

**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/01211/FUL  
 Location: 5-9 Surrey Street, Croydon, CR0 1RG  
 Ward: Fairfield  
 Description: Demolition of the existing building and replacement with a six/seven/eight storey development. Commercial units would be provided on the lower ground (sui generis, A3 and D1/D2) and ground floor (flexible use A1, A2, A3, D1, D2, B1(a)), with 55 flats above with associated public realm improvements and landscaping including courtyard area with, disabled car parking and cycle parking.

Drawing Nos: Location Plan MLUK-607-A-P-XX-0100  
 Existing Site Plan MLUK-607-A-P-XX-0160 Rev A  
 Existing Lower Ground Floor 228899  
 Existing Ground Floor 228899  
 Existing First Floor 228899  
 Existing Second Floor 228899  
 Existing Second Floor 2 228899  
 Existing elevations MLUK-607-A-P-XX-0140, -0141, -0142, 0144  
 Proposed Site Plan MLUK-607-A-P-XX-0120  
 Proposed Site Roof Plan MLUK-607-A-P-XX-0161  
 Proposed Lower Ground Floor MLUK-607-A-P-XX-1129  
 Proposed Ground Floor MLUK-607-A-P-XX-1130 Rev A  
 Proposed 1<sup>st</sup> – 5<sup>th</sup> Floor MLUK-607-A-P-XX-1131  
 Proposed 6<sup>th</sup> Floor MLUK-607-A-P-XX-1136  
 Proposed 7<sup>th</sup> Floor MLUK-607-A-P-XX-1137  
 Proposed Roof Plan MLUK-607-A-P-XX-1138  
 Proposed Elevations MLUK-607-A-P-XX-3100, -3101, -3102, -3103, -3104  
 Topographic Survey 160151  
 Fire Strategy Lower Ground Floor MLUK-607-A-P-XX-4009  
 Fire Strategy Ground Floor MLUK-607-A-P-XX-4010  
 Fire Strategy 1<sup>st</sup> – 5<sup>th</sup> Floor MLUK-607-A-P-XX-4011  
 Fire Strategy 6<sup>th</sup> Floor MLUK-607-A-P-XX-4016  
 Fire Strategy 7<sup>th</sup> Floor MLUK-607-A-P-XX-4017  
 Fire Strategy Roof MLUK-607-A-P-XX-4018

Applicant: Regent Land and Development Ltd and the Folly's End Fellowship Trust  
 Agent: Mr Jamie Dempster, GVA  
 Case Officer: Helen Furnell

|                    | 1 bed | 2 bed | 3 bed | Total |
|--------------------|-------|-------|-------|-------|
| <b>Private</b>     | 25    | 12    | 6     | 33    |
| <b>Affordable</b>  | 6     | 2     | 4     | 12    |
| <b>Total units</b> | 31    | 14    | 10    | 55    |
|                    |       |       |       |       |

|                          |   |   |   |                      |
|--------------------------|---|---|---|----------------------|
| <b>Affordable Rented</b> | 1 | 0 | 0 | 1                    |
| <b>Shared ownership</b>  | 5 | 2 | 4 | 11                   |
| <b>Total affordable</b>  | 6 | 2 | 4 | 12 (25% by hab room) |

| <b>Type of floorspace</b>                             | <b>Existing</b> | <b>Proposed</b> | <b>Change</b> |
|---|-----------------|-----------------|---------------|
| Residential (upper floors)                            | 186.7 sq m      | 5,276 sq m      | +5,089.3 sq m |
| A1 Retail (ground floor)                              | 880.5sq m       | -               | -880.5 sq m   |
| Flexible use A1, A2, A3, B1(a), D1, D2 (ground floor) | -               | 219 sq m        | +219 sq m     |
| A3 Food and Drink (lower ground floor)                | 552 sq m        | -               | -552 sq m     |
| D1/D2 Conference Centre/Church (upper floors)         | 1,205 sq m      | -               | -1,205 sq m   |
| Sui Generis (combined A3/D1/D2) (lower ground floor)  | -               | 485 sq m        | +485 sq m     |

| <b>Number of car parking spaces</b> | <b>Number of cycle parking spaces</b> |
|-------------------------------------|---------------------------------------|
| 2 (both blue badge spaces)          | 114                                   |

- 1.1 This application is being reported to Planning Committee because the Ward Councillor at the time the application was submitted (Cllr Vidhi Mohan) and the Chair of Planning Committee (Cllr Paul Scott) made representations in accordance with the Committee Consideration Criteria and requested committee consideration, and objections above the threshold in the Committee Consideration Criteria have been received.

## **2 BACKGROUND**

- 2.1 The development was presented to Planning Committee at pre-application stage on 18<sup>th</sup> May 2017. The main issues raised at this meeting were as follows:
- Affordable housing is key
  - Ability to put a bolder, bigger building with distinctive character, to fit in with feel, vibrancy and activities of Surrey Street
  - Access and animation of Exchange Square
  - Loss of community use - possibility of looking for a different solution for this interesting and unusual site
  - Access turning into Matthew's Yard - need a clever and imaginative way, respecting existing as well as new occupiers
  - Facilities for traders
  - Vehicular movement around the market

### **3 RECOMMENDATION**

- 3.1 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) Provision of 25% affordable housing by habitable room, of which 1 unit affordable rent and 11 units shared ownership tenure
    - b) Securing use of the basement by community groups
    - c) Employment and Training Strategy
    - d) Retention of architects
    - e) Restriction on residents obtaining on street parking permits
    - f) Engagement with future District Energy operator
    - g) Air quality mitigation (at a rate of £100 per residential unit and £100 per 500m<sup>2</sup> commercial floorspace)
    - h) Mitigation for carbon emissions should zero carbon not be achieved for the residential units (at a rate of £60 per tonne of CO<sub>2</sub> for 30 years)
    - i) Car club
    - j) Travel plan monitoring
    - k) Contribution towards TfL (public transport infrastructure)
    - l) Public realm improvements
    - m) Legal and monitoring costs
    - n) Any other planning obligation(s) considered necessary by the Director of Planning and Strategic Transport
- 3.2 That the Director of Planning and Strategic Transport has delegated authority to negotiate the legal agreement indicated above.
- 3.3 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) Development to be in accordance with the plans submitted
- 2) Submission and approval of details/samples of materials
- 3) Submission and approval of details of a landscape strategy
- 4) Provision of amenity areas, children's play space and play equipment
- 5) Submission and approval of a travel plan
- 6) Submission and approval of details of the provision and layout of disabled parking area
- 7) Submission and approval of details of EVCP's for parking and cycle parking
- 8) Submission and approval of details of photovoltaic panels
- 9) Submission and approval of details of air source heat pumps
- 10) Submission and approval of details of a lighting assessment and scheme
- 11) Submission and approval of details of shopfront elevations
- 12) Submission and approval of a Construction Logistics Plan
- 13) Submission and approval of details of an intrusive site investigation and remediation

- 14) Submission and approval of a delivery and service plan
- 15) Submission and approval of a waste management plan and details of refuse storage
- 16) Submission and approval of details of cycle storage (including elevation details)
- 17) Submission and approval of details of all external mechanical plant (associated with the commercial uses)
- 18) Submission and approval of a scheme for soundproofing/noise mitigation measures (for the commercial units).
- 19) Submission and approval of details of noise levels for the residential units
- 20) Submission and approval of details of how a 35% reduction in carbon emissions for the commercial floorspace will be achieved
- 21) Submission and approval of details of how zero carbon will be achieved for the residential units (and if this cannot be achieved, mitigation through the S106 agreement)
- 22) Submission and approval of details of how the development will connect to any future district energy scheme
- 23) Submission and approval of details of how the scheme will achieve BREEAM 'excellent'
- 24) Scheme to achieve a water use target of 110 litres per person per day
- 25) Submission and approval of details of a detailed surface water drainage scheme
- 26) Submission and approval of details of window cleaning equipment
- 27) 10% of residential units to be M4(3) compliant
- 28) 90% of residential units to be M4(2) compliant
- 29) Submission and approval of details of public art/signage to activate the north elevation
- 30) Submission and approval of a Dust Management Plan
- 31) Development to be in accordance with the recommendations of the Air Quality Assessment.
- 32) Development to commence within 3 years
- 33) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

### **Informatives**

- 1) Site Notice Removal.
- 2) Permission is subject to a S106 Agreement.
- 3) Details of payment of financial contributions in the Section 106 legal agreement.
- 4) Financial payment under the Community Infrastructure Levy regulations is required on commencement.
- 5) It is the responsibility of the developer to make proper provision for drainage and to contact Thames Water where it is proposed to discharge to a public sewer.
- 6) The developer is advised to consult the Council's 'Code of Construction Practice on the Control of Noise and Pollution from Construction Sites'.
- 7) The developer is advised to observe the Mayor of London's Best Practice Guidance 'The control of dust and emissions from construction and demolition'.
- 8) The development should be constructed to Secured by Design principles.
- 9) Sound insulation to residential units can be controlled by the Building Regulations.
- 10) Sound insulation to commercial units can be controlled by the Building Regulations.

- 11) The applicant should comply with the document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' and its relevant publications and standards.
  - 12) Consultation with the Network Management team on matters affecting the public highway at least 3 months prior to the commencement of works on site.
  - 13) Any [other] informative(s) considered necessary by the Director of Planning
- 3.4 That the Planning Committee confirms that it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Central Croydon Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.5 That, if by 16 November 2018 the legal agreement has not been completed, the Director of Planning and Strategic Transport has delegated authority to refuse planning permission.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 This is a full planning application for the following:
- The demolition of all existing buildings on the site.
  - The erection of a part six, part seven, and part 8 storey building.
  - Commercial units proposed on the lower ground floor (uses sui generis, A3 and D1/D2) and on the ground floor (flexible use A1, A2, A3, D1, D2, B1(a)).
  - 55 residential flats
  - Public realm improvements and landscaping
  - Disabled parking bays and cycle parking.

