 windows are on the flank window serving a conservatory where the remaining roof and rear windows receive adequate light and a further 2 on flanks wall serving rear ground floor extensions where the rear windows also receive adequate light. As such the rooms they serve, as a whole, will remain adequately lit.

8.79 There is one flank window that serves a kitchen to the rear of no.56. Given the nature of the room, and that some light would still be received through the conservatory roof, the unit overall would not be adversely impacted to warrant a refusal reason.



8.80 In terms of sunlight amenity 28 windows were tested (APSH) and all but one room contains windows that would continue to meet the recommended guidelines. A marginal reduction to the same ground floor flank kitchen window at 56 Oval Road occurs and, although below the recommended guidelines, the change is unlikely to adversely affect the occupiers, particularly given the lounge and conservatory retain good levels and kitchens are also considered to have less of a requirement for sunlight amenity.

3, 5, 9, 14, 16 and 18 Cedar Road

8.81 40 windows have been tested (VSC), 5 of these fail. All of these windows are side bay windows (on the front elevation) where the other sections of the bay continue to receive adequate light and the rooms as a whole will remain adequately lit.

8.82 28 windows have been tested in terms of sunlight amenity, all of the habitable rooms contain windows that achieve levels in excess of the recommended guidelines except lounges of 14 and 16 Cedar Road. However, the windows that do not meet the criteria are side windows to large front bay windows where the remaining windows to the bay meet guidance for daylight.

Blake Road

8.83 All the assessed windows would comply with the BRE Report guidance for both daylight and sunlight amenity.

2-26 Colson Road (evens only inclusive)

8.84 All the assessed windows would comply with the BRE Report guidance for both daylight and sunlight amenity. As the floor layouts are known the DD test was also used and the assessed rooms would comply with the guidelines.

Addiscombe Square development (Ref: 13/03126/P)

8.85 Average Daylight Factor (ADF), DD and APSH results reveal that all but two of the tested rooms, a living room within a 1 bed flat and a bedroom within a 2 bed flat (both 5th floor), would continue to retain levels of daylight and sunlight amenity in line with the BRE Report guidelines. Reductions in ADF values to the two rooms are marginal and there are other rooms serving the units that receive acceptable light levels. On balance this impact would not adversely affect the future occupiers.

Ruskin Square development (Ref: 11/00631/P)

8.86 In order to accurately understand the analysis results of daylight and sunlight amenity achieved within the Ruskin Square buildings, it is important to first consider the internal arrangements. The typical layout of units within the closest (and completed block) has dual aspect living/kitchen/dining (LKD) rooms and single aspect bedrooms. The east facing windows directly overlook COR and the windows are set behind sunken walkways used by occupants to access the apartments. Similarly, the west facing windows are set behind recessed balconies. In these cases, the design significantly restricts direct access of visible sky. Where rooms are not served by recessed windows such as these, the results show that they retain significantly better values with the proposed scheme in place.

8.87 The 2011 Consent for Morello II was granted prior to that for Ruskin Square, and the BRE guidance makes provision for comparing the results of the 2011 Consent against the proposed scheme, the following results are based on this comparison.

#### Building R01

8.88 The DD results show that of the 255 rooms assessed, 158 rooms receive at least the same value with the proposed scheme in place when compared to the values achieved with the 2011 Consent in place (hereafter referred to as former value). Of the remaining 97 rooms, 87 would continue to receive at least 0.80 of the former value. The remaining ten rooms receive between 0.66 and 0.78 of the former value and these are dual aspect LKD's on the first up to the fifth floor.

8.89 As the building is constructed, a VSC test has also been conducted to assess daylight levels to the windows. The results show that, with the exception of one of two windows serving an LKD on each floor from first to eighth, all would retain similar levels and in many cases would see improvements compared to the former value. The quantum of loss to these windows is very small and in all eight cases less than 1%.