### **Site and Surroundings**

- 4.2 The site is currently occupied by a part 2/part 3/part 5 storey building. The two storey element faces onto Surrey Street and steps up to the five storey element that is a commercial block that faces onto Exchange Square. To the south west of the application site is 'The Exchange', a part 5/part 8 storey block of flats. To the west of the site within the centre of Exchange Square is the Pump House – a former pumping station – which is a five storey building, with a tower that is the equivalent of eight storeys. The Pump House is a Grade II Listed Building. To the north of the site is Bridge House, which fronts onto Surrey Street. This has commercial units located within a double height ground floor, with flats above. To the rear of Bridge House and to the north west of the application site is the Surrey Street multi-storey car park. To the south of the site is Surrey House, a previous office building that has recently been converted to residential and has planning permission for two additional floors to take it to eight storeys. Surrey Street lies to the immediate east of the application site on a roughly north-south alignment. Surrey Street contains various commercial uses and is the location of Surrey Street Market. The level of the frontage along Surrey Street is fairly constant, but land levels fall away sharply to the west so that the basement of the building is exposed (and appears consistent with ground levels) at Exchange Square/Matthews Yard.
- 4.3 The site is located within the Croydon Metropolitan Centre, the Croydon Opportunity Area and the Central Croydon Conservation Area. It is also located within an Area of

High Density, an Archaeological Priority Zone, an area at risk of critical damage from surface water flooding, a Primary Shopping Area, and a Secondary Retail Frontage. It is also within the central Croydon Controlled Parking Zone and is part of the area that is covered by the Old Town Masterplan.

- 4.4 The application site currently contains a mix of uses. At ground floor, facing Surrey Street, there is an existing large A1 unit occupied by a “99p Store” and a smaller A1 unit that has recently been occupied by a boxing gym. At first and second floor above, Folly’s End Fellowship Church occupy the building and they have an associated conference centre. At third floor there is a residential flat. The basement of the building, which fronts onto Matthews Yard (due to a change in land levels) is in A3 use and is occupied by a mix of uses that are predominantly food & beverage. There is an area to the rear of the building at lower ground floor level, which is hard surfaced and used for car parking (15 spaces).
- 4.5 The basement of the building has been designated by the Council as an Asset of Community Value. The designation applies to the area of the building currently occupied by Matthews Yard and was designated on 7<sup>th</sup> March 2018.

### **Planning History**

- 4.6 The following planning decisions are relevant to the application:

89/00671/P Alterations; use of first floor and part of ground floor as restaurant.

**Permission Granted**

95/00243/P Alterations; use of first floor as place of worship; erection of extract ducting.

**Permission Granted and Implemented**

04/02113/P Use of basement as a jazz themed restaurant

**Permission Granted** (the existing basement currently operated in a similar use).

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

- 5.1 The proposal would provide a significant quantum of housing and affordable housing. It would regenerate an underutilised site and contribute to the development of the Metropolitan Centre and Croydon Opportunity Area.
- 5.2 The development would provide 25% affordable housing by habitable room, which although is below the policy requirement, is the maximum possible due to viability considerations. A viability assessment has been submitted and independently verified to confirm that this is the maximum level. Viability review mechanisms would be secured by legal agreement. Only one of the 12 affordable units would be affordable rent with the remainder as shared ownership. Justification has been provided by the applicant for this tenure mix and this has been accepted.
- 5.3 The development proposes a mix of 1, 2 and 3 bedroom homes. The OAPF suggests that this area should provide 45% of units as 3-bed family units on the basis that developments are more likely to be mid-rise. The scheme proposes 18% 3-bed but the OAPF accepts that sites should be looked at on a case by case basis. The housing mix is considered acceptable.

- 5.4 The townscape impacts of the development in terms of its bulk, height, layout and massing are acceptable and is in keeping with the surrounding development. The proposal would result in a high quality development.
- 5.5 The proposal would cause harm to the Central Croydon Conservation Area. The degree of harm caused to the conservation area is considered to be 'less than substantial'. However, the harm caused is considered to be outweighed by the public benefits of the scheme which include the architectural and urban design quality, the delivery of purpose designed community space, the regeneration benefit of the scheme, the physical, economic and social regeneration benefits of the development to the local and wider area and the delivery of affordable housing. The proposed development would therefore comply with paragraphs 134 and 135 of the NPPF.
- 5.6 The proposal would have an impact on residential amenity of surrounding occupiers. There would be some impact in terms of light and outlook but none so detrimental as to warrant refusal of the scheme.
- 5.7 The development would comply with residential standards in terms of internal floor areas. Most of the units would meet the requirements in relation to private amenity space and those that don't have a larger internal floor area to compensate. Communal amenity space is provided. Most of the units would be dual aspect, being arranged around corners, but a small number are single aspect. Lighting levels would be satisfactory.
- 5.8 A sustainable drainage system is proposed and would be secured by condition.
- 5.9 The highway layout, access points and the provision of disabled parking spaces is considered to be appropriate. No parking spaces would be provided for residents or commercial occupiers beyond disabled spaces which is considered suitable in a highly accessible location.
- 5.10 Pedestrian access points to the building are level and the residential units would be constructed to part M4(3) and M4(2) of Building Regulations.
- 5.11 The sustainability aspects of the scheme are acceptable.

## **6 CONSULTATION RESPONSE**

- 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:

### **Greater London Authority (Statutory Consultee)**

- 6.3 The Greater London Authority have stated that the development does not currently comply with the London Plan (LP) and has provided the following comments:
- The uplift of 55 new homes and increase in number of existing jobs from 10 to 38 new jobs is supported and accords with the aspirations of the Croydon Opportunity Area Planning Framework and the London Plan.
  - The proposals seek to re-provide the existing town centre uses albeit at lower densities than presently exist and significantly increase the residential provision at the site.

- The proposals increase the residential offer at the site from 2 flats to 55 flats. This uplift in housing on site is supported in accordance with policy H10 of the draft London Plan and LP policy 3.14.
- The proposed scheme involves the recreation of a cultural and community hub for use by Folly's End Fellowship Church (FEFT) and Hoodoos in a new commercial/community space over ground and basement space. In total 703sq.m. of flexible retail/community/sui generis floorspace would be provided including three commercial units along Surrey Street.
- There would be a reduction in church and community floorspace compared to existing provision in response to a reduced demand by FEFT. FEFT is looking to significantly downsize to a more bespoke space that it would use on Sundays and would make available to other groups for the rest of the week. The re-provision of space at ground floor and basement, in a functional, fit for purpose facility that responds to the needs of FEFT and Hoodoos, both of which are understood to have been involved in the design of the scheme.
- The Council should secure appropriately worded conditions and planning obligations regarding the use of this space.
- The proposed development currently includes 11 affordable homes which equates to 34% affordable housing on a habitable room basis comprising 11 shared ownership units. The applicant should provide information on the proposed rental levels and income thresholds for the affordable units. (OFFICER COMMENT: This amount has been amended during the course of the application).
- The offer fails to meet the strategic threshold and the specified strategic tenure mix for low cost rent and intermediate affordable housing products required for a scheme to benefit from the Fast Track Route.
- It is noted that the overall tenure mix does not comply with the Council's preferred tenure split.
- The height of the scheme is generally supported being comparable to much of the surrounding development. Efforts have been taken to reduce the massing of the development particularly when viewed from the west to minimise the visual prominence of the development particularly when viewed alongside the Grade II Listed Pumping Station.
- The applicant proposes brick and stone for the central body of the structure with generous glazing to the ground floor commercial units. The colour palette is generally supported which takes cues from the surrounding context and neighbouring development.
- The northern façade when viewed from Matthews Yard has areas of inactive frontage which results from a level change at the site. The applicant should explore ways to introduce active frontage into this elevation.
- The scheme would meet or exceed minimum space standards set out in the London Plan, benefit from efficient core to unit ratios and 71% of units achieve dual aspect. Whilst 29% of units would therefore be single aspect, it is noted that only 5 of these would be north facing and all would have access to residential amenity spaces at the communal roof terrace and ground floor.
- The Council should secure an informative prescribing the submission of a fire statement.
- There are no designated heritage assets within the site, but the applicant has highlighted a number of existing buildings along the Surrey Street frontage and within the wider area of moderate to high significance, including a series of locally listed buildings and the Grade II Listed Pumping Station.



- The scheme would introduce a high-quality building which would significantly improve the existing situation and be more sympathetic to the surrounding heritage assets.
- Considered that the proposed redevelopment of the site will cause less than substantial harm to the historic significance of the central Croydon conservation area. The redevelopment will make the most efficient use of the application site and deliver a significant quantum of new housing, including affordable housing. On balance the proposals outweigh the less than substantial harm to the setting of the surrounding heritage assets and the wider conservation area.
- The overall height, massing, layout and elevational treatments of the scheme are broadly acceptable in strategic design terms.
- London Plan policy 3.8 and draft London Plan policy D5 require that 10% of new housing is wheelchair accessible and that the remaining 90% are easily adaptable for residents who are wheelchair users. The scheme would provide 5 units (9.1%) as wheelchair accessible/adaptable. This is acceptable given site constraints.
- Further information is required with respect to the overheating analysis/domestic checklist, carbon emissions and SAP calculations and energy efficiency measures.
- Development should be designed to allow future connection to a district heating network. Further detail with respect to the route of the proposed heat network and the energy centre and its floor area, internal layout and location.
- Photovoltaic panels and air source heat pumps are proposed. A reduction in regulated carbon dioxide emissions of 10 tonnes p.a. (12%) will be achieved through this element.
- Further revisions and information is required before the proposals can be considered acceptable and the carbon dioxide savings verified.
- A number of key bus and tram projects in Croydon have been identified by TfL, which the development will benefit from. Further discussions with Croydon Council and the applicant are necessary and a contribution to this infrastructure should be agreed prior to determination.
- A minimum of 7 blue badge parking bays are required for the proposed development. In the first instance this must be provide on-site. If this cannot be achieved the applicant must demonstrate that blue badge parking can be provided within close proximity of the site.
- The applicant's commitment to exclude residents from applying for parking permits in the local CPZ and the provision of EVCP's must be secured by condition.
- The LP requires a minimum of 98 long stay cycle parking spaces plus 11 short stay cycle parking spaces. Whilst the proposals include 114 cycle parking spaces, 108 of these are within the basement which is unsuitable for short stay spaces and must be revised.
- A travel plan should be secured, monitored and funded through the S106.
- Delivery and servicing plan to be secured by condition.
- Submitted construction logistics plan is unacceptable and must be revised as the proposal to reverse vehicles from the site would pose an unacceptable risk to pedestrian and cycle safety.