#### Building R02

8.90 The vast majority of rooms assessed using the DD test method achieve the same or higher value than the former (232 of the 304 assessed rooms). Of the remaining 72 rooms, 69 retain at least 0.80 times the former value and three rooms retain between 0.73 and 0.76 of the former values. This building is awaiting detailed planning permission so ADF tests have been used to assess the internal daylight levels to the proposed habitable rooms. The results show that the levels with the proposed scheme in place are similar and in many cases are improved when compared to the former value.

#### Buildings R03, R04A and R04B

8.91 The DD results show all assessed rooms within these buildings awaiting decision for detailed planning permission would retain similar values and in many cases improvements are seen when compared against the 2011 Consent. This is also the case when comparing the ADF results with the proposed scheme in place against the former values.

8.92 In terms of sunlight amenity, the APSH test shows that all of the assessed rooms within the buildings of Ruskin Square would continue to receive similar, and in many cases better, levels of sunlight than with the 2011 Consent in place.

#### Morello 1 (Consists of four Buildings A to D (A closest to the northern tower))

#### Building A

8.93 The VSC results show that of the 223 windows assessed, 149 would retain at least the same value with the proposed scheme in place when compared with the former value. Of the remaining windows, 50 of them would receive at least 0.80 times and 18 retain at least 0.60 times the former value; these ratio reductions are disproportionate to the small quantum of loss due to the low existing values. In reality, the change is unlikely to be perceptible to the future occupants.

8.94 The DD test shows that there would either be no change or improvements to 59 of the 122 assessed rooms and a further 47 rooms would retain at least 0.80 the former value. The remaining 16 rooms retain direct sky visibility to nearly half of the room. The changes occur in the rear part of the rooms where natural light is not typically relied upon, particularly in the kitchen area where artificial light is often required.

#### Buildings B

8.95 The VSC results show that of the 254 windows that were assessed, 190 would retain at least the same value with the proposed scheme in place when compared with the former value. Of the remaining windows, 41 of them would receive at least 0.80 times and 18 retain at least 0.60 times the former value. As with Building A, the reductions to the remaining windows occur where the former value is already low and the actual quantum of light loss is small.

8.96 In terms of daylight distribution, 115 of the 169 assessed rooms experience the same or better levels of visible sky than the former value and a further 37 rooms retain at least 0.80 times the former value (the vast majority of which retain a ratio of 0.99). The majority of the remaining 17 rooms retain sky visibility to over half of the rooms and the remainder marginally below half.

8.97 In terms of sunlight amenity, the APSH test results show similar levels to those seen with the 2011 Consent in place and although a small number of further reductions occur to the rooms located on the lower floors within Building A and B, predominantly to bedrooms and also LKD's with balconies positioned above the window.

#### Building C

8.98 Of the 166 windows tested using the VSC test, 105 continue to achieve the same or greater value and the remaining windows all retain at least 0.90 of the former value. The DD test results show that all but one bedroom retains at least 0.99 of the former value. The bedroom retains 0.88 of the former value and there would be direct sky visibility to 87% of the room.

8.99 The APSH test results for sunlight amenity show that the windows would retain similar levels to the former value. There are some reductions, however, this is to a relatively small amount of windows serving LKD's with balconies positioned above the window.

#### Building D

8.100 The VSC test results show that 38 of the 41 assessed windows achieve at least the same as the former value and the remaining three windows retain above 0.97 the former value. The DD test for this building shows all rooms would achieve at least the same as the former value.

8.101 The results for sunlight amenity show that the vast majority of windows perform better than with the 2011 Consent in place with the remainder receiving similar levels.

#### Overshadowing of amenity space.

8.102 With the exception of the rear garden of 58 Oval Road and a seventh floor terrace on the Morello 1 site which would experience a slight reduction in the level of sunlight the neighbouring gardens and amenity spaces would continue to achieve good levels of light throughout the year.

## Summary

8.103 The assessment show that on the whole a significant amount of neighbouring occupiers would retain sufficient natural light to comply with BRE guidance or would suffer small impacts that would not justify a reason for refusal. There are also a number that have improved conditions when comparing the proposed and the extant permission.