## **Transport for London (Statutory Consultee)**

### Strategic Issues

- 6.4 A review of the trip generation and mode split is requested to understand the net impacts on all transport modes, and to allow TfL to determine the financial contribution required for public transport improvements to mitigate the cumulative impacts of development in the Opportunity Area. The provision of Blue Badge parking and cycle parking in line with the London Plan should be confirmed for compliance. (OFFICER NOTE: Additional information has been provided to TfL)

#### Site Context

- 6.5 Approximately 250 metres to the south of the site, the A232 Croydon Flyover forms the nearest section of the Transport for London Road Network (TLRN), whilst the A212 Park Lane is the nearest section of the Strategic Road Network (SRN) around 300 metres to the east. Access to up to 12 bus services can be achieved within 150 metres of the site from stops located on the High Street, and to the north of the site Church Street provides access to Tramlink. National Rail services can be accessed from West Croydon and East Croydon stations, both of which are within 1km of the site. The site has an excellent Public Transport Accessibility Level (PTAL) of 6b, on a scale of 1 to 6, where 6 is the most accessible.

#### Site Access

- 6.6 Although the proposals retain the existing vehicle access from Surrey Street, it is understood that the number of vehicle movements will be reduced, allowing access only to 2 Blue Badge parking bays. Given the recent public realm improvements on Surrey Street, which is restricted to pedestrian only access between 5am and 8pm, the proposed vehicle access arrangements are supported.

#### Public Transport

- 6.7 The Transport Assessment (TA) suggests that any additional demand for public transport can be accommodated within existing services. However, given the scale of development in the OA, the cumulative impact on public transport should be taken into account. A number of key bus and tram projects in Croydon have been identified by TfL, which the development will benefit from, therefore a contribution should be secured via the Section 106 agreement to help close the funding gap identified in the DIFS. Further discussions with the Council and the applicant are requested and a contribution agreed prior to determination. (OFFICER NOTE: The applicant has submitted additional information to TfL. TfL have not provided further information on their requirements).

#### Car Parking

- 6.8 The development is proposed to be car free, with the exception of 2 Blue Badge parking spaces. This is a reduction from the existing car parking provision by 13 spaces. A minimum of 7 Blue Badge parking bays are required for the proposed development to be compliant with draft London Plan policy T6 (London Plan policy 6.13). If this cannot be accommodated within the site, the applicant must demonstrate that Blue Badge parking in line with the London Plan can be provided within a close proximity of the site for full compliance. The commitment to exclude residents from applying for parking permits in the local CPZ and the provision of EVCPs should be secured via the appropriate planning obligations. (OFFICER NOTE: The applicant has provided further information to TfL. Parking permits can be restricted by S106 and EVCP's by condition).

#### Cycle Parking

- 6.9 A total of 114 cycle parking spaces are proposed, including 108 spaces within the basement and 6 spaces (3 Sheffield stands) at ground floor level. London Plan policy

6.9 requires a mix of 79 long stay cycle parking spaces, and 21 short stay spaces. The provision of cycle parking within the basement would not be appropriate for short stay visitor parking, and therefore this should be reviewed. Further details of the access arrangements for long stay residents' cycle parking in the basement should also be provided to ensure that this is in accordance with the London Cycling Design Standards. Furthermore, the applicant should aspire to meet the draft London Plan standards for cycle parking in policy T5, which would require a minimum of 98 long stay cycle parking spaces plus 11 short stay cycle parking spaces.

#### Trip Generation and Mode Split

- 6.10 Given the car free nature of the development it is accepted that there is likely to be a net reduction in vehicle trips to the site, which is supported. However, the trip generation methodology is considered to be unrepresentative of the site and this should be reviewed. The current methodology uses sites from the TRICS database that are located outside of London, and further information is required to determine whether the trips associated with the proposed commercial use can be excluded from the assessment. In addition, Census data should be used to derive the mode split for the proposed development, and public transport trips disaggregated to determine the required mitigation. (OFFICER NOTE: the applicant has provided additional information to TfL).

#### Travel Plan

- 6.11 The submission of a site wide Travel Plan to support the application is welcomed. Objectives to increase travel by sustainable modes are welcomed, and it is suggested that the targets could be more ambitious given the PTAL. The Travel Plan should be secured, monitored and funded through the Section 106 (S106) agreement.

#### Deliveries and Servicing

- 6.12 A Delivery and Servicing Plan (DSP) has been submitted with the application. Measures to ensure that there would be no impact to bus movement on the High Street, along with the safety of pedestrians and cyclists should be included. The detailed DSP should be submitted to the Council and approved, prior to occupation, and this should be secured by condition.

#### Construction

- 6.13 A draft Construction Management Plan (CMP) is provided with the application. The proposal to reverse construction vehicles from the holding area is not supported, in terms of pedestrian and cycle safety, and should be reviewed. Given the scale of development activity in the OA, a commitment from the developer to programme construction works in co-ordination with other developers in the vicinity, including attendance at working group meetings is critical. The final CMP should be secured by a condition and discharged prior to commencement, in consultation with TfL. (OFFICER NOTE: A condition is suggested).

#### Community Infrastructure Levy

- 6.14 In accordance with London Plan policy 8.3, the Mayor commenced Community Infrastructure Levy (CIL) charging for developments on 1st April 2012. It is noted that the proposed development is located within the London Borough of Croydon, where the Mayoral charge is £20 per square metre of Gross Internal Floor Area.

**Further to the submission of additional information by the applicant, TfL has provided further comments as follows:**

- 6.15 With respect to the provision of car parking for disabled users, it is welcomed that the applicant has investigated the conversion of existing car parking bays on Scarbrook Road and accepted that the additional requirement (5 spaces) could be provided in the adjacent public car park. However, the applicant should consider the distance and acceptability of the access route from the car park for users with impaired mobility to satisfactorily address TfL's concerns, in line with the London Plan and Accessible London SPG. Furthermore, the Council should consider adopting a flexible approach to the town centre parking, with the option to convert parking bays where the demand arises.
- 6.16 Whilst the overall number of cycle parking spaces is compliant, the quantum of short stay cycle parking is not compliant with London Plan minimum standards. Short stay cycle parking should be readily available for shoppers, customers, messengers and other visitors as detailed in the current London Plan policy 6.9; therefore it is not appropriate to provide visitor cycle parking within the basement, which would not be convenient for this purpose. An alternative location for additional cycle stands at ground floor level to meet the minimum requirement for short stay cycle parking should be investigated for compliance.
- 6.17 Given the limited data available for the existing use, the TRICS data used in the assessment is accepted in this instance. As noted, surveys of the existing site should have been carried out and it is unclear why this approach was not taken.
- 6.18 Point 4 regarding the proposed commercial use is accepted. (OFFICER NOTE: this comment was in response to the following comment by the applicant: *The proposed end users for the commercial space proposed at the site are yet to be identified, however it is anticipated that the commercial element of the scheme would generate linked-trips / pass-by trade only, consistent with the existing arrangement*).
- 6.19 It is envisaged that peak hour journeys, including those for work purposes may have the greatest impact on public transport demand. Given the PTAL of the site, as a worst case the Census mode split should be applied to the public transport trips for bus/tram to determine the contribution required towards the transport projects identified in the DIFS.
- 6.20 Point 6 is accepted and these items should be secured via appropriate planning conditions or the s106 agreement. (OFFICER NOTE: this comment was in response to the following comment by the applicant: *Matters regarding Electric Vehicle Charging Points (EVCP's), exclusion from applying for parking permits and the DSMP would be secured by planning condition and the Travel Plan secured through the Section 106 Agreement*).
- 6.21 The additional information provided by the applicant satisfies some of TfL's concerns, however further clarification of the proposed arrangements for disabled parking and the provision of short stay cycle parking should be confirmed for TfL to be supportive of the application.

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

- 6.22 Recommend no archaeological requirement. Concurs with the archaeological desk-based assessment dated 1 March 2018 by RSK Environmental, that given the nature and scale of the post-war development of the site, that any archaeological interest has been removed.

### **Lead Local Flood Authority (Statutory Consultee)**

6.23 Following detailed discussions, no objection subject to condition.

### **London Fire and Emergency Planning Authority**

6.24 Burning is not the recommended method of disposing waste materials, but if burning is to take place, have advised of a number of precautions to take and advises the applicant to discuss this with the Council's Environmental Health department. It is not the intention of the Authority to comment at the planning stage but upon receipt of the proposals via building control will provide comments at that stage. Any vehicle access should comply with the 'Access for Fire Appliances' Fire Safety Guidance Note. (OFFICER NOTE: No burning has been proposed).

### **Mid Croydon Conservation Area Advisory Panel**

6.25 Consider the proposal to be detrimental to the Conservation Area for the following reasons:

- While the existing building contributes absolutely nothing to the area the proposed development is out of character with the area.
- The building is too high, however this is a consequence of granting applications to increase the height of other buildings in the area which has led to a situation where each new application quotes the precedence set by others in order to justify their overall height.
- The application proposes yet more retail on the ground floor. The retail units in Bridge House fronting St Mathews Yard were boarded up when the building was completed and have remained that way ever since. The Panel is concerned that a similar fate will await this proposed development.
- Instead of proposing yet more retail isn't it about time that the ground floor space was used to provide useful services for the area and storage facilities for the occupants of the flats.

### **Thames Water**

6.26 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Prior approval from Thames Water Developer Services will be required.

6.27 'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

6.28 Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached to the planning permission regarding discharging groundwater into a public sewer.

6.29 There are public sewers crossing or close to the development. Approval should be sought from Thames Water.

- 6.30 Requirement for a piling method statement
- 6.31 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 6.32 Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application.
- 6.33 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6.34 The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains and have contacted the developer in an attempt to agree how the, asset will be diverted / development will be aligned. We have been unable to agree a position in the time available and as such Thames Water request the addition of a planning condition
- 6.35 The proposed development is located within 15m of a strategic water main. It will be necessary to agree the piling methodology between the developer and Thames Water. Thames Water request that the addition of a planning condition to secure this.

## 7 LOCAL REPRESENTATION

- 7.1 The application has been publicised by way of four site notices displayed in the vicinity of the application site and neighbour notification letters sent to 316 adjoining occupiers. 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: 82      Objecting: 80      Supporting: 2

- 7.2 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:

| <b>Summary of objections</b>   | <b>Response</b>   |
|--|---|
| <i>Scale and massing</i>   |   |
| Massing is out of proportion to its surroundings.                              | The massing of the building is considered to be acceptable. See paragraphs 9.20-9.28.                         |
| <i>Daylight and sunlight</i>   |   |
| Existing poor levels of sunlight in neighbouring buildings would be reduced.   | Daylight and sunlight have been fully assessed and have been considered acceptable. See paragraphs 9.39-9.48. |
| Loss of light and overshadowing to properties in The Exchange and Bridge House | As above.   |
| <i>Highways Matters</i>  |   |

|   |   |
|---|---|
| Will cause additional traffic generation  | The only car parking will be 2 blue badge spaces which will have a knock on impact on car ownership for residents and will not cause additional traffic. During construction, details of construction logistics are required to be agreed with the Council and will need to have an acceptable impact.  |
| Lack of parking – residents will have cars and need to load and unload vehicles – existing problems for deliveries blocking local roads | The site is located in a highly accessible location with various public transport options available. The approach on this site is consistent with other developments in the town centre.  |
| <i>Housing</i>  |   |
| New apartments built in Croydon are not affordable for local residents.   | Affordable housing has been secured for this development.   |
| <i>Loss of community facility</i>   |   |
| Would destroy the community environment of 1 Matthews Yard.   | Community uses are proposed as part of the development proposal and are considered to be an acceptable replacement.   |
| A suitable home should be found for existing occupiers in the local vicinity. The Council should support these grassroots businesses    | The decision on this planning application must be made in accordance with planning policy and other material considerations. A decision cannot be made in the interests of private individuals. Business support is outside the remit of the planning system.   |
| <i>Heritage</i>   |   |
| Development is in a conservation area   | Noted.  |
| Detrimental impact on the nearby Listed Building  | The heritage impact of the development has been fully assessed and is considered to be acceptable.  |
| 5-9 Surrey Street is a historic building  | The existing building does not have any statutory or non-statutory designations. The demolition of the existing building is acceptable.   |
| <i>Disruption</i>   |   |
| Disruption to Surrey Street Market and market traders   | A construction logistics plan is required by planning condition to minimise any impact during the construction period. Any impacts would be temporary and are therefore acceptable. Following completion, the operation of the building is not considered to have any additional impact on the operation of Surrey Street Market in comparison with the existing situation. |
| Disruption to local residents.  | The impact on local residents has been fully assessed and is considered to be acceptable.   |
| Noise and disruption to local businesses  | The impact on local businesses has been fully assessed and is considered to be acceptable.  |

|   |   |
|---|---|
| Noise and disruption during demolition  | A construction logistics plan as required by planning condition will control noise and disruption impacts during construction.  |
| <i>Impact on adjoining occupiers</i>  |   |
| Proximity of proposed building to nearby residential properties.  | The impact of the building on adjoining occupiers has been fully assessed and is considered to be acceptable.   |
| Loss of privacy and overlooking to neighbouring buildings.  | As above.   |
| Detrimental impact on the quality of life for local residents   | As above.   |
| Loss of views   | As above.   |
| <i>Asset of Community Value</i>   |   |
| Demolition would cause the loss of a community asset (1 Matthews Yard)  | The application has been fully assessed in the context of the designation of 1 Matthews Yard as an Asset of Community Value. See paragraphs 9.9-9.12.   |
| Would remove a cultural hub.  | As above, and the application proposes community uses, which is considered to be acceptable.  |
| <i>Noise</i>  |   |
| Noise assessment is inadequate and was only carried out for a period of 24 hours. Should have included assessment at the weekend. | The noise impacts of the development have been considered and are acceptable subject to the imposition of appropriate planning conditions.  |
| Proposed live music venue in the basement by an operator that generated noise complaints in the past                              | Appropriate noise mitigation and sound insulation planning conditions have been suggested.  |
| Glazing specification not onerous enough  | As above.   |
| <i>Other matters</i>  |   |
| Additional pressure on local services from additional flats (GP's, schools etc).  | The Community Infrastructure Levy – which this development will be required to pay – makes provision for funding local infrastructure such as health, education, sports, open space and community facilities. Under planning legislation, The Council is unable to ask for additional contributions for this infrastructure.                                      |
| Other commercial units nearby have remained unoccupied.   | The Council is required to make its decisions in accordance with planning policy, which deems that retail uses in this location are acceptable.   |
| Concern about air quality and asbestos management during demolition   | The air quality impacts of this development have been fully assessed and are considered to be acceptable, subject to appropriate provision within the S106 Agreement. The management of asbestos during demolition is managed under separate legislation and therefore, the Council has no jurisdiction to impose additional controls under planning legislation. |



|   |   |
|---|---|
| <i>Procedural issues</i>                              |   |
| Developers have not engaged with the local community. | The applicant has submitted a Statement of Community Involvement with the application which outlines that prior to submitting the application they held 2 public consultation events (in July 2017 and January 2018), they delivered 2 newsletters to 750 addresses local to the site, had meetings with key stakeholders, established a website for the development and established a telephone number and email address for the local community to send feedback. The applicant has outlined the feedback they received from the local community. |
|   |   |
| <i>Non-material issues</i>                            |   |
| Profiteering at the expense of the existing facility  | The decision on this planning application will be made in accordance with planning policy and other material considerations. A decision will not be made in the interests of private individuals.   |

| <b>Summary of support comments</b>  | <b>Response</b>  |
|---|--|
| About time this building was replaced   | Noted.   |
| Proposal guaranteed to improve the look of the road and enhance the area.   | The townscape and visual impact of the development has been discussed in paragraphs 9.20-9.28. |
| In the Council's best interests to grant planning permission.   | Noted.   |
| Will improve a tired building and smarten up the area.  | Noted.   |
| Would be best for all parties if Matthews Yard could be helped to relocate.   | This is outside the remit of the planning system.  |
| Proposed building well designed and sympathetic to the existing landscape.  | Noted.   |
| Will bring more people to Croydon.  | Noted.   |
| Pleased that Hoodoos will be brought back as they have been an integral part of creating a cool creative edge to Croydon, along with Matthews Yard. | Noted.   |

7.3 Councillor Vidhi Mohan (Ward Councillor at the time consultations were undertaken on the application) has made the following representations:

- Objects to the application.
- Overdevelopment of the site

- Loss of amenities to those living in adjacent properties
- Loss of light and overshadowing to those residents living in adjacent properties
- Loss of Asset of Community Value at 1 Matthews Yard -- The basement of the building has been designated an Asset of Community Value by Croydon Council. Demolition plans would involve the total loss of this vital community asset.

7.4 Councillor Paul Scott (in his capacity as Chair of Planning Committee) has made the following representations:

- In my capacity as chair of the planning committee I refer this application to the committee for decision, subject to further consideration and given the following issues:
- Massing and design of the proposed building in relation to the character of the conservation area, with particular regard to the scale, massing and detailed design of the principle elevations.
- I note that this application came before the committee in a pre-application presentation

## **8 RELEVANT PLANNING POLICIES AND GUIDANCE**

8.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.

8.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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:

- Delivering a sufficient supply of homes.
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport;
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment

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

8.4 Consolidated London Plan 2015 (LP):

- 2.13 Opportunity areas and intensification areas

- 2.15 Town centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- Table 3.2 Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)
- 3.5 Quality and design of housing developments (MALP)
- Table 3.3 Minimum space standards for new dwellings (MALP)
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice (MALP)
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.6 Support for enhancement of arts, culture, sport and entertainment
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 5.1 Climate change mitigation
- 5.2 Minimising carbon emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.1 Strategic approach (to transport)
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking (MALP)
- Table 6.2 Residential car parking standards (MALP)
- 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 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

## 8.5 Croydon Local Plan: 2018 (CLP2018):

- SP2: Homes.
- SP2.1 Choice of homes.
- SP2.2 Quantities and locations.
- SP2.7 Mix of homes by size.
- SP2.8 Quality and standards.
- DM1: Housing choice for sustainable communities.
- SP3.9: Town Centres
- DM4: Development in Croydon Metropolitan Centre, District and Local Centres
- SP4: Urban Design and Local Character.
- SP4.1 High quality development that responds to local character.
- DM10: Design and Character.
- DM10.1 High quality developments.
- DM10.2 Appropriate parking and cycle parking design.
- DM10.4 Private amenity space.
- DM10.5 Communal amenity space.
- DM10.6 Protection to neighbouring amenity.
- DM10.7 Architectural detailing, materials respond to context
- DM10.8 Landscaping.
- DM10.9 Lighting and light pollution.
- DM13: Refuse and Recycling.
- DM13.1 Design, quantum and layouts.
- DM13.2 Ease of collection.
- DM 15 Tall and large buildings
- DM 18 Heritage assets and conservation
- SP5.5: Providing new community facilities
- DM19: Providing and Protecting Community Facilities
- SP6: Environment and Climate Change.
- SP6.3 Sustainable design and construction.
- SP6.4 Flooding and water management.
- SP6.6 Waste management.
- DM25: Sustainable drainage systems.
- DM27: Protecting and enhancing our biodiversity.
- DM28: Trees.
- SP8: Transport and the Communication.
- SP8.5 and SP8.6 Sustainable travel choice.
- SP8.7 Cycle parking.
- SP8.12 and SP8.13 Electric vehicles.
- DM29: Promoting sustainable travel.
- DM30: Car and cycle parking.
- DM38 Croydon Opportunity Area