### Noise and disturbance

8.104 The completed development would not result in any significant disturbance to adjacent occupiers, particularly given the built up nature of the surroundings. The maximum potential for disturbance will be during construction works. The nature of works can be controlled by imposing Construction Management and Logistic Plans produced with the objective of minimising disturbance. The production and implementation of these can be secured by conditions. These can also be used to control the hours of work. Overall for a development of the proposed scale the direct impact on nearby residential occupiers is limited, mainly due to the absence of any homes immediately to the west.

### **Quality of living environment provided for future residents**

8.105 Policy 3.5 of the London Plan states that 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 and recognises that a genuine choice of homes should be provided in terms of both tenure and size. Detailed residential standards are also contained within the Mayor's London Housing SPG.

8.106 Policy 3.8 of the London Plan further states that 10% of new residencies within a development should be wheelchair accessible or easily adaptable for residents who are wheelchair users. Provision should also be made for affordable family housing, wheelchair accessible housing and ensure all new housing meets parts M4 (2) and (3) of the Building Regulations.

8.107 Croydon Local Plan policy DM10.4 has a number of requirements in relation to providing private amenity space for new residential development. The relevant policy points seek a high quality design; a functional space, a minimum amount (5sq m per ½ person unit and extra 1m<sup>2</sup> per person after that), minimum of 10m<sup>2</sup> per child of new play space and encouraged adherence with SPD 3 Designing for Community Safety.

8.108 Croydon Local Plan policy DM10.5 requires the inclusion of high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.

8.109 The London Housing SPG provides further details in relation to housing standards, including in relation to the provision of dual aspect units and private amenity space. Housing SPG standard 4.10.1 states that 5m<sup>2</sup> of private amenity space should be provided for each one bedroom unit, with a further 1m<sup>2</sup> 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 and standard states that developments should avoid single aspect units which are north facing, have three or more bedrooms, or are exposed to a particularly poor external noise environment.

- 8.110 All of the proposed units would meet the National Technical Housing Standards in terms of size and all have access to good private amenity space. Given the innovative split core design on the COG the number of dwellings accessed from a single core does not exceed eight and all units would achieve a minimum 2.5 metre floor to ceiling heights. The majority of rooms receive daylight and sunlight in line with BRE guidance. Habitable rooms should also 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.*” At 22m the distance between the towers satisfies this requirement. Given the layout of the COG site there would not be any harmful inter scheme overlooking.
- 8.111 The submitted wind study also indicates that all of the balconies would achieve wind conditions that are suitable for their intended external amenity use. Penthouse terraces at the 21<sup>st</sup> level (flats adjacent to these are also served by separate private amenity areas) are suitable as viewing balconies (as opposed to prolonged periods of outdoor seating). All of the proposed three bedroom units would have at least a dual aspect and therefore, there are no single aspect units which are north facing, have three or more bedrooms, or are exposed to a particularly poor external noise environment. Only 9 units (2%) across the whole development (7 on the ground floor of the COG and 1 on the 23 and 24 floor of each tower) which is very low and acceptable. Suitable noise insulation can be secured by condition along with a noise management plan to protect residents from the commercial space and railway line.
- 8.112 90 per cent of new build housing would meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’ whilst the remaining 10 per cent (45 units) would meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’. The Policy and Housing SPG requirements outlined above are therefore met.

#### Private/Communal Amenity Space and Child Play Space Provision

- 8.113 Policy 3.6 of the London Plan states that housing development proposals should make a provision for play and informal recreation for children and young people. The development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10sqm of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan ‘Shaping Neighbourhoods: Play & Informal Recreation SPG’.
- 8.114 Based on the current unit breakdown and as per the SPG, the child yield is expected to be 39 children, with 25 under the age of five, requiring 392.5sqm of play-space including 251.2sqm of doorstep play. The development provides 635 sq m, far exceeding the requirement, which is supported.
- 8.115 The Croydon Local Plan 2018 policy DM10.4 requires more space. The proposed housing mix requires a minimum play space of 460.7 sq m, which all can be accommodated on site.

#### **Transport**

- 8.116 The Croydon Local Plan 2018 policies within SP8 seek to promote sustainable travel choices, improve public transport infrastructure, require new developments to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes, ensure enough space is provided in the COA for taxi ranks/waiting

and coach parking, encourage car free development in areas of high PTAL while still providing for disabled people. Policy DM 29 seeks to promote sustainable travel and reducing congestion by promoting measures to increase the use of public transport, cycling and walking, not have a detrimental impact on highway safety or transport network. Policy DM30 seeks to promote sustainable growth in Croydon and reduce the impact of car parking new development.

8.117 The site has a PTAL rating of 6b which means the site is highly accessible by public transport. There are numerous bus services and East Croydon rail station and tram stop is within walking distance of the site. In principle therefore the location is suitable for a high density residential/commercial development.

#### Access and Servicing

8.118 The application is on two sites. Access to the Cherry Orchard Road part of the development would be shared with Morello 1. This links into the basement car park and cycle store. The proposed arrangement is acceptable.

8.119 Access to Cherry Orchard Gardens is from a new access road from Oval Road. There is a turning area within the site for refuse vehicles and service vehicles. Swept path analysis has been provided for 10m rigid vehicle and refuse vehicle. The layout is acceptable. The new access road would require the stopping up as public highway of the existing road.

8.120 Servicing for the Cherry Orchard Road site is on-street. There is space for two 10m rigid vehicles which is considered sufficient for the expected level of servicing.

#### Trip Generation

8.121 The TA includes information on expected trip generation for the residential units. Two comparable sites have been chosen for the analysis which enables a robust assessment of the traffic and public transport impacts. A comparison has been made with the expected trip generation for the consented scheme (13/04410/P). There is an overall reduction in trip generation including a predicted reduction in car driver trips. The TA does not provide information on trips generated by the commercial/community space. It is argued that these would be pass-by trips from residents of the development or visitors using East Croydon station. No evidence is provided to support this contention but taking the likely overall level and type of trips generated by the development these are likely to be lower than for the consented scheme.

8.122 An estimate is provided on the servicing trip generation which is estimated to be an increase on servicing for the consented scheme, largely arising from an increase in on-line retail. Overall the amount of servicing traffic is modest at about 50 trips per day and the proposed arrangements for on and off-street servicing would be expected to meet the needs of the development.

8.123 In summary, the proposed development is acceptable in terms of its impact on trip generation.

#### Car and Cycle Parking

8.124 Croydon local Plan policy 2018 DM30 requires car and cycle parking in line with London Plan standards.

- 8.125 There is no on-site car parking spaces other than for disabled drivers which is acceptable. The site is on the edge of the Central Permit Zone which operates 8am to midnight 7 days a week and partly within a CPZ which operates Monday to Saturday 9am to 5pm. The site therefore is suitable as a car free development. There are 22 disabled car parking spaces in the basement of the Cherry Orchard Road site. 8 disabled car parking spaces are provided on the Cherry Orchard Gardens site. Overall the provision of 30 disabled car parking spaces represents about 7% provision. Given the location of the development to accessible bus services and East Croydon station, this provision is considered adequate.
- 8.126 In line with London Plan standards 20% of the parking spaces should have electric charging points with a further 20% having passive provision, this can be secured by condition.
- 8.127 Croydon local Plan policy 2018 DM30 also requires 43 car club spaces and half of these should have electric charging points. Given the location of the development, the need to keep the public realm clear and the provision of blue badge spaces the sustainable transport officer has accepted the provision of 4 car club spaces.
- 8.128 There are 204 cycle parking spaces in the basement of the Cherry Orchard Road site, formed of 102 double height Josta stands. In addition there are 338 cycle parking spaces, either for a folding bike or for a full size bike on the same site. In addition there are 74 spaces (10 visitors, 12 long stay and 52 short stay) mainly related to the commercial element of the development within the public realm area. For the Cherry Orchard Gardens site there are 159 long stay cycle parking spaces (107 in the residential units and 52 at the ground floor in a cycle store) plus 4 spaces in the public realm area. Total cycle provision of 779 spaces more than meets the minimum London Plan standard which requires 690 spaces (long stay), 11 spaces (short stay) for the size of residential development and approximately 35 spaces for the commercial uses.