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

- Mayor of London, Housing SPG (March 2016)
- Mayor of London, Affordable Housing and Viability SPG (August 2017)
- Croydon Opportunity Area Planning Framework (LBC & GLA 2013)

8.7 There are relevant adopted Masterplans/Conservation Area Appraisals and Management Plans/Other Guidance as follows:

- Old Town Masterplan
- Central Croydon Conservation Area Assessment and Management Plan

## **9 MATERIAL PLANNING CONSIDERATIONS**

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

1. Principle of development
2. Asset of Community Value
3. Housing and Affordable Housing
4. Townscape and visual impact
5. Housing Quality
6. Residential amenity
7. Transport
8. Sustainability
9. Environment
10. Flooding

### **Principle of development**

9.2 The application proposes a mix of uses which include residential, A1, A2, A3, D1, D2, B1(a) and sui generis. The site lies within the Primary Shopping Area and within a Secondary Retail Frontage. Policy DM4 of the CLP2018 requires new development to accord with Table 5.3. This means that the proposed A1, A2, A3, B1(a) and community use would be acceptable in principle. The proposed mix of uses would provide an active frontage to Surrey Street and down to Exchange Square.

9.3 The existing lower ground floor commercial use at the rear of the building (fronting Exchange Square) is currently occupied by Matthew's Yard and also includes 'Beer and Burger'. Until fairly recently Hoodoo's Coffee & Eats and Utopia Theatre were also in occupation. This unit operates under a permitted 'A3' Use Class and the other uses within the unit, including workspace/employment etc uses, are ancillary to the main A3 use. The applicant has advised that the leasehold on this space runs out in 2019. The re-provision of an A3 unit in the building's lower ground floor is therefore acceptable in land-use terms. The recent designation of this unit as an Asset of Community Value is discussed in more detail in the next section of this report.

9.4 The proposal would assist in meeting housing targets in the development plan and making provision for additional housing. Provision of new housing on the site is supported in principle. This is subject to no loss of protected uses and compliance with other relevant policies, as per CLP2018 Policy SP2.1, which sets out that the Council will apply a presumption in favour of development of new homes provided applications meet the requirements of Policy SP2 and other applicable policies of the development plan. The application proposes a density of residential development of 1275 habitable rooms per hectare. This exceeds the densities set out in Table 3.2 of the LP but only marginally (Table 3.2 allows densities in central areas with a PTAL of 4-6 of up to 1100 habitable rooms per hectare). The proposed density is considered

to be acceptable and is similar to other densities of residential development in Croydon Metropolitan Centre.

- 9.5 The Opportunity Area Planning Framework (OAPF) requires the OAPF area to provide 20% of dwellings across the whole area to have 3 bedrooms, but recognises that different parts of the OAPF area will have a different capacity to be able to provide 3 bed homes. The OAPF identifies the site as being within the Southern/Old Town character area. This requires 45% of new homes to have 3 bedrooms. The application proposes 10 of the 55 proposed dwellings to have 3 bedrooms, which equates to an 18% provision. However, it is noted that the OAPF allows for each site to be assessed on a case by case basis, with some sites delivering more and some sites delivering less, with the figure to be used as a starting point and the final figure informed by 'site context, site history, design potential, building height' (para 4.48). Given that this site is in a constrained location, which is in close proximity to an exhibits characteristics of the retail core (where the 3 bed figure is 5%), the proportion of 3 bed units are considered to be acceptable.
- 9.6 Whilst the existing conference centre use is not protected by policy, the permitted use of the existing building's first-floor is as a church (under a D1 use) and is considered to be a 'community facility'. CLP2018 policy SP5.3 states the Council will encourage healthy and liveable neighbourhoods by protecting existing community facilities that still serve or have the ability to serve the needs of the community. Policy 3.16 of the London Plan is also relevant. It states that proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted and that where the current use of a facility is no longer needed, boroughs should take reasonable steps to identify alternative community uses. The CMC is seen as the most appropriate location for community facilities as it is easily accessible by public transport, cycling and walking.
- 9.7 The existing community use, (Folly's End Fellowship Church - who are the freeholder of the existing building), is proposed to remain on the site and would make use of the proposed sui generis space at lower ground floor. It is proposed that this use would be utilised alongside Hoodoos, who have previously leased basement space within the existing Matthews Yard unit.
- 9.8 A significant amount of interest has been generated by this application and concern has been raised regarding the loss of the existing community uses that occur at the site and in particular the loss of the Matthews Yard unit (which is in A3 use but does incorporate ancillary community uses within the unit). The proposed development proposes to replace both community and A3 floorspace and in policy terms, this replacement is considered to be acceptable and there would be no loss of these uses. The Council, as Local Planning Authority, is only able to make its decision on the basis of planning policy and material considerations. Although the scope of what constitutes a material consideration can be very wide, in general the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. This would also apply in the case of a desire to retain a particular occupier at a site – this would be a private interest which cannot be considered to be a material consideration and the Council has no remit through the planning system to ensure that Matthews Yard is retained as part of the proposals for this site. The application will ensure that the existing church at the site can continue its activities

and it is understood that a previous sub-lessee of Matthews Yard has been lined up to operate the basement unit, with the developer designing the space to respond to the occupiers requirements. However, it is the use of the unit that the Local Planning Authority is concerned with – which is acceptable – rather than who the occupiers are. It is considered that the proposed development is in accordance with the requirements of policy DM19.1 and DM19.2 of CLP2018 as the proposed space is flexible enough to accommodate the existing uses should the situation change and the site owners decide that they wish them to remain on the site (although the Council as Local Planning Authority does not have the remit to direct the site owners regarding future occupiers).

### **Asset of community value**

9.9 The Council has designated the basement of the building (Matthews Yard) as an Asset of Community Value (ACV). This designation occurred on 7<sup>th</sup> March 2018 and the asset will sit on the Asset of Community Value Register for a period of five years. The reasons for designating Matthews Yard as an ACV were:

- *That the nomination satisfied the requirements of a community nomination and that sufficient evidence was provided to show that the parts of the building that fall within the control of Matthews Yard, currently (or in the recent past), further the social wellbeing or interests of the local community.*
- *That the nominated asset namely the basement forming the premises of Matthews Yard should be confirmed as an Asset of Community Value.*
- *To place the asset on the Council's Assets of Community Value Register and that the Local Land Charge Register be amended and interested parties notified accordingly.*

9.10 The listing of Matthews Yard as an ACV essentially means that the listing gives local people an opportunity to bid for the asset if the owner decides to sell (as this triggers a six-month moratorium, during which time the asset cannot be sold except to a community bidder. The six-month period includes an initial six-week window in which local groups, if they wish to bid, must express an interest. Local groups then have the remainder of the six-month period to organise the bid. At the end of the six months, the owner may sell, but they do not have to sell to a community bidder.

9.11 The fact that this designation exists can be a material consideration in the determination of this planning application. However, given that this application is not proposing to change the use of the ACV, but that the use is proposed to be re-provided as part of the proposed development, it carries little weight in this case. In addition, the re-provided use would be in new, purpose-built accommodation. The re-provision of community and A3 uses, similar to those existing also satisfy the requirements of policy DM21 (Protecting Public Houses). The existing Matthews Yard unit has a GIA of 552sqm floorspace. The proposed unit would have a GIA of 485sqm. This is a small reduction in floorspace (of 67sqm – representing a reduction of approximately 12%). However, the layout of the lower ground floor of the building would be much improved and the replacement would be of a high quality. The proposed unit would still be of a substantial size and is considered to be of an acceptable size for the proposed use.

9.12 The Council as Local Planning Authority is backed up in taking this approach as it is similar to the approach taken by the Planning Inspectorate in dealing with the Former Ship Public House, 55 London Road (application 15/03553/P). In the case of the

Former Ship Public House, it resulted in the reduction of public house floorspace but the proposal still resulted in a public house use being retained on site. In the case of the Former Ship Public House, the Planning Inspector took the view that there was no detailed evidence produced to indicate that the viability of the public house would be harmed as a result of the proposal and in addition, the proposal would provide housing. The Planning Inspector did not consider the ACV as determinative. In this planning application, the applicant has identified an occupier for the re-provided floorspace who has previously part occupied Matthews Yard and documentation submitted with the application has identified the range of uses that would be similar to existing uses and of benefit to the local community.

## **Housing and Affordable Housing**

- 9.13 The London Plan requires Boroughs to seek to maximise affordable housing provision. Policy SP2.4 of CLP2018 requires sites of more than 10 dwellings to negotiate to achieve up to 50% affordable housing, subject to viability and seeks a 60:40 ratio between affordable rented homes and intermediate homes. Policy SP2.5 requires as a preference, a minimum provision of affordable housing to be provided of 30% on the same site; or if 30% on-site provision is not viable, within the Croydon Opportunity Area, a minimum provision of 15% on-site and 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 these options are unable to be achieved, the 3<sup>rd</sup> option is to provide a minimum of 15% on-site affordable housing, plus a review mechanism for the remaining affordable housing (up to a maximum of 50% 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 there is no suitable donor site.
- 9.14 The development has not been able to provide 50% affordable housing and a viability assessment has been provided with the application, to demonstrate why this level of affordable housing is unable to be provided. The viability assessment has been independently assessed and the finances of the scheme have shown that the scheme is unable to support any affordable housing. The costs associated with the scheme have been assessed to be reasonable. Notwithstanding this, the applicant has made an offer for affordable housing. The applicant is offering 25% affordable housing, by habitable room, proposed to be pepper-potted throughout the scheme. Their offer comprises the following:
- 38 habitable rooms (of 154 habitable rooms in the scheme) – 25%
  - 12 units (of 55 units in the scheme) – 22%
  - 4x3 bed units. Units 1-4, Block A. Shared ownership.
  - 1x1 bed w/c unit. Unit 11, Block B. London affordable rent.
  - 5x1 bed and 2x2 bed units, Block B. Shared ownership.
- 9.15 This is less than the 30% policy requirement and does not achieve a 60:40 tenure split, between affordable rent and shared ownership. The level of affordable housing proposed is accepted, given viability considerations, but this minimum level will be secured through a S106 agreement and the agreement will also require review mechanisms to ensure that additional affordable housing can be secured, should the viability situation improve. The proposal to pepper-pot the units throughout the scheme is acceptable. Whilst there is one affordable rent unit, this is able to be accessed separately from the blocks due to its ground floor location and therefore, this is acceptable from the point of view of managing the tenure of the unit. The



applicant has provided additional justification for the level of affordable housing and the tenure split.