#### Pedestrian accessibility and linkages

- 8.129 A new footway is proposed for the north side of Billinton Hill which is the responsibility of Network Rail. This would provide approximately 2.8m for clear footway. The footway on Cherry Orchard Road in front of the development would be widened between the open space part of the site and Billinton Road. As there is no intention for the area in front of the COR element of the development, facing Cherry Orchard Road, to be adopted as public highway, a demarcation between the existing public highway and the private area is shown, which is acceptable, this along with dropped kerb and tactile paving at junction of Cherry Orchard Road and Billinton Road would be secured within any S.278 works.
- 8.130 The extension of the footbridge over East Croydon station to link in with the public realm area between the residential towers which would link in well with the proposed relocated pedestrian crossing.

#### Taxis, On Street disabled bays and Pay and Display Bays

- 8.131 There are a number of changes proposed to the layout of Cherry Orchard Road, Oval Road and Cedar Road. There is a proposal to amend the taxi rank layout on Cherry Orchard Road. Linked to this is the amendment to the pay and display bays and relocated disabled parking bays. There is no net loss of taxi space or on street disabled parking. In addition the total number of pay and display bays is maintained (8 in total).

In addition there are 4 car club spaces proposed (three on street bays proposed – two on Cedar Road / one on Oval Road and one on the COG site), which is acceptable.

#### Travel plan

8.132 A framework Travel Plan for the residential and commercial elements has been provided. A Travel Plan Co-ordinator will be appointed who will lead on developing and managing the travel plan. The framework travel plan is acceptable in principle. The travel plan would need to be secured as a condition. The car club bays would need to be secured via the legal agreement along with the cost of monitoring of the travel plan.

8.133 There are no transportation objections, subject to the applicant entering into a S278/S247/S106 agreements and conditions for the relevant items below.

Section 278 agreement for highway works to include (but not limited to)

- New access to Cherry Orchard Gardens site from Oval Road, relocation of signalised pedestrian crossing, provision of on-street car club bays with electric charging provision, dropped kerb and tactile paving at junction of Cherry Orchard Road and Billinton Road, demarcation of public/private land and amendments to waiting restrictions, taxi rank, P & D bays and disabled parking bays through an Order.

Section 247 TCPA.

- The stopping up of the access road on the Cherry Orchard Gardens site should be through an order under.

Section 106

- Travel Plan monitoring fee and restriction on eligibility for parking permits for future occupiers.

Conditions

- Construction Logistics Plan, Delivery and Servicing Plan and Travel Plan, EVCP's.

#### **The environmental performance of the proposed building**

8.134 At the heart of the NPPF is a presumption in favour of sustainable development. It states: 'Planning plays a key role in shaping places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impact of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'.

8.135 The NPPF actively promotes developments which reduce greenhouse gas emissions (para 95). In determining planning applications it states that local planning authorities should expect development to comply with local policies and expect that layout of development in a manner that would reduce energy consumption through building orientation, massing and landscape (para 96).

8.136 Policies 5.2 and 5.3 of the London Plan state that development proposals should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction, whilst policy 5.7 states that they should provide on-site renewable energy generation. London Plan policy 5.5 states that Boroughs should seek to create decentralised energy networks, whilst Policy 5.6 requires development



proposals to connect to an existing heating network as a first preference if one is available. London Plan policy 5.9 overheating seeks to reduce potential overheating and reliance on air conditioning in.

8.137 Croydon Local Plan 2018 policy SP6.2 expects that high density residential development would (a) incorporate site wide communal heating systems, and (b) that major development will be enabled for district energy connection unless demonstrated not to be feasible or financially viable to do so.

8.138 Croydon Local Plan 2018 policy SP6.3 seek high standards of sustainable design and construction from new development to assist in meeting local and national CO2 reduction targets. This will be achieved by (only relevant criterion listed in relation to performance of the building):

b) Requiring new-build residential development of 10 units or more to achieve the London Plan requirements or National Technical Standards (2015) for energy performance, whichever the higher standard;

c) Requiring all new-build residential development to meet a minimum water efficiency standard of 110 litres/person/day as set out in Building Regulations Part G;

e) Requiring new build non-residential development of 500m<sup>2</sup> and above to achieve a minimum of BREEAM Excellent standard or equivalent;

g) Requiring new build, conversions and change of use non-residential development of 1000m<sup>2</sup> and above to achieve a minimum of 35% CO2 reduction beyond the Building Regulations Part L (2013);

h) positively contribute to improving air, land, noise, and water quality by minimising pollution.

8.139 The Sustainability and Energy Assessment submitted with the application demonstrate that the proposal has been prepared in accordance with relevant strategic and local planning policies to provide a high quality and sustainable building in this key central location.

8.140 The fundamental principle on which the sustainability policies are based is an expectation that development will follow the energy hierarchy: be lean (use less energy), be clean (supply energy efficiently), and be green (use renewable energy).

8.141 The buildings would be provided with a communal gas fired boiler system that will provide the energy needs. In the absence of a District Heat network CHP units provide a cost effective energy supply solution and mitigate significant carbon emissions from the site. To future proof the development provision would need to be made for connections and space within the buildings to allow connection to any future District Heating Network, should such a network come forward. A condition to further investigate the potential connection to the proposed District Network as the design develops would be secured through an appropriate mechanism.

8.142 On-site renewable energy generation will be provided through the use of roof mounted photovoltaic panels that will contribute to the CO2 reductions in accordance with London Plan Policies 5.2 and 5.7.

8.143 A combination of energy efficient measures and the combined heat and power achieve regulated carbon dioxide savings when compared to a notional built to current Part L Building Regulations (2013) of 36%, 37.9% and 39% for the COR residential, COR commercial and COG residential elements respectively.

- 8.144 The carbon dioxide savings proposed fall short of the residential policy requirement of zero. The Council would accept a cash in lieu payment to be secured through a S106 legal agreement and the applicant has accepted this. The Council's policy also requires non-residential parts of a scheme to be constructed to BREEAM "Excellent" standards and a 35% carbon reduction, this is achieved.
- 8.145 In addition to the high energy efficiency and fabric performance, the dwellings will also have a water consumption limit of 110 litres/person/day using water efficiency fittings and secured by condition.

## **Environment**

### Microclimate

- 8.146 London Plan Policy 7.7, D, a, states that tall buildings shall not affect their surroundings adversely referring in part in terms of micro climate and wind turbulence.
- 8.147 Croydon Local Plan policy SP4.6 states that tall buildings will be required to minimise their environmental impacts.
- 8.148 Within the context of both existing surrounds and future surrounds, wind conditions in and around the proposed development sites are suitable, in terms of pedestrian safety, for the general public.
- 8.149 Subject to wind mitigation measures (trees) at two locations (outdoor seating area between towers and outdoor amenity space to the north of the north tower) conditions are suitable, in terms of comfort, for their intended use in both existing and future conditions.
- 8.150 Wind conditions at balconies are generally suitable, in terms of pedestrian comfort, for their intended use. An exception to this has been found for balconies on the south façade of the north tower of Morello Two development. The mitigation suggests 50% screening on the west side of the balconies. The design for the balconies in this location show fully glazed sides and therefore users would be suitably protected and comfortably use the space for outdoor seating.
- 8.151 The penthouse terraces on level 21 are suitable for viewing as opposed to sitting out. Given that the impact is related to 'comfort' and not 'safety', that the balconies can still be used for and there is ample shared amenity space within the development this on balance the arrangement is considered acceptable.