9.16 The applicant has been in discussions with the Council regarding the level of affordable housing since the pre-application stage and through the course of the planning application. At pre-application stage, 15% affordable housing was offered, however, feedback was given to the applicant that this would not be sufficient. In response to this (and concerns raised at that time in relation to other planning matters), the applicant increased the scale of their proposals. On submission of the application there was an initial offer of 34% affordable housing (by habitable room), as shared ownership. However, this level of affordable housing cannot be achieved (as evidenced by the viability assessment) and the applicant has provided justification for the 25% level of affordable housing and the tenure split that is being proposed as follows:

- The existing use value is high due to the existing quantum of development on the site.
- The proposed end occupier of the community space is to be provided rent at a level commensurate to what they have been paying previously. This represents a discounted rent on market value in line with rental value increases. In addition, there will be a rent free period of 3 months as the end occupier goes through its initial growth period.
- The community space will be fitted out to a high specification and this includes additional works in relation to noise insulation. This will ensure greater sound proofing and to the betterment of local amenities, however this will be at an added expense to the applicant.
- The proposals have been through extensive consultation with London Borough of Croydon and the GLA and this has required the incorporation of a Mechanical Ventilation with Heat Recovery (MVHR) in line with overheating and quality of life requirements. This was not previously incorporated into the build costs and represents an increased cost to the applicant.
- In line with achieving greater optimisation of the site in terms of development and footprint, the applicant has been committed to ensuring a high level of design is commensurate to the uplift in scale and massing. This has included sensitively selected brick and detailing which is in accordance with the character and setting of the Conservation Area. This requires higher quality materials and will include a more expensive brick type which has increased the overall build figure. (This is discussed in more detail in the 'Townscape and Visual Impact' section of this report).
- The affordable rent unit proposed can be accessed independently from the shared ownership units and this allows for appropriate management by a Registered Provider.
- Additional affordable rent units cannot be provided as they would have a negative impact on viability, which would further reduce the overall quantum of affordable. There is also the question of management. Affordable rent units require a separate core. Given the constraints of the site, an additional core is not possible. Additional affordable rent units would require one of the blocks to be entirely affordable rent to make it attractive to a Registered Provider. This would not meet the policy tenure requirement and would have a further negative impact on viability. (The Residual Land Value would be significantly lower than the Benchmark Land Value for a policy compliant tenure scheme).

- 9.17 It is considered that the applicant has provided sufficient justification and viability information for the Council to accept the affordable housing quantum and tenure proposed. This will be secured via the S106 Agreement, with appropriate review mechanisms to seek additional affordable housing should the viability situation improve.
- 9.18 Affordable housing has also been considered by the GLA, who have advised that as it does not meet their 35% minimum requirement (as set out in the Affordable Housing and Viability SPG), the scheme is unable to benefit from their fast track scheme and therefore they also require a review mechanism to assess if additional affordable housing can be secured at a later date. As advised above, this can be secured through the S106 Legal Agreement.
- 9.19 10% of the units should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users, in accordance with the GLA Best Practice Guide on Wheelchair Accessible Housing and policy 3.8 of the LP. The application proposes that five of the units (equating to 9.1% of the total) would be wheelchair accessible and have been designed to comply with Building Regulations Part M4(3). In addition, the Design and Access Statement states that all flats have been designed to comply with Part M of the building regulations and the London Plan. Whilst this is just below the requirement, it is acceptable given the site constraints and this is aligned with the view taken by the GLA.

#### **Townscape and visual impact**

- 9.20 The site is located within the Central Croydon Conservation Area and as such must have regards to this designation. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on Local Planning authorities to pay special attention to the desirability of preserving the character and appearance of a Conservation Area. The OAPF sets out general guidance on the approach to development proposals in the area. Finer grain guidance and the Council's aspirations for (and expected direction of travel in) the Old Town and its heritage assets are set out in the Old Town Masterplan and the Central Croydon Conservation Area Appraisal and Management Plan (CAAMP).
- 9.21 The existing building is identified in the Central Croydon CAAMP as having a neutral contribution to the conservation area. There is therefore an opportunity to enhance the site and surrounding area through a high-quality re-development of the site. The building does not benefit from any other protective designations and therefore there is no in-principle objection to demolition of the existing building.
- 9.22 The proposed replacement building has gone through a number of iterations and design improvement during pre-application discussions. The proposals have been subject to a number of pre-application discussions and the scheme in an earlier iteration was presented to Planning Committee (in May 2017) and has also been to Place Review Panel (PRP). The applicant has responded to the comments made previously at Planning Committee and at the PRP. Subsequent to the PRP, the design team was completely changed and a new design approach has been adopted that addresses many of the concerns raised by PRP. The new design is more refined, relates much better to the character of Old Town and Surrey Street and is more carefully planned. This is discussed in more detail below.

- 9.23 Significant work has been undertaken through the pre-application process in regards to the proposal's impact on the conservation area, the historic significance of Surrey Street and impact of the proposed mass on the surrounding area. This is reflected in the detail contained within the Heritage Assessment that accompanies the planning application.
- 9.24 The design is simple, robust and elegant, which is appropriate to its Old Town / Surrey Street setting and its role forming a backdrop to the activities in Surrey Street Market and the iconic Pumping Station Grade II Listed Building. The form is simply articulated to appear like two separate buildings. This reflects the internal layout too so is not superficial. The proportions of openings is very well considered and relates to the character of Old Town. The use of brick is highly appropriate for this location and is very well handled. The treatment of the ground and lower ground floor uses and openings is very well handled design-wise. Again, it is simple, robust and elegant. The proposed access from Surrey Street to the internal courtyard is supported, as is the design of the internal courtyard space, including the front door provided to the wheelchair unit. The fine level of detail and articulation around the openings and features, particularly at ground floor level where the building will be experienced close at hand, is supported.
- 9.25 It is positive from a design and placemaking perspective that the lower ground floor is activated as part of this proposal and that space is provided for cultural, community and creative uses similar to those currently provided by Matthews Yard. These are the right kind of uses for this part of Old Town and will help activate Exchange Square and create a place and destination in the surroundings of the market and the Pumping Station. Whilst there is one section of the side elevation of the building which has a lack of activity and articulation (where there is a change in land levels and the building transitions from ground floor to lower ground floor), this could be addressed through the creative use of materials or public art. This can be secured through the use of planning conditions and the S106 agreement.
- 9.26 In terms of height, the building is taller than officers initially advised and recommended (originally officers were recommending 6 storeys in line with the Old Town Masterplan and CAAMP). However, both PRP and Planning Committee at pre-app stage suggested it could go taller if the design improved. The design has been completely changed from that previously presented to Planning Committee and the height is now comparable to the height of the consented additional floors on Surrey House. Whilst there would be additional height on this site, it is not an anomaly in terms of what has already been consented in the vicinity of the site. In addition, the proposed building is considered to be a high-quality building which would significantly improve the existing situation and be more sympathetic to the surrounding heritage assets compared to the existing building.
- 9.27 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings. Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. These statutory provisions are considered to amount to a strong presumption against granting permission for any development which would cause harm to the setting of a listed building or the character or appearance of a conservation area, even if the harm is limited or less than substantial. That statutory presumption may, however, be outweighed by material planning considerations, provided they are strong enough to do so. Paragraph 134 of

the NPPF advises that where a proposed development will result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. Whilst it is considered that in assessing the proposal in the context of nearby heritage assets the development would result in less than substantial harm to the significance of the historical significance of the conservation area, this has to be viewed in the context of the benefits of the proposal in terms of the delivery of a significant amount of new housing (including affordable housing) and re-provision of community uses. On balance, it is considered that the benefits of the proposal outweigh the less than substantial harm to the setting of surrounding heritage assets and the conservation area.

- 9.28 The additional height may reduce some sunlight (in afternoons and evenings) and daylight entering Surrey Street itself. However the character of the street is already such that it has a tight street section in an urban context and the orientation is such that increased shadowing would be later in the afternoon and evening. The existing buildings on the eastern side create shadow in mornings. There will be less impact in summer when the sun is higher in the sky and also as Surrey Street is almost on a north-south alignment, it gets direct sun in the middle part of the day, which is probably when it is most enjoyed as a space. It is considered that the impact of the additional height on daylight and sunlight in Surrey Street is not so significant a concern to warrant a reason for refusal.