### Surface Water, Drainage and Flooding

- 8.152 London Plan Policy 5.3 states that development proposals should demonstrate that sustainable design standards are integral to the proposal and that major developments meet the minimum standards within the Mayor's SPG. This aims to achieve a variety of measures including minimising urban runoff and avoid impacts from natural hazards (including flooding). Policy 5.12 states that development proposals must meet flood risk assessment and management requirements. London Plan Policy 5.13 states that development should utilise SUDS, aiming to achieve greenfield run off rates and that surface water run-off is managed as close to its source as possible, in line with a drainage hierarchy.

- 8.153 The London Plan Sustainable Design and Construction Supplementary Planning Guidance (2014) supports that developers will be expected to clearly demonstrate how all opportunities to minimise final site runoff, as close to greenfield rate as practical, have been taken. The minimum expectation for development proposals is to achieve at least 50% attenuation of the site's (prior to re-development) surface water runoff at peak times.
- 8.154 Croydon Local Plan policy SP6.4 seeks to reduce flood risk, protect groundwater and aquifers and minimise all forms of flooding. Policy DM25.1 seeks to reduce flood risk and minimises the impact of flooding. Policy DM25.3 requires sustainable drainage systems in all development.
- 8.155 As the application relates to a major application a Flood Risk Assessment and Surface water Management Plan is required under Local Plan policy SP6.4 and London Plan Policy 5.12 and 5.13. FRA and a SuDS strategy have been submitted with the application and reviewed by the Lead Local Flood Authority. The Lead Local Flood Authority have considered the information and found it to be acceptable subject to the inclusion of pre-commencement conditions which require the submission of detailed drainage information. The Environment agency (subject to conditions) and Thames Water (suggest conditions and informatives) have also not objected to the scheme.

#### Nature Conservation and Trees

- 8.156 London Plan Policy 7.19 states that development proposals should, where possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. London Plan Policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.
- 8.157 Croydon Local Plan policy SP7.4 states that the Council will seek to enhance biodiversity across the borough. Policy DM27 seeks to enhance biodiversity across the borough and improve access to nature. Policy DM28 states that the Council will seek to protect and enhance the borough's woodlands, trees and hedgerows by: a) Ensuring that all development proposals accord with the recommendations of BS5837 2012 (Trees in relation to design, demolition and construction) or equivalent; b) Not permitting development that results in the avoidable loss or the excessive pruning of preserved trees or retained trees where they make a contribution to the character of the area; c) Not permitting development that could result in the future avoidable loss or excessive pruning of preserved trees or trees that make a contribution to the character of the area; and d) Not permitting development resulting in the avoidable loss or deterioration of irreplaceable habitats, including ancient woodland, hedgerows and veteran trees; and e) Producing a tree strategy outlining how the local authority will manage its tree stock and influence the management of those trees subject to a Tree Preservation Order.
- 8.158 The only trees of significance on this site are London Planes 3004, 3007 & 3008 and cherry 3006. Whilst the removal of these trees has been accepted in the past, the trees are to be retained as part of the current proposal. Given the retention of these trees, a tree protection plan is required and can be secured by condition.

8.159 No objection is raised to the removal of London Plane 3005. This tree is in poor condition and should be removed irrespective of the planning application. Similarly, Acacia 3001 is a poor quality specimen and can be removed.

8.160 The proposed landscaping arrangements are considered appropriate, but the final details, along with lighting and management to include objectives and practices to benefit commonly occurring wildlife, can be secured by way of condition.

#### Air pollution, noise and vibration

8.161 London Plan Policy 7.14 (B) states that developments should; a. minimise increased exposure to existing poor air quality and seek to contribute to addressing local air quality problems; b. promote sustainable design and construction; c. be at least air quality neutral and not lead to further deterioration of existing poor air quality; d. ensure where provision needs to be made to reduce emissions from a development, this is usually made on site; e. where development requires an air quality assessment and biomass boilers are included the assessment should forecast pollutant concentrations. There should be no adverse air quality impacts. The whole of Croydon Borough has been designated as an Air Quality Management Area – AQMA.