### **Housing Quality**

- 9.29 Policy SP2.8 of the Croydon Local Plan 2018 indicates that housing should cater for residents' changing needs over their lifetime and contribute to creating sustainable communities. Individual units should meet the standards set out in the London Housing SPG and Nationally Described Space Standards.
- 9.30 All of the flats proposed would meet the minimum requirements as set out in the Nationally Described Space Standards. The proposed wheelchair units are in excess of the minimum standards to account for the additional circulation space required. As discussed in paragraph 9.32 below, some of the 1 bed units that do not have their own private amenity space have a larger internal floorspace to compensate.
- 9.31 The majority of the proposed units would be dual aspect and where possible units have been arranged around corners to maximise the numbers of dual aspect units. There are some single aspect units, but all of these are 1 bed units (29.1% of the total/16 units), and only a small proportion are north facing (9.1% of the total/5 units).
- 9.32 Sufficient private external amenity space would be provided for the majority of flats through a combination of terraces, balconies and winter gardens. Some of the one bed units would not have private external amenity space. The DAS justifies this by setting out that private amenity space in smaller units is often under-utilised, and inset terraces in one bed units can result a reduced vertical sky component and lower daylight levels in deep plan buildings. To offset the lack of external space for these flats, the equivalent external area has been provided as additional internal floorspace. All units without their own external amenity space would also have full height Juliette balcony windows and have access to the communal amenity areas. This is considered acceptable.
- 9.33 The proposal includes an amenity area on the ground floor (within the central courtyard) and two communal terraces on the sixth and seventh floors (both of which

are south facing). These three areas would provide sufficient communal amenity space (totalling approximately 120sqm) and play space (of about 76sqm) for occupiers of the development. Full details, including soft landscaping, play equipment etc can be secured by condition.

- 9.34 The Noise Assessment considers the internal noise environment for the flats. It finds that ventilation solely by openable windows will not result in acceptable noise levels within the proposed flats. It therefore recommends mitigation – in the form of acoustic trickle ventilators on windows – is necessary in order to ensure the proposal achieves desirable internal noise levels in the flats. This can be secured by condition.
- 9.35 A Ventilation and Extraction Statement was submitted with the application. This report sets out proposed ventilation and extraction of the development, demonstrating compliance with building ventilation requirements covered by Building Regulations. The ventilation strategy covers mechanical extract ventilation to residential units, heat recovery ventilation for the commercial units, commercial kitchen extraction, smoke extraction, natural ventilation of the substation and gas meter rooms, exhaust systems and flues and acoustic treatment of mechanical plant. Environmental Health are satisfied with the report and its recommendations. A condition is therefore required to ensure the developer complies with the recommendations of the Ventilation and Extract Statement.
- 9.36 The applicant, within the Air Quality Assessment has undertaken a review of local air quality monitoring data, which indicates that pollutant concentrations at the site will be within the relevant air quality standards and objectives. The report concludes that on-site mitigation is therefore not considered necessary to protect future occupants from poor air quality and this conclusion is accepted.
- 9.37 The Daylight and Sunlight Study for the proposed building, based on the Building Research Establishment (BRE) guidance, sets out that that the proposal achieves a very high level of compliance with the BRE recommendations. Some rooms in the proposal do fall short of the BRE targets. However, of these, the majority have windows which are situated underneath overhangs or behind recessed balconies. The study sets out that the proposal seeks to take a balanced approach between usable amenity space created by the balconies and the amount the daylight and sunlight within rooms. It concludes that there is no daylight/sunlight related reason why planning permission should not be granted for this application.
- 9.38 Officers have reviewed the study and note that only 18 of the 154 residential rooms assessed fall marginally short of the BRE daylight targets, while several windows would receive limited/no sunlight. However, with the urban context and number of tall buildings surrounding the site, it is accepted that not all windows in such contexts can always achieve the BRE targets. The BRE guidance is also meant to be applied flexibly, particularly in urban environments like this. The new NPPF (paragraph 123), states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would inhibit making efficient use of a site. In this instance, it is therefore considered that the proposal would, given its context, receive an acceptable level of daylight and sunlight.

### **Residential Amenity**

- 9.39 The Croydon Local Plan policy SP4 seeks to respect and enhance character to create sustainable communities and enhance social cohesion and well-being. It

ensures that the amenity of the occupiers of adjoining buildings are protected, taking into account the context of a development, in this case being within the Metropolitan Centre.

- 9.40 When assessing impacts on daylight and sunlight, it is common practice to use guidance published by the Building Research Establishment (BRE) which suggests a maximum allowable percentage reduction, and a minimum level which should be met. These measures should be assessed in conjunction with others which look at what percentage of the room would be reached by light, as well as what the rooms are used for. Finally, the guidance itself states that it should not be applied strictly in urban areas where there is commonly a tight urban grain.
- 9.41 The guidance sets out that where the percentage decrease for a habitable room window is more than 20% the light loss would be considered noticeable. However, if the percentage decrease remains below 30% the results can be classified as marginal. Where results are decreased by more than 30% these can be considered fails.
- 9.42 The proposed development has the potential to have the greatest impact (in terms of daylight and sunlight) on Bridge House and The Exchange as these are adjacent residential buildings. Out of 141 tested windows for Bridge House only 27 fall short of the BRE targets. The majority of these shortfalls (15 windows) are fairly marginal. Similarly, at The Exchange, of 157 windows tested only 26 windows fall short of the BRE targets and 2 windows can be considered fairly marginal. Therefore, the results represent a relatively high level of compliance, particularly in the context of an urban development site.
- 9.43 The BRE guide acknowledges that in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The proposed development is to be of a similar height to Surrey House, The Exchange and Bridge House, which is acceptable in townscape terms and improves the outlook from neighbouring properties, by providing a well-designed, high quality building. In addition, the scheme provides an acceptable level of affordable housing. The applicant has undertaken a study to investigate the massing envelope for a fully daylight and sunlight compliant design. The result of this investigation confirms that a fully compliant scheme would be of a similar scale to the building existing on site. This confirms that a degree of obstruction and daylight impact would be unavoidable on any scheme seeking to introduce a taller building on the site. A reduced scheme would not be able to provide the same level of benefits as the current proposal.
- 9.44 A number of existing windows located at The Exchange are hampered by projecting wings on one or both sides, or overhanging balconies. The BRE guide acknowledges that where this is the case a larger relative reduction in VSC (Vertical Sky Component), may be unavoidable, as the building itself contributes to its poor daylighting.
- 9.45 The BRE guide acknowledges that where existing buildings sit close to the common boundary (as with The Exchange) a higher degree of obstruction may be unavoidable since the neighbouring building may be taking more than its fair share of light and therefore prejudice the development site itself.

- 9.46 In summary, the daylight and sunlight impacts of the proposed development are considered to be acceptable and they are only one of many material planning considerations that must be taken into account. The loss of light to a small number of windows is outweighed by the benefits of the scheme and in addition, the BRE guide explains that the numerical guidelines should be interpreted flexibly.
- 9.47 Elements of the ground floor and the lower ground floor include flexible A1-A5 and community use spaces. These uses are likely to give rise to footfall from visitors or customers but given the location of the site in a busy metropolitan centre location are not considered to be likely to give rise to significant additional disturbance to local residents, compared to the existing situation. Conditions are recommended regarding control of odours from any cooking processes which would ensure that this impact on residential amenity is acceptable. Servicing is proposed to be from Surrey Street and would have to be in accordance with an agreed strategy that can be controlled by condition, which would control the hours when this would occur. Overall these elements of the proposal are not considered to have a significant impact on residential amenity if appropriately controlled through conditions.
- 9.48 External lighting is proposed as part of the scheme. However, there is insufficient information about the lighting lux levels that would fall upon neighbouring residences in the Design and Access Statement. In order to fully assess this it is suggested that a planning condition is attached requiring a light assessment to be carried out and for the details to be submitted for approval by the Council. This should be carried out in accordance with guidance from the Institution of Lighting Professionals and should comply with the document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' and its relevant publications and standards. Subject to appropriate details being submitted as part of a planning condition, this element is acceptable.

### **Transport**

- 9.49 The site is located in a highly accessible location with the highest PTAL of 6b, being located in the heart of Central Croydon. Given the accessibility of the site, it affords itself to a car free development with the exception of disabled parking. However, the site's location, immediately adjacent to Surrey Street market, is a complicating factor in terms of access, construction works, deliveries etc.
- 9.50 The proposal is to have 2 on site disabled car parking bays and 114 cycle parking bays, with no other parking on site. Given that the site is located in a Controlled Parking Zone, with no parking being provided on site, it is appropriate to restrict resident's access to on-street parking permits, in order to encourage the use of sustainable transport modes. This requirements can be secured through the S106 legal agreement.

### **Access and servicing**

- 9.51 A Delivery and Servicing Plan has been submitted with the application, alongside a Transport Assessment. Deliveries would be from a loading bay on the High Street with smaller deliveries from Scarbrook Road and Surrey Street (at appropriate times). This arrangement is acceptable. Servicing would be managed by the site management company so that the High Street loading bay could be used. The level of expected servicing is not likely to be at such a level to cause a concern. Further details and the management of deliveries and servicing can be controlled by planning condition.

9.52 The site will have a new access from Surrey Street, through to undercroft parking which would be gated. This access is in the same location as the existing vehicular access to the site and the positioning is acceptable. There are a smaller number of car parking spaces to be accessed by the new access point and therefore there are no concerns regarding the intensity of the use of this access. The access gate is required to be set back 5m from Surrey Street to allow vehicles entering the access to stop away from Surrey Street and the ground floor plan shows this to be the case. This can be conditioned to ensure the arrangement remains in place.

#### Trip generation

9.53 The submitted transport assessment undertakes an analysis of the trip generation impact of the proposed development. The proposed development would see a reduction in person and vehicle trips compared to the existing use, so therefore the development is acceptable in principle from a transport perspective. TfL have requested contributions towards public transport enhancements and this will be able to be sought as part of the S.106 process.

#### Car and cycle parking

9.54 The development is defined as car free with only two disabled car parking bays provided on-site. These would both have electric charging points (and a planning condition can ensure that these are provided and retained). This level of provision is below local policy requirements (which would require 10% of total residential numbers). However, access to the site is difficult, given the operation of the market and the applicant (within the Transport Assessment) has undertaken a Disabled Parking Demand Assessment, which indicates that the 2 spaces proposed would be sufficient to meet demand. However, the applicant has also stated that should demand for disabled parking spaces exceed the on-site provision, the site is in close proximity to the Q Park Surrey Street car park, where disabled parking is available. TfL have raised concern regarding the level of disabled car parking provision, stating that they require 7 blue badge spaces to be provided on site. The applicant has submitted further information indicating the availability of disabled parking in the Surrey Street car park and the difficulty of converting parking bays on Scarbrook Road for disabled use given the gradient of this road.

9.55 TfL still have concerns, however, the new consultation draft London Plan requires disabled car parking at a rate of 3%, which would equate to a requirement for 1.65 spaces. On this basis, (and also taking into account projected demand and the availability of alternative disabled parking close to the site), it is considered that the provision of 2 spaces would be at an appropriate level of provision.

9.56 The application proposes 114 cycle parking spaces. 6 of these would be at ground floor level and the remaining 108 would be located in the basement. The London Plan requires 79 long stay cycle space and 21 short stay cycle spaces (with the latest consultation draft on the London plan increasing this to 98 long stay and 11 short stay spaces. TfL have raised concern about the availability of short stay cycle parking spaces. However, this site is located in the Metropolitan Centre where development is at a high density and individual development sites are constrained in the amount of ground floor external space that is publicly accessible. In addition, the operation of the market in Surrey Street, reduces significantly the availability of public areas where short stay cycle parking could be accommodated. Given that the total



number of cycle parking spaces is in excess of the total London Plan requirement, the proposed arrangement is considered to be acceptable.

- 9.57 The application does not propose any on-site car club bays. Given that (with the exception of disabled car parking) the development is car free, it is considered that a car club bay should be provided. A requirement for a financial contribution for a new off-site car club bay and a contribution for residents of the development to be provided with 3 years free membership of the car club can be secured through the S106 legal agreement.

#### Construction and Logistics Plan

- 9.58 A draft CLP has been submitted with the application. This lacks some detail as the developer is not at the stage where a contractor has been appointed. However, the provision of a detailed Construction Logistics Plan can be secured by a planning condition.

### **Sustainability**

#### CO2 reduction

- 9.59 New development should make the fullest contribution to minimising carbon dioxide emissions and should incorporate on site renewable energy generation. New dwellings need to achieve 'zero carbon' which sets a minimum level of CO2 reduction that must be achieved by on-site measures, with the remaining emissions then offset via 'Allowable Solutions' off-site.
- 9.60 By going through the three-step Energy Hierarchy (be lean, be clean, be green), it is estimated the development would achieve estimated regulated CO2 savings on site of 38% for the domestic part and 30% for the non-domestic part of the development, against a Part L 2013 compliant scheme. The total regulated CO2 savings for the site would therefore be 31.5 tonnes, equivalent to 35.5% of the baseline emissions.

#### Zero carbon

- 9.61 To achieve 'zero carbon' for the residential portion of the scheme, 35.8 tonnes per annum of regulated CO2 would need to be offset. In line with other London Boroughs, Croydon charges £60 per tonne over 30 years and this commuted sum can be secured through the S106 Agreement.
- 9.62 The shortfall to a 35% reduction from baseline for the non-domestic portion of the scheme would be 1.5 tonnes per annum of regulated CO2, a commuted sum for which, can also be secured through the S106 Agreement.

#### BREEAM

- 9.63 The Sustainability Statement sets out that the commercial areas of the scheme could achieve a BREEAM score of 71.3%. This would exceed the BREEAM 'Excellent' target of 70%, as required by policy and is acceptable.

#### Future connection to the district heating and energy scheme

9.64 The applicant has provided additional information detailing the proposed access route and the allocation of space within the plant room for heat exchangers and the connection to any future town centre district heating and energy scheme. The application is proposing a communal system based on CHP and this energy strategy would be compatible with future connection. The space required for the heat exchangers is dependent on their loading which can be resolved through details provided through a planning condition. The route identified is considered to be acceptable. The provision of this can be secured by planning condition.

## **Environment**

### Air Quality

9.65 An air quality assessment was submitted with the application. This assesses the development's potential impacts on local air quality from construction and operation. Amongst other aspects, it identifies that a Dust Management Plan is necessary to ensure that construction works do not create dust nuisance beyond the application boundary. This can be secured by condition. The assessment also states that there will be limited/negligible impact on local air quality arising from operational traffic associated with the proposed development; and a review of local monitoring data indicates that pollutant concentrations at the site are unlikely to exceed the air quality standards. It therefore concludes that the proposal would not cause a significant impact on local air quality.

9.66 The Council have reviewed the air quality assessment and found it to be acceptable, subject to appropriate conditions being imposed on the planning application.

9.67 In addition, due to the increasing relative contribution of non-road transport sources of emissions of air pollution to breaches of the air quality objectives and the exposure reduction target, the Council considers that development should play a greater role in improving air quality, as per CLP Policy DM16. Developments such as this are in theory therefore contrary to local development plan policies, the Council's Air Quality interim policy guidance and the Air Quality Action Plan (AQAP). The Council therefore seeks to impose conditions (or seeks a planning obligation where appropriate) to implement this policy for relevant schemes. This can either be in the form of some form of mitigation on site, such as putting into operation a Low Emission Strategy for the site, or a contribution to an air quality fund which funds actions in the Council's AQAP. In line with new Guidance from Defra 'Low Emissions Strategies - using the planning system to reduce transport emissions', Croydon have adopted the following formula (as used by LB Greenwich and other Local Authorities): All residential schemes of 10 dwellings and above, and mixed use and commercial schemes of 500m<sup>2</sup> and above should contribute £100 per dwelling and £100 per 500m<sup>2</sup> unit. In this instance, it is considered suitable to secure a financial contribution to the Council's air quality fund. This arrangement is acceptable subject to this being secured in the s106 agreement.

### Noise

9.68 The submitted Noise Assessment covers noise outputs from new plant. Using measured noise levels, it sets maximum noise limits for new plant. This will ensure that the proposal would not create noise disturbance for neighbouring (and new) residents. The Council have reviewed the assessment and have confirmed that the applicant should follow the recommendations of the assessment. This can be

secured by condition. Given the proposed commercial uses on site, including the A3 and D1/2 uses, it is recommended that sound insulation be provided to ensure that potential noise nuisance to neighbouring residents from any amplified music/speech played in performance/community areas is adequately mitigated. The provision of sound insulation can be secured by condition, and an informative can provide full details of the necessary measures.

### Land Contamination

- 9.69 An assessment of historical uses on and near the site has been undertaken. The site and surrounding area is now, and has been in the past largely commercial. There are previous uses in the surrounding area that are potentially contaminative, including Water Works, Brewery, Steam Mill, Railway Line, Gas Works, Flour Mill, Smithy, Pumping Station, Nursery, Telephone Exchange, Printing Works, Electrical Substation, Engineering Works, all within 150m of the site. Given the sensitivity of the proposed residential use, it is recommended that a condition requiring a full assessment and remediation of contaminated land is attached to any planning permission.

### **Flooding**

- 9.70 The Croydon Local Plan states at Policy DM25 that the Council will seek to reduce flood risk and through steering development to lower risk of flooding and applying the sequential test to minimise the risk of flooding. The site is located in Flood Zone 1 meaning that it is located in an area at low risk of flooding (1 in 1000). However, it is also located in a Critical Drainage Area which means that runoff for the site is considered to influence higher risk flooding hotspots within the Critical Drainage Area.
- 9.71 A Flood Risk Assessment and SuDS strategy has been submitted and the applicant has been in discussions with the Council and the Lead Local Flood Authority to achieve an appropriate solution for the development in terms of surface water drainage.
- 9.72 The details submitted to date are considered to be acceptable. However, a planning condition is required for detailed designs for the drainage scheme and SuDS, management of exceedance flows, discharge to Thames Water infrastructure, management & maintenance plan and calculations to demonstrate that underground tanks will not be susceptible to uplift from groundwater.

### **Other Planning Issues**

#### Waste

- 9.73 Collection of waste from this site has been the subject of discussions, given the proximity of the market on Surrey Street and waste also needing to be collected from Surrey Street. The application has been accompanied by a Waste Management Plan which has been assessed.
- 9.74 The correct amount of bins have been proposed for the numbers of units and the commercial uses, for all waste types. Bins have been equally distributed between the 2 bin stores, located on the ground floor. The commercial and residential bin store is kept separate and the commercial bins can only be accessed via the

commercial tenants and the internal management team. A bulky waste storage space has also been proposed.

- 9.75 Bins will be presented within 10m of the collection vehicle and the crews will work alongside with the internal management team of the block to ensure smooth collection. They will be temporarily located within the passage prior to collection.
- 9.76 Collection of waste has been discussed with the Council's Waste management Team and it has been agreed that all types of waste will be collected from site at 5.15 prior to the Surrey Street Market opening, to avoid conflict. The noise implications of a collection at this time have been assessed, and subject to the noise controls and sound insulation measures to be secured by planning condition (and discussed in the 'Noise' section of this report), would be acceptable.
- 9.77 The application is accompanied by a Waste Management Plan, which details the arrangements and have been considered to be acceptable. The implementation of waste management arrangements in accordance with the Waste Management Plan can be secured by planning condition.

#### Archaeology

- 9.78 The application was accompanied by an Archaeological Desk Based Assessment and this has been assessed by Historic England. Historic England concur that given the nature and scale of the post-war development of the site, that any archaeological interest has already been removed from the site. Therefore, there is no requirement for archaeology related conditions.

#### Fire Strategy

- 9.79 Whilst not strictly a planning issue (fire safety is a matter that is covered by the Building Regulations), the applicant has submitted a fire strategy for the evacuation of the building should it be required. Floor plans have been submitted detailing the fire resistance of walls and doors and have identified firefighting stairs and lift, smoke shafts, and escape routes. This detail would be subject to approval at Building Regulations stage, but the London Fire Brigade, who were consulted on the application have not raised an objection to the strategy.

#### **Conclusions**

- 9.80 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.
- 9.81 The details of the decision are set out in the RECOMMENDATION.