8.162 London Plan SPG - The control of dust and emissions during construction and demolition 2014 is also relevant.

8.163 Croydon Local Plan 2018 policy SP6.3 criterion e) requires development to positively contribute to improving air, land, noise and water quality by minimising pollution. Policy DM23 seeks to promote high standards of development and construction throughout the borough by (relevant criterion highlighted only): a) Ensuring that future development, that may be liable to cause or be affected by pollution through air, noise, dust, or vibration, will not be detrimental to the health, safety and amenity of users of the site or surrounding land; b) Ensuring that developments are air quality neutral and do not lead to further deterioration of existing poor air quality; c) Ensuring mitigation measures are put in place

8.164 The Council's Environment Consultant has raised no objection to this aspect of the proposals, but does suggest that the mitigation measures identified within the air quality report should be secured by condition. Mitigation measures relate to the construction period of the development and primarily to control dust. During operation the development impact is negligible and therefore no mitigation is required. However, the development is within an Air Quality management Area and therefore the future residents are protected by the design which has supply air ventilation brought in through the façade at each floor. Additionally a contribution towards local initiatives and projects in the air quality action plan will improve air quality targets helping to improve air quality concentrations for existing and proposed sensitive receptors. In addition the energy centre emissions are air quality neutral.

8.165 The application is accompanied by a noise and vibration assessment which indicates that the internal noise conditions for future residents will be acceptable provided that appropriate noise mitigation is put in place. The assessment finds that no specific vibration mitigation is required. The Environment Consultant has recommended that compliance with the measures identified in the report be secured by condition.

8.166 Details regarding possible future extraction/ventilation systems in relation to the A3 and A4 land uses and lighting could be secured by condition.

8.167 As a large scale development, the construction phase would involve large scale operations and is likely to be elongated, there is the potential for adverse environmental effects accordingly a Construction Logistics / Environment Management Plan should therefore be secured by condition.

#### Ground Conditions and Contamination

8.168 London Plan Policy 5.21 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

8.169 Croydon Local Plan 2018 SP6.3 criterion h) requires development to positively contribute to improving air, land, noise and water quality by minimising pollution.

8.170 Policies DM24.1-DM24.3 relate to land contamination and development proposals located on or near potentially contaminated sites. Such sites need to be subjected to assessments and any issues of contamination discovered should be addressed appropriately e.g. through conditions.

8.171 Subject to conditions there are no objections from the Environment Agency, Thames Water and the Councils Environmental consultant.

#### **Other Planning Issues**

##### Employment and training

8.172 Croydon Local Plan policy SP3.14 and the Planning policy including the adopted Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy— Review 2017 sets out the Councils' approach to delivering local employment for development proposal. The applicant has agreed to a contribution and an employment and skills strategy.

##### Designing Out Crime

8.173 For a building of this nature, the main considerations would relate to counter terrorism, access to the building and the areas of public realm around the building.

8.174 No objection has been raised by the Designing out Crime Officer, however, they do suggest a 'Secured by Design' related condition. On this basis a condition is recommended to secure a scheme of secure by design and CCTV measures (see Lansdowne) to be installed across the site.

##### Telecommunications and aircraft

8.175 As tall buildings are proposed, the development has the potential to create electronic interference within surrounding buildings. However, a section 106 legal agreement clause is recommended to ensure that any potential adverse impact is mitigated at the applicant cost.

8.176 Tall buildings also have the potential to pose hazards to aircraft, and for this reason aviation bodies within this region have been consulted. None have raised concerns and the development is therefore considered acceptable in this regard.

## **Conclusions**

8.177 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for both schemes (17/05040/FUL and 17/05035/FUL) the reasons set out above. The details of the decision are set out in the RECOMMENDATION